
North Coast Regional Water Quality Control Board

June 30, 2021

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Dear Jose Arellano Sanchez and David Arellano:

Subject: Notice of Violation and Transmittal of Inspection Report for May 27, 2021 Inspection of Humboldt County Assessor's Parcel 215-172-031

File: Cannabis Program Inspections, Humboldt County, May 2021
CIWQS Place ID 825026; Cannabis General Order WDID: 1_12CC416907

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 Number (APN) 215-172-031 (the Property):

1. State Water Resources Control Board Order WQ 2019-0001-DWQ General Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities (Cannabis General Order) various provisions
2. Water Quality Control Plan for the North Coast Region (Basin Plan) Section 4.2.1

According to our records, the cannabis cultivation operation located on this Property is enrolled for coverage under the Cannabis General Order as Tier 2, Low Risk to water quality. On May 27, 2021, North Coast Regional Water Quality Control Board (Regional Water Board) staff (Staff) inspected the Property and observed water quality violations, as described herein. Within 30 days, please contact Regional Water Board staff to discuss your plan to correct the observed violations.

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

Background

The Property was owned and enrolled by Thomas Harwood, as of April 1, 2016, in the North Coast Regional Cannabis Waste Discharge Regulatory Program under the Regional Cannabis Waiver Order R1-2015-0023, with WDID 1B16458CHUM. On July 1, 2019, he transferred his enrollment to the State General Order.

LandVision records show that, on November 14, 2018, the ownership of the Property transferred to Jose Claudio Arellano Sanchez. On July 19, 2019 Jose Arellano, submitted information through the State Water Resources Control Board's (State Water Board's) online portal for discharges of waste associated with cannabis cultivation related activities for APN 215-172-031, and identified Jose C.A. Sanchez as landowner of the Property, with David Arellano the contact for the discharger and landowner. Based on the information submitted by Jose Arellano, the cannabis cultivation activities on this Property are classified as Tier 1 Low Risk and was assigned WDID 1_12CC416907, effective July 1, 2019. On April 29, 2020, David Arellano submitted the required Site Management Plan (SMP) and updated the enrollment to Tier 2 Low Risk.

On May 27, 2021, staff from the Regional Water Board (Staff) inspected the Property, accompanied by staff of CDFW and personnel of various law enforcement agencies. 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 – May 27, 2021 Inspection Report). Please review the inspection report carefully and completely. The inspection report contains recommendations for correcting observed violations and advises you of required plans for stabilization of near-stream areas and 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 and the Cannabis General Order as summarized in Table 1.

Table 1. Summary of violations documented by Regional Water Board staff during the May 27, 2021 Inspection.

Locations	Violation Types
WQ1-WQ5	State Water Resources Control Board Order WQ 2019-0001-DWQ General Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities (Cannabis General Order) Attachment A, Section 2 - Requirements Related to Water Diversions and Waste Discharge for Cannabis Cultivation, Terms 2, 8, 10, 12, 14-15, 17, 22, 24-26, 28-30, 36, 59-60, 113, 124, 126, 129-131, and 133.
WQ1, WQ2, WQ4, and WQ5	Water Quality Control Plan for the North Coast Region (Basin Plan) Section 4.2.1 for actual and threatened discharges of sediment to watercourses

Additional Potential Liabilities

The Regional Water Board reserves the right to take any enforcement action the law allows. Additionally, enrollment in the Cannabis General Order does not relieve you of responsibility to obtain other necessary local, state, or federal permits, nor does the Cannabis General Order prevent imposition of additional standards, requirements, or conditions by any other agency. In the event of duplicate or conflicting requirements, the most stringent requirement applies.

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

Inspection Report Recommendations

As mentioned above, the May 27, 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 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 violations, please contact Regional Water Board staff Adona White by email at 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. 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 – Regulatory Citations
Attachment B – May 27, 2021 Facilities Inspection Report, Map, and
Photo Appendix

cc: North Coast Regional Water Quality Control Board
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Adona White, Adona.White@waterboards.ca.gov

Department of Fish and Wildlife

Ryan Bourque, Ryan.Bourque@wildlife.ca.gov

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

Division of Water Rights

Stormer Feiler, Stormer.Feiler@waterboards.ca.gov

Humboldt County Planning and Building

Cliff Johnson, CJohnson@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 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)”
Cannabis General Order, Cannabis Cultivation Policy Attachment A	https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2019/wqo2019_0001_dwq.pdf https://www.waterboards.ca.gov/water_issues/programs/cannabis/docs/policy/final_cannabis_policy_with_attach_a.pdf

FACILITIES INSPECTION REPORT

Region/Office: 1	Status: Performed	Reg. Measure ID: 431087
Program Type: IRRICANNABIS	WDID: 1_12CC416907	Order Number: 2019-0001-DWQ
Scheduled Insp. Date:	Actual Insp. Date: 05/27/2021	

