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## North Coast Regional Water Quality Control Board

August 19, 2021

Certified Mail No. 7016 2070 0000 6486 2357

Edwin Vanden Bossche  
PO Box 154  
Hydesville, CA 95547

Dear Edwin Vanden Bossche,

Subject: **Notice of Violation and Transmittal of Inspection Report for July 21, 2021 Inspection of Humboldt County Assessor's Parcel APN 212-320-001, and Directive to Respond within 30 Days**

File: Cannabis Program Inspections, Humboldt County, July 21, 2021, CIWQS Place ID 875449

### **THIS LETTER REQUIRES THAT YOU ACT WITHIN 30 DAYS**

This letter is to notify you of an observed violation of the requirements listed below, and cited in Attachment A, at the property identified as Humboldt County Assessor's Parcel Number: APN 212-320-001 (the Property):

1. California Water Code (Water Code) section 13264

### **Background**

LandVision records show that the Property was sold to Edwin Vanden Bossche on June 29, 2016.

On July 21, 2021, staff from the Regional Water Board, accompanied by staff of CDFW, 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 Inspection Map and Photolog). Please review the inspection report carefully and completely. The inspection report contains recommendations for correcting the observed violation 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. Accordingly, this letter directs you to respond within 30 days by either enrolling in the Cannabis General Order, submitting a Report of Waste Discharge, or demonstrating why regulatory coverage is not needed, see below.

### **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 Attachment B - July 21, 2021 Inspection Report, Regional Water Board staff observed a violation of California Water Code section 13264 (a). Staff observed this violation at the Property location identified in the inspection report as WQ1, where a wetland area had been excavated for water supply and fill was placed as a berm.

### **Directive to Respond Within 30 days**

During the July 21, 2021, inspection, staff observed cannabis cultivation operations, though not necessarily of sufficient size and scope to require regulatory coverage under the State Water Resources Control Board (State Water Board) Order No. WQ-2010-0001-DWQ, *General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities* (Statewide General Order).

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 NOV 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 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/](https://www.waterboards.ca.gov/water_issues/programs/cannabis/)
- 2) Filing a Report of Waste Discharge in order to obtain individual Waste Discharge Requirements (WDRs) specific to your property, or
- 3) Providing information demonstrating why regulatory coverage is not needed for the Property 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.

For Option 1 or 2, above, you must also submit an application fee to the State Water Board within 30 days of submitting the online application. Failure to submit the application fee within 30 days will result in the application being voided and failure to comply with the Water Code sections 13260 and 13264 directives in this Notice of Violation. For Option 1, 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."

Please submit the appropriate documents and payments to:

North Coast Water Board  
Attn: Cannabis Permitting  
5550 Skylane Boulevard, Suite A  
Santa Rosa, CA 95403

Failure to comply with the requirements of this Notice of Violation, pursuant to 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 violation of the Water Code 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 Water Code.

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.

### **Inspection Report Recommendations**

As mentioned above, the July 21, 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 Adona White 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 violation, please contact Regional Water Board staff Adona White by email at [Adona.White@waterboards.ca.gov](mailto:Adona.White@waterboards.ca.gov) or by phone at 707-576-2672.

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 at [Diana.Henrioulle@waterboards.ca.gov](mailto: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  
Enforcement Unit

210819\_AW\_er\_VandenBossche\_Insp\_NOV

Attachments:            Attachment A – Regulatory Citations  
                                 Attachment B – Facilities Inspection Report and Map and  
                                 Photo Appendix

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)

Adona White, [Adona.White@waterboards.ca.gov](mailto:Adona.White@waterboards.ca.gov)

**Division of Water Rights**

Stormer Feiler, [Stormer.Feiler@waterboards.ca.gov](mailto:Stormer.Feiler@waterboards.ca.gov)

