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## North Coast Regional Water Quality Control Board

August 17, 2021

John Ryder  
Northwestern Properties, LLC  
Sullivan Resources, LLC  
P.O. Box 395  
Fortuna, CA 95540

Certified Mail #7016 2070 0000 6486 2203

To Whom It May Concern:

**Subject: Notice of Violation and Transmittal of Inspection Report for July 22, 2021 Inspection of Humboldt County Assessor's Parcels 531-011-010-000 and 531-011-009-000**

**File: Cannabis Program Inspections, Humboldt County, July 22, 2021, CIWQS Place ID 844256**

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: 531-011-010-000 and 531-011-009-000 (the Property):

1. State Water Resources Control Board Cannabis Cultivation Policy, various provisions
2. Water Quality Control Plan for the North Coast Region (Basin Plan) Section 4.2.1
3. California Water Code (Water Code) Sections 13260 and 13264
4. Federal Clean Water Act Sections 301, 401, and 404.

On July 22, 2021, North Coast Regional Water Quality Control Board (Regional Water Board) staff inspected the Property and observed active outdoor cannabis cultivation. Accordingly, this letter directs you to address the violations noticed herein. Within 30 days, please contact Regional Water Board staff to discuss your plan to correct the observed violations.

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

## **Background**

On July 22, 2021, staff from the Regional Water Board, accompanied by staff of California Department of Fish and Wildlife, State Water Board Division of Water Rights, and personnel of 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 B –Facilities Inspection Report and Attachment C – Inspection Map and Photolog). Please review the inspection report carefully and completely. The inspection report contains recommendations for correcting observed violations.

## **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 to related requirements and regulations.

## **Observed Violations**

As documented in the July 22, 2021 inspection report, Regional Water Board staff observed violations of the North Coast Basin Plan, the Water Boards' Cannabis Cultivation Policy, and California Water Code. Staff observed these violations at Property locations identified in the inspection report as CA1, CA2, WELL, and POND, among others.

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

Based on the observations detailed in the attached inspection report, the Regional Water Board has determined that, pursuant to Water Code sections 13260<sup>1</sup> and 13264<sup>2</sup>, you are required to respond to this notice within 30 days by EITHER:

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<sup>1</sup> Water Code section 13260 states, in relevant part: (a) All 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.

<sup>2</sup> 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.

- 1) Enrolling the Property under the Cannabis General Order by submitting the appropriate fee (see below) and providing the information required in the online application: [https://www.waterboards.ca.gov/water\\_issues/programs/cannabis/](https://www.waterboards.ca.gov/water_issues/programs/cannabis/)

Upon completion of the application through the online portal, you will receive a Notice of Receipt confirming your application and providing you a Fee Payment Application Number. When you submit the fee for this enrollment, you must include the Fee Payment Application Number on your electronic payment, check, or money order(s). All checks or money orders shall be made payable to: "State Water Resources Control Board," and shall be delivered by U.S. Mail to: Accounting Office, Attn: Water Quality Fees – Cannabis General Order, P.O. Box 1888, Sacramento, CA 95812-1888;

- 2) Filing a Report of Waste Discharge to obtain individual Waste Discharge Requirements (WDRs) specific to the Property and submitting the appropriate fee. Since this option is project-specific, you will need to contact staff at [Shannon.Utley@waterboards.ca.gov](mailto:Shannon.Utley@waterboards.ca.gov) for further instructions and to determine the appropriate application fee;

OR

- 3) Providing information demonstrating why regulatory coverage is not needed for the parcel(s) identified above. **If you have received a Notice to Abate Nuisance from the County**, will no longer be cultivating cannabis, and will restore the Property in compliance with the Water Boards' Cannabis Cultivation Policy (Policy), please provide a written response, including a copy of the County's notice and any other supporting documentation, including photos if relevant, explaining why you are not seeking regulatory coverage for the parcel identified above and how the Property will be restored in compliance with the Policy.

Application fees submitted pursuant to Options 1 or 2, above, must be submitted to the State Water Board within 30 days of submitting the online application or Report of Waste Discharge. Failure to submit the application fee within 30 days will result in the application being voided and will thus constitute a failure to comply with the above directive pursuant to Water Code sections 13260 and 13264.