Discharger Information

Party ID: 615176	Discharger Organization Name: Arellano, Jose		
Address: Po Box 2514	City, State, Zip: Redway, CA 95560		
Discharger Contact Person:	David Arellano	Discharger Contact Phone:	707-223-6322
Discharger Contact Email Address: Multiple Email Addresses			

Facility Information

Place ID: 825026	Facility Name: Dare Farms		
Address: 15796 Briceland-Thorn Road	City, State, Zip: Whitethorn, CA 95589		
County: Humboldt	Latitude: 40.02956	Longitude: -123.94674	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
1091241	Order Conditions	05/27/2021	B	State Water Resources Control Board Order WQ 2019-0001DWQ (Cannabis General Order) various provisions at locations WQ1-WQ5
1091242	Basin Plan Prohibition	05/27/2021	B	Water Quality Control Plan for the North Coast Region(Basin Plan) Section 4.2.1 at locations WQ1, WQ2, WQ4, WQ5

INSPECTION SUMMARY (REQUIRED) (500 character limit)

Recommendations:

1. Implement the treatments identified in the SMP dated Dec. 31, 2019.
2. Have a qualified profession verify stability of fill-slopes associated with constructed flats at WQ1, WQ3, and WQ4. Stabilize fillslopes with erosion control measures and vegetate.
3. Move, contain, or appropriately dispose of potting soil at WQ3
4. Hydrologically disconnect flats & roads from watercourses at WQ1&2, 4&5, install rolling dips, rock surface.

GENERAL NOTES (OPTIONAL) (2000 character limit)

HCSO warrant of APN 215-172-031. Inspection participants: CDFW, DIV, HUMCO Code Enforcement and HazMat, and CDFA. Figure 1 is inspection map.

The Property is steep with a long road to two cultivation flats at the top of the ridge. Flats were cleared and constructed without permits between May 27, 2016 (Google Earth) and April 25, 2018 (Landvision). Harwood owned property from June 15, 2015 to November 14, 2018. WRPP dated August 29, 2016.

Arellano Sanchez is owner and currently is the enrolled discharger under Cannabis General Order). Jose Arellano was onsite during the warrant and since then, they submitted a change of discharger request to Jose Arellano. Enrolled as Tier 2, Low Risk. SMP is dated Dec. 31, 2019, by TRC.

Main access road appears to be reopened logging road. Roads appear stable but lack adequate drainage and rock surfacing. Evidence of rill erosion and transport of fine sediment.

Flats appear to be constructed, in part, with uncompacted fill pushed onto logs. I observed significant rilling of both upper flats' fillslopes, likely associated with the time following construction (WQ1 & WQ3). WQ4 is a cut and fill flat, no longer in use, with fillslope erosion that may be assoc. with decomposing organics. A watercourse is located below.

Well with numerous plastic water storage tanks.

Observed Class II watercourse at POD (GPS 499) with flowing surface water. Road related sediment transports into this drainage (WQ2, GPS 502, SMP Site 3) and threatens water quality and beneficial uses.

I observed a Class III watercourse near house with inputs from the natural swale above it, a long road ditch (WRPP RP2) as well as a ditch relief culvert (GPS 501, WRPP RP2) from the steep access road, and a greywater pipe from the house.

Located at cultivation area CA1 is generator and fuels storage and use. There was secondary containment and appeared clean and well maintained. The stored products were sampled by HUMCO HazMat.

For Internal Use (Optional)

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



Figure 1. Map of May 27, 2021, water quality inspection of Humboldt APN 215-172-031, showing GPS locations and locations of water quality concern (WQ1-WQ5).

