



North Coast Regional Water Quality Control Board

August 19, 2021

Mr. Steven Baassiri
60 Pepperwood Circle
Garberville, CA, 95542

Certified Mail 7016 2070 0000 6486 2364

Dear Mr. Baassiri:

Subject: Notice of Violation, Transmittal of Inspection Report for July 20, 2021 Inspection of Humboldt County Assessor's Parcel Number (APN) 216-244-002-000, and Directive to Respond within 30 days

File: Cannabis Program Inspections, Humboldt County, July 20, 2021, CIWQS Place ID 843431

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 APN 216-244-002-000 (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

On July 20, 2021, North Coast Regional Water Quality Control Board (Regional Water Board) staff inspected the Property and observed cannabis cultivation outdoors with a disturbed area exceeding 5,000 square feet. 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.

Background

Effective July 24, 2017 to June 30, 2019, APN: 216-244-002-000 was enrolled under Regional Cannabis Order R1-2015-0023, with Discharger Giovanni Baassiri, WDID 1B171488CHUM.

On August 22, 2019, Erdinc Dogan 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 216-244-002-000, and listed Bear Butte Farms as landowner of the Property.

The information submitted by Erdinc Dogan was not sufficient and the Property was not transitioned into the State Cannabis Order No. WQ 2019-0001-DWQ.

On July 20, 2021, Regional Water Board staff, accompanied by personnel from CDFW, State Water Board Division of Water Rights, and 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 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 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 July 20, 2021 inspection report, Regional Water Board staff observed violations of the California Water Code 13260 and 13264 at Property location identified in the inspection report as WQ2, and Basin Plan Section 4.2.1, Prohibition 2 for threatened discharges of fine sediment associated with the stream crossing at WQ3.

Directive to Respond Within 30 Days

Based on the observations detailed in the attached inspection report, the Regional Water Board has determined that, pursuant to Water Code sections 13260¹ and 13264², you are required to respond to this NOV within 30 days by EITHER:

¹ 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.

² 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/

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 Brian.Fuller@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 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 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 20, 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 Brian Fuller 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 Brian Fuller by email at Brian.Fuller@waterboards.ca.gov or by phone at (707) 576-2806.

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 by email 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 – 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
Claudia Villacorta, Claudia.Villacorta@waterboards.ca.gov
Kason Grady, Kason.Grady@waterboards.ca.gov
Brian Fuller, Brian.Fuller@waterboards.ca.gov
Colton Trent, Colton.Trent@Waterboards.ca.gov

Division of Water Rights

Stormer Feiler, Stormer.Feiler@waterboards.ca.gov
Karen Kramer, Karen.Kramer@Waterboards.ca.gov
Taro Murano, Taro.Murano@waterboards.ca.gov
Christopher Borsh, Christopher.Borsh@Waterboards.ca.gov

Department of Fish and Wildlife

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

Humboldt County Code Enforcement

Brady Wylie, BWylie@co.humboldt.ca.us

Humboldt County Hazardous Materials

Dean Adams, DAdams@co.humboldt.ca.us

Humboldt County Sheriff's Office

Sergeant Conan Moore, cmoore@co.humboldt.ca.us

Attachment A – Regulatory Citations

Regulatory Section	Citation
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	“(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: (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. (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.”
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: (1) The issuance of waste discharge requirements pursuant to Section 13263.
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.”

FACILITIES INSPECTION REPORT

Region/Office: 1	Status: Performed	Reg. Measure ID: 444596
Program Type: IRRICANNABIS	WDID:	Order Number:
Scheduled Insp. Date:	Actual Insp. Date: 07/20/2021	

Discharger Information

Party ID: 626410	Discharger Organization Name: Baassiri, Steven	
Address: 60 Pepperwood Circle	City, State, Zip: Garberville, CA 95542	
Discharger Contact Person:	Discharger Contact Phone:	
Discharger Contact Email Address:		

Facility Information

Place ID 843431	Facility Name: Giovanni Baassiri (TRC351)		
Address:	City, State, Zip: CA		
County: Humboldt	Latitude:	Longitude:	Method:

Lead Inspector Information

Lead Inspector Party ID: 568606	Lead Inspector Name: Brian Fuller		
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

VIOLATIONSWere Violations noted during this inspection? Yes No

Violation ID	Violation Type	Occurrence Date	Rank	Description
1093224	Other Codes	07/20/2021	B	California Water Code section 13260 and 13264 for unauthorized cannabis cultivation at location WQ2.
1093225	Basin Plan Prohibition	07/20/2021	B	Section 4.2.1 for threatened discharge associated with culvert condition at location WQ3.

INSPECTION SUMMARY (REQUIRED) (500 character limit)

Recommendations:
 1. Prior to cultivating cannabis or developing the property for cannabis cultivation, obtain required authorizations.
 2. Engage a qualified professional to develop and submit a work plan to correct the roads and crossings on the Property to conform with the Cannabis Policy.
 3. Submit application for and obtain 401 WQC from Water Board before performing any instream work associated with Recommendation 2 above.

GENERAL NOTES (OPTIONAL) (2000 character limit)

My inspection was associated with a criminal search warrant and I viewed only portions of the Property. See the attached Map and photos for locations and details about features of concern to water quality.

At WQ1, I observed a historical cultivation area. I walked north and observed active cannabis cultivation, with an associated disturbed area exceeding 5,000 square feet extending east from WQ2. The cultivation pad extends to the west into the topographic form of a watercourse, which originates approximately 50 feet upslope from WQ2 dissipates north of WQ2 where the topography steepens significantly. There are burned trees in the channel and the ground appears charred suggesting a fire had occurred since the last wet weather period.