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.

### **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 attached inspection report, may represent continuing violations of the Water Code and 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. 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.

### **Inspection Report Recommendations**

As mentioned above, the July 22, 2021 Inspection Report provides recommendations to correct the alleged violations, as well as to address features and conditions that threaten to impact water quality. **Within 30 days of this notice**, please advise Regional Water Board staff Shannon Utley 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 Shannon Utley by email at [Shannon.Utley@waterboards.ca.gov](mailto:Shannon.Utley@waterboards.ca.gov).

Future correspondence regarding this matter will be sent to you at this address unless you provide an alternative address 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 [Mona.Dougherty@waterboards.ca.gov](mailto:Mona.Dougherty@waterboards.ca.gov). Additionally, we are available to meet with you if you wish to discuss this notice or our waste discharge regulatory programs in further detail.

Sincerely,

Mona Dougherty, P.E.  
Senior Water Resource Control Engineer  
Northern Cannabis Regulatory Unit

Ryder\_NOV\_Report

Attachments: Attachment A - Regulatory Citations  
Attachment B – Facilities Inspection Report  
Attachment C – Inspection Maps and Photolog

Certified Mail – Return Receipt requested

**cc: North Coast Regional Water Quality Control Board**

[NorthCoast.Cannabis@waterboards.ca.gov](mailto:NorthCoast.Cannabis@waterboards.ca.gov)

Claudia Villacorta, [Claudia.Villacorta@waterboards.ca.gov](mailto:Claudia.Villacorta@waterboards.ca.gov)

Kason Grady, [Kason.Grady@waterboards.ca.gov](mailto:Kason.Grady@waterboards.ca.gov)

Shannon Utley, [Shannon.Utley@waterboards.ca.gov](mailto:Shannon.Utley@waterboards.ca.gov)

**Division of Water Rights**

Karen Kramer, [Karen.Kramer@waterboards.ca.gov](mailto:Karen.Kramer@waterboards.ca.gov)

Taro Murano, [Taro.Murano@waterboards.ca.gov](mailto:Taro.Murano@waterboards.ca.gov)

Gagan Bhullar, [Gagan.Bhullar@waterboards.ca.gov](mailto:Gagan.Bhullar@waterboards.ca.gov)

**Department of Fish and Wildlife**

Ryan Bourque, [Ryan.Bourque@wildlife.ca.gov](mailto:Ryan.Bourque@wildlife.ca.gov)

Scott Bauer, [Scott.Bauer@wildlife.ca.gov](mailto:Scott.Bauer@wildlife.ca.gov)

**Humboldt County Sheriff's Office**

Sergeant Conan Moore, [cmoore@co.humboldt.ca.us](mailto:cmoore@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	States, in relevant part: “(a) All 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: (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.”
California 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 an no person shatt 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.”
Federal Clean Water Act Section 301	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 sections 404 and 401 of the Clean Water Act. 33 U.S.C. § 1341 and 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	States, in relevant part: “(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	States, in relevant part: “(a) 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. §

Regulatory Section	Citation
	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).
Cannabis Cultivation Policy and General Order No. WQ 2019-0001-DWQ	State Water Resources Control Board Cannabis Cultivation Policy – Principles and Guidelines for Cannabis Cultivation and 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: <a href="https://www.waterboards.ca.gov/water_issues/programs/cannabis/docs/policy/final_cannabis_policy_with_attach_a.pdf">https://www.waterboards.ca.gov/water_issues/programs/cannabis/docs/policy/final_cannabis_policy_with_attach_a.pdf</a> and <a href="https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2019/wqo2019_0001_dwq.pdf">https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2019/wqo2019_0001_dwq.pdf</a>

## FACILITIES INSPECTION REPORT

Region/Office: 1	Status: Performed	Reg. Measure ID: 444511
Program Type: IRRICANNABIS	WDID:	Order Number:
Scheduled Insp. Date:	Actual Insp. Date: 07/22/2021	

### Discharger Information

Party ID: 573343	Discharger Organization Name: Ryder, John		
Address: 2293 Peninsula Drive	City, State, Zip: Manila, CA 95521		
Discharger Contact Person: John Ryder	Discharger	707-616-1968	
	Contact Phone:		
Discharger Contact Email Address: johnryder101@hotmail.com			

### Facility Information

Place ID 844256	Facility Name: John Ryder Bald Hills Rd		
Address:	City, State, Zip: CA		
County: Humboldt	Latitude:	Longitude:	Method:

### Lead Inspector Information

Lead Inspector Party ID: 545131	Lead Inspector Name: Shannon Utlely		
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
1093199	Other Codes	07/22/2021	B	California Water Code Section 13260: cannabis cultivation operations of sufficient size and scope to require regulatory coverage under Order No. WQ 2019-0001-DWQ.

