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North Coast Regional Water Quality Control Board

August 19, 2021

Raymond Dill  
8641 Glenoaks Boulevard, Unit 128  
Sun Valley, CA 91352

Certified Mail 7016 2070 0000 6486 2371

Dear Raymond Dill,

**Subject: Notice of Violation and Transmittal of Inspection Report for July 20, 2021 Inspection of Humboldt County Assessor's Parcel Number 216-381-023-000, and Directive to Respond withing 30 days**

**File:** Cannabis Program Inspections, Humboldt County, July 20, 2021, CIWQS Place ID 875407

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

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 216-381-023 (the Property):

1. Water Quality Control Plan for the North Coast Region (Basin Plan) Section 4.2.1 at locations WQ2 and WQ3
2. California Water Code (Water Code) section 13264 for unauthorized discharge of waste at location WQ3
3. Water Code section 13260 for failure to obtain regulatory coverage under Order number WQ 2019-0000-DWQ (Cannabis General Order)

According to our records, the cannabis cultivation operation associated with this Property is not enrolled for coverage under the Cannabis General Order.

On July 20, 2021, North Coast Regional Water Quality Control Board (Regional Water Board) staff (Staff) inspected the Property and observed cannabis cultivation in hoop houses and outdoors. Accordingly, this letter directs you to enroll for coverage in the Cannabis General Order and 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**

LandVision records show that the Property is owned by Raymond C Dill TR. According to our records, this Property is not enrolled for coverage under the Cannabis General Order.

On July 20, 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 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 inspection report, Regional Water Board staff observed violations of the Basin Plan for threatened and actual discharges of sediment to watercourse at WQ2 and WQ3, respectively, of the Water Code section 13264 for unauthorized discharges of waste to waters of the state at WQ3, and water code section 13260 for failure to obtain regulatory coverage for cannabis cultivation activities.

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

During the July 21, 2021, inspection of the Property, staff observed 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-2010-0001-DWQ, *General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities* (Cannabis 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:

- 1) Enrolling the Property under the Cannabis 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."

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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.

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 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. Administrative civil liabilities may be assessed on a daily basis in the amount up to \$10,000 for each day the violation occurs and \$10/gallon beyond the first 1,000 gallons not cleaned up for actual discharges to waters of the United States without a permit pursuant to Water Code section 13385.

### **Inspection Report Recommendations**

As mentioned above, the July 21, 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](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, P.E.  
Enforcement Unit

210819\_ACW\_dp\_Dill\_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>

<b>Regulatory Section</b>	<b>Citation</b>
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).”

**FACILITIES INSPECTION REPORT**

Region/Office: 1	Status: Performed	Reg. Measure ID: 444332
Program Type: IRRICANNABIS	WDID:	Order Number:
Scheduled Insp. Date:	Actual Insp. Date: 07/20/2021	

**Discharger Information**

Party ID: 626334	Discharger Organization Name: Dill, Raymond	
Address: 8641 Glenoaks Boulevard Unit 128		City, State, Zip: Sun Valley , CA 91352
Discharger Contact Person:	Discharger Contact Phone:	
Discharger Contact Email Address:		

**Facility Information**

Place ID 875407	Facility Name: Raymond Dill (APN 216-381-023-000)		
Address: 1425 Sequoia Drive		City, State, Zip: Alderpoint, CA 95511	
County: Humboldt	Latitude: 40.14432	Longitude: -123.64261	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
1092897	Basin Plan Prohibition	07/20/2021	B	Water Quality Control Plan for the North Coast Region (Basin Plan) Section 4.2.1 at locations WQ2 and WQ3.
1092898	Unauthorized Discharge	07/20/2021	B	California Water Code Section 13264 for unauthorized discharge of waste at location WQ3.
1092899	Other Codes	07/20/2021	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 (Cannabis General Order)

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

**Recommendations:**

1. Cease cultivation until proper authorizations.
2. Clean up, haul away, and properly dispose of refuse, amendments, cultivation waste.
3. Implement recommendations from Humboldt County Hazardous Materials Unit.
4. Hire a qualified professional to assess the impacts to the waters of the state at WQ2 & WQ3, and develop and submit for approval, a treatment and permitting plan, and schedule to restore the soils, topography, hydrology, and vegetation to pre-impact conditions.

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

Figure 3 of the map and photo appendix includes an inspection map showing the location of features discussed below.

Humboldt County Sheriff warrant inspection with: HumCo Hazardous Materials and Code Enforcement, State Water Board Division of Water Rights, and CA Department of Fish and Wildlife.

The Property is developed for cannabis cultivation, including both outdoor cultivation, and past indoor cultivation.

The cultivation area (WQ1) is located on a ridgetop location (GPS 521) on what appears to be on adjacent parcels, but associated with the Property, including water diversion and storage, fertilizer and amendment stockpiles, and road access. An overly steep road from the property goes up toward the ridgetop grow, it is rutted and dusty (WQ2). A steep trail connects the road to the cultivation area.

The southeast corner of the Property is located along a watercourse, tributary to Powers Creek. I observed that the top of the channel to be located at GPS 524, with surface water flowing in it at GPS 522. A watercourse traverses through a saturated wetland area, with chain fern and Oregon ash. At GPS 517, recent excavation of the wetland (WQ3) has created a hole to impounded water from the channel; the hole is holding water and a pump system diverts water to tanks and to the cultivation area. The excavated material is in two piles adjacent to the impoundment; the soils are fine, grey, and saturated. An excavator is located onsite with mud on its tracks. Based upon field measurements, I estimate the excavation has a surface area of approximately 280 ft<sup>2</sup> and an estimated volume of approximately 25 yd<sup>3</sup>. Downstream, at GPS 516, a smaller excavated hole holds water and is set up for diversion.

The Property has uncontained refuse, amendments, and plastic (WQ4).

**For Internal Use (Optional)**

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

Dill Map and Photo Appendix  
 APN 216-381-023, July 20, 2021  
 CIWQS Inspection ID 44849262



Figure 1. Humboldt County APN 216-381-023 is owned by Raymond Dill. There is uncertainty associated with the accuracy of the parcel boundaries; the watercourse locations are modeled and is shifted to the east compared to field observations.



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Figure 2. Parcel boundaries according to LandVision, with imagery from April 18, 2021 with bluelines indicating wetlands.



Figure 3. Water Quality inspection map. Numbered locations correspond to GPS waypoints I collected during the inspection (515-522), and location of features and conditions of concern to water quality (WQ1-WQ4).

### Inspection Photographs

All photographs taken by Adona White on July 20, 2021.

WQ1: Ridgetop Cultivation Area



Figure 4. Ridgetop cultivation area.



Figure 5. Feed tanks at edge of clearing.



Figure 6. Recently felled trees.



Figure 7. Cultivation-related refuse at WQ1.



*Figure 8. The ridgetop gives way to very steep slopes. Trees were recently felled around the clearing.*

WQ2: Roads



*Figure 9. The road from the residence to the ridgetop cultivation area is steep, rutted, and dusty. Runoff from the road could discharge to the watercourse discussed as WQ3.*

WQ3: Excavated watercourse and wetland



*Figure 10. The watercourse and wetland is located in a broad topographic swale, otherwise surrounded by primarily fir and tan oak trees.*



*Figure 11. The watercourse is accessed from the Property driveway; a recent equipment track leads to the watercourse and spoils piles are located adjacent to the watercourse.*



*Figure 12. GPS 521, Upstream extent of observed stream channel.*



*Figure 14. Hand clearing of channel to daylight seepage was observed upstream of the excavation.*



*Figure 13. Vegetation upstream of excavation is chain ferns and Oregon ash.*



*Figure 15. Hand clearing of channel to daylight seepage was observed upstream of the excavation, where the vegetation includes solal and huckleberry.*



Figure 16. Excavated watercourse and wetland.



Figure 18. The spoils are on the edge of the excavation.