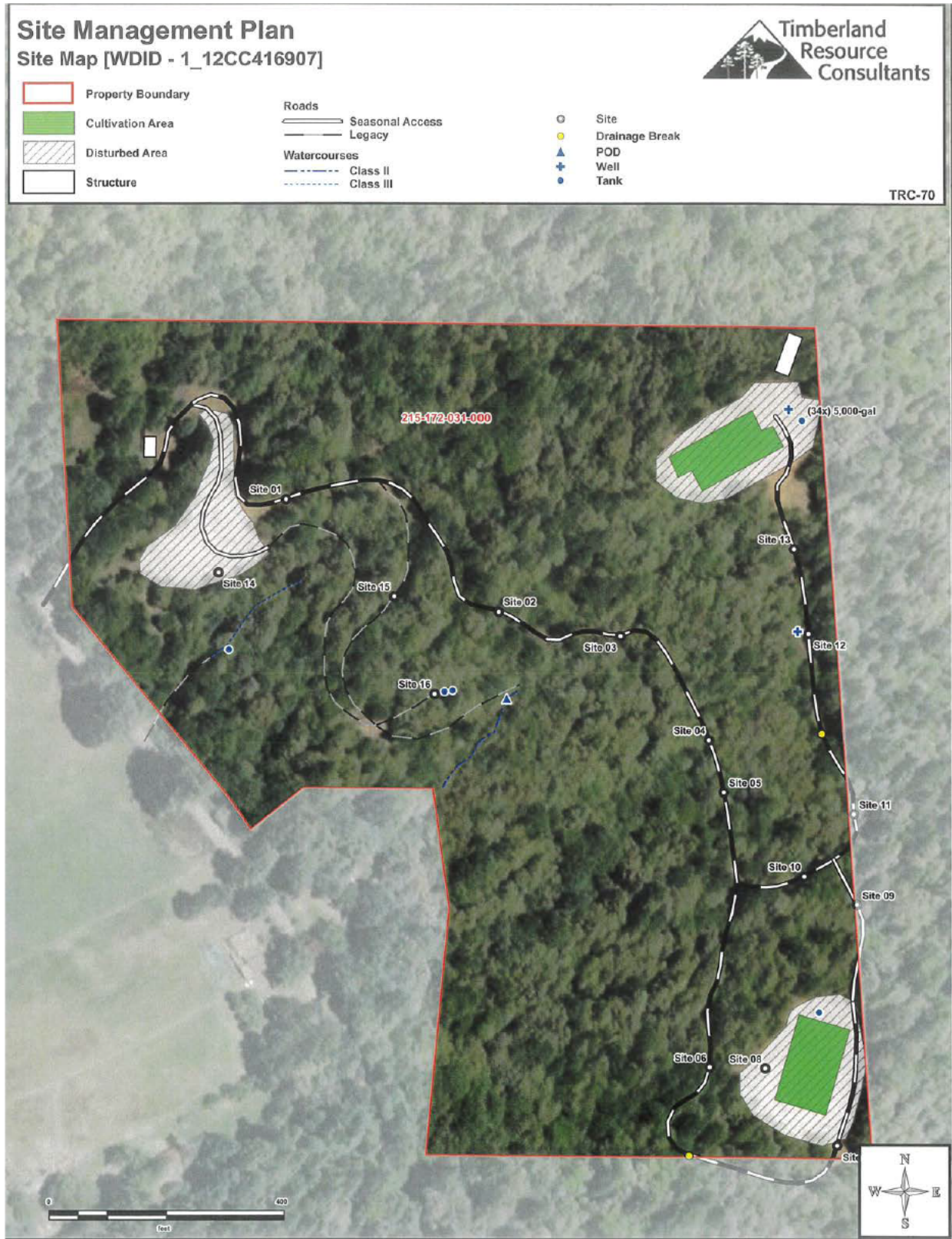


Figure 2. Site Management Plan map (TRC, December 31, 2019).

WQ1: Southern Cultivation Area, SMP Site 8



Figure 3. Fill-slope erosion.



Figure 4. Upper cultivation flat, GPS location 492, SMP Site 8. Erosional void of fill face



Figure 5. Concrete placed to stabilize fill face erosion.



Figure 6. Fill pushed onto stumps from conversion and construction of cultivation flat. Flow path of sediment from flat at GPS 492 down to road below (GPS 494).



Figure 7. GPS 493, Fill pushed over logs at road to southwest of cultivation area.



Figure 8. GPS 494, looking upslope from road to cultivation flat at 492. Sediment transport from the eroded cultivation flat at GPS 492.



Figure 9. GPS 494, looking down from road with flow path from flat downslope.



Figure 12. Tanks and well at northern cultivation area.

WQ3: Northern Cultivation Area



Figure 10. WQ3, Fill-face erosion.



Figure 13. WQ3, Soil pile with inadequate containment and evidence of stormwater runoff from the cultivation flat down the road and into the fiber roll.

WQ4: Lower flat



Figure 11. WQ3, Fill-face erosion.



Figure 14. Steep uncompact fill slope at WQ4.



Figure 15. WQ4, fill on organics.



Figure 16. WQ4, erosion of fill.



Figure 17. WQ4, fill slope leading to watercourse.

Point of Diversion (POD):



Figure 18. Old road to POD.



Figure 19. POD at GPS 499.

WQ5



Figure 20. Steep road with rills, above WQ4 and concentrated runoff to WQ5..

Dare Farms, CIWQS Inspection ID 44292027
Maps and Photo Appendix



Figure 21. Steep road with rills, leading to WQ5.



Figure 22. WQ5, location of plugged ditch relief culvert.



Figure 23. WQ5, Greywater pipe into watercourse near residence.