### INSPECTION SUMMARY (REQUIRED) (500 character limit)

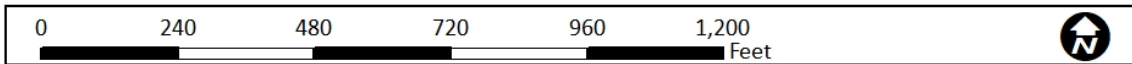
Recommendations:  
 Modify the cannabis cultivation activities and site conditions to comply with the State Water Resources Control Board Cannabis Policy and Order No. WQ 2019-0001-DWQ for cannabis cultivation.  
 Hire a qualified professional to assess the pond and ensure the overflow is sized appropriately.  
 Adhere to Bulletin 74: California Well Standards as required by the Department of Water Resources (<https://water.ca.gov/well-standards>) and enforced by Humboldt County.

### GENERAL NOTES (OPTIONAL) (2000 character limit)

Inspection Description:  
 The July 22, 2021, inspection was associated with a criminal search warrant and only portions of the Property were viewed. Please see the attached Map and Appendices for locations and details about features of water quality concern. Active cannabis cultivation was occurring in two locations on the Humboldt County Accessor Parcel Numbers 531-011-010-000 and 531-011-009-000 (hereafter the Property). Outdoor cannabis cultivation was occurring in grow pots and hoop-house style greenhouses at cultivation areas CA1 and CA2, as shown on the Inspection Map. The Property had a large, lined, off-stream pond (POND on the Inspection Map) which appeared to be filled by rainwater and a pipe transporting road runoff directly into the pond. The pond also had a small lined outflow infrastructure channel that when discharging would spill to the hillside. An open, uncovered groundwater well (WELL on the Inspection Map) was also located on the Property.

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

## Attachment C – Inspection Map and Photolog




### Site Map of Herman Property Humboldt County

7/22/2021


- Cultivation Area
- Pond
- Outflow
- Well

- Cultivation Area
- Pond
- Parcel Boundary



CALIFORNIA  
Water Boards  
STATE WATER RESOURCES CONTROL BOARD  
REGIONAL WATER QUALITY CONTROL AGENCIES

Note: 2020 NAP Imagery provided by  
California Department of Fish and Wildlife  
online mapping services  
Points of interest and watercourses  
may be drawn in by hand



All photographs and GPS locations were taken by Shannon Utley, North Coast Regional Water Quality Control Board, unless otherwise noted.

Photo 1: View of the off-stream pond (POND on Inspection Map above).



Photo 2: View of the pond outflow infrastructure.



Photo 3: Closer view of the pond outflow channel.



Photo 4: View of the pond outflow to the hillside.



Photo 5: View of pipe coming down the hillside above the pond.



Photo 6: View of the pipe discharging into the pond and sediment delivered.



Photo 7: Generator located next to the pond.



Photo 8: View of the sediment from pipe discharging to the pond and pump.



Photo 9: View of cannabis cultivation area CA1 and grow pots.



Photo 10: Closer view of cannabis cultivation occurring at CA1.



Photo 11: View from the far side of cultivation area CA1.



Photo 12: Multiple tanks for storing and mixing nutrients, and a generator at CA1.



Photo 13: View of active cannabis cultivation at CA2.



Photo 14: Additional view of cultivation area CA2.



Photo 15: View of the groundwater well and associated generator.



Photo 16: Closer view of the generator associated with the well.



Photo 17: View of the open, uncovered groundwater well and drilling materials.



Photo by Ermias Berhe, NCRWQCB  
Photo 18: Closer view of the open, uncovered groundwater well.