I walked east and observed a crushed culvert at WQ 3 with sediment aggrading at the inlet. I looked for the outlet from the road, but it was obscured by vegetation. I observed waste associated with cannabis cultivation in the vicinity of where I anticipated finding the culvert outlet.

I walked east and observed the road crossing a watercourse at WQ4. The culvert at this location was appropriately aligned with the channel bed and I did not observe any evidence of watercourse scour associated with the culvert.

For Internal Use (Optional)

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

Inspection Maps and Photolog for inspection conducted, July 20, 2021

Map and photo selection completed by Brian Fuller, PG, Engineering Geologist

Inspection Map

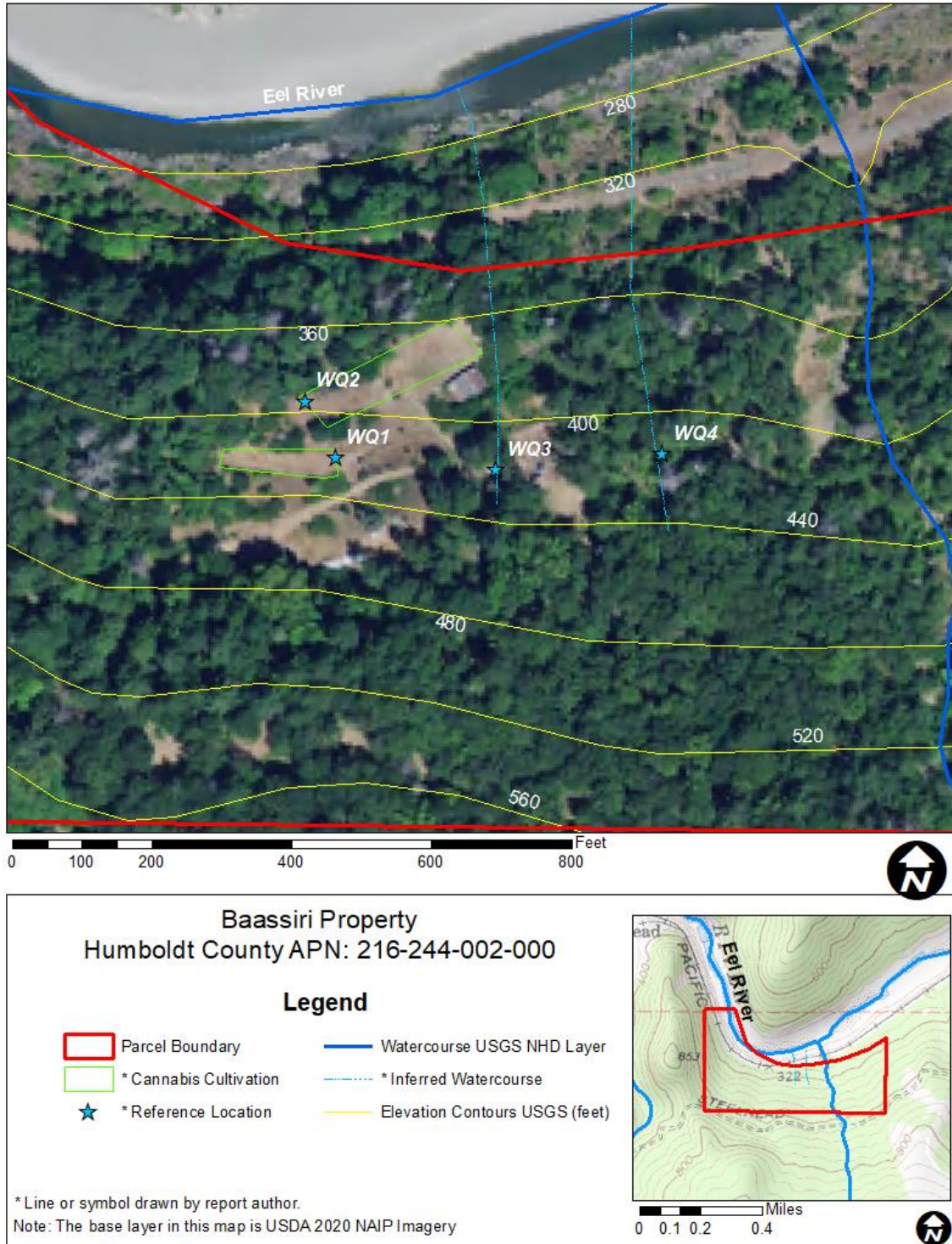


Figure 1: Map of Property, including inspection points of interest.

Photo Appendix:



Photo 1—Looking west at a historical cultivation area located at WQ1.



Photo 2—Looking west, toward WQ 2, at outdoor cannabis cultivation.



Photo 3—Looking east toward WQ2 from local topographic channel. Cultivation pad is visible in the top of the image. The topographic form of the channel stops approximately 50 feet upslope to the right of the image.



Photo 4—Looking north and downstream along local topographic channel. Recently burned trees are lying in the middle of the channel.



Photo 5—Looking north along flow path of channel pictured in previous image. A channel is not visible.



Photo 6—Looking north at partially crushed culvert inlet located at WQ3.



Photo 7—Looking north at cannabis nutrients and waste pipe in the vicinity of anticipated outlet for culvert pictured in previous image.



Photo 8—Looking south and upstream from culvert crossing at WQ4.



Photo 9—Looking north and downstream at culverted watercourse at WQ4.



Photo 10—Looking west at culvert located at WQ4. The culvert is a corrugated plastic pipe, less than 10 years old, approximately two feet in diameter and well aligned with the channel bed.