Taro Murano, [Taro.Murano@waterboards.ca.gov](mailto:Taro.Murano@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
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)	<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 style="padding-left: 20px;">(1) The issuance of waste discharge requirements pursuant to Section 13263.</p> <p style="padding-left: 20px;">(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 style="padding-left: 20px;">(3) The issuance of a waiver pursuant to Section 13269.”</p>
California Water Code Section 13265(a)	<p>“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.”</p>

### FACILITIES INSPECTION REPORT

Region/Office: 1	Status: Performed	Reg. Measure ID: 444339
Program Type: IRRICANNABIS	WDID:	Order Number:
Scheduled Insp. Date:	Actual Insp. Date: 07/21/2021	

**Discharger Information**

Party ID: 626396	Discharger Organization Name: Vanden Bossche, Edwin		
Address: Po Box 154	City, State, Zip: Hydesville, CA 95547		
Discharger Contact Person:	Discharger Contact Phone:		
Discharger Contact Email Address:			

**Facility Information**

Place ID 875449	Facility Name: Edwin Vanden Bossche		
Address: Grenz Lane	City, State, Zip: Redway, CA 95560		
County: Humboldt	Latitude: 40.213751	Longitude: -123.873883	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: B Type compliance inspection

### VIOLATIONS

Were Violations noted during this inspection?  Yes  No

Violation ID	Violation Type	Occurrence Date	Rank	Description
1093122	Unauthorized Discharge	07/21/2021	B	California Water Code Section 13264 for unauthorized discharge of waste at location WQ1.

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

Recommendations:

1. Work with CDFW & State Water Resources Control Board’s Division of Water Rights (DIV) to determine and secure any applicable permits/ licensing required for surface water diversion, storage, and use.
2. Prior to work in streams and wetlands, you must first submit Water Quality Certification application: [https://www.waterboards.ca.gov/northcoast/water\\_issues/programs/cannabis/pdf/200204/RB1\\_Cannabis\\_WQC\\_401\\_App.pdf](https://www.waterboards.ca.gov/northcoast/water_issues/programs/cannabis/pdf/200204/RB1_Cannabis_WQC_401_App.pdf)
3. Obtain authorizations prior to cannabis cultivation

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

According to ParcelQuest, APN 212-320-001 was transferred to Edwin Joseph Vandenbossche on June 29, 2016. Between October 25, 2015 and May 27, 2016, the clearings were developed. The parcel data from LandVision and the Humboldt County GIS data downloads differs from that of Humboldt County WebGIS. Based upon interviews during the warrant inspection, it appears that the southwest corner should be just north of the development shown on the southern extent of Figure 2, as shown in Figure 1.

The roads are steep and native surfaced. The southern clearing includes a residence at GPS 353 with a loose fill slope, a field that appears to have been used for cultivation in the past, and an excavated spring at GPS 537. The excavation is approximately 30 feet long, 5 feet wide, and 6 feet deep. The spoils were used to make a berm to dam the spring. A diversion intake and line remain in place but have been disconnected and were not actively diverting or moving the water. It appears that the spring fed wetland vegetation as it flows toward a watercourse that parallels the western Property boundary. Additionally, it appears that some portion of the field may have been saturated by the spring.

**For Internal Use (Optional)**

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



Figure 1. Parcel map, showing APN 212-320-001, and aerial imagery, as provided by Humboldt County Web GIS.

Vanden Bossche  
Map and Photo Appendix  
CIWQS Inspection ID 44894234



Figure 2. Water quality inspection map of APN 212-320-001, showing the location of WQ1, as discussed in the text.



Figure 3. Residence and fill slope. Cultivation of less than 2000 square feet was observed on the side of the house.



Figure 6. Excavation of spring at WQ1 with bermed outlet.



Figure 4. Residence and fill slope.



Figure 7. Vegetation below the spring.



Figure 5. Excavation of spring at WQ1.



Figure 8. Vegetation below the spring.



*Figure 9. The edge of the flat has what appears to be a French drain capturing flow.*



*Figure 10. The French drain seems to outlet near the watercourse shown in the distance, just into the trees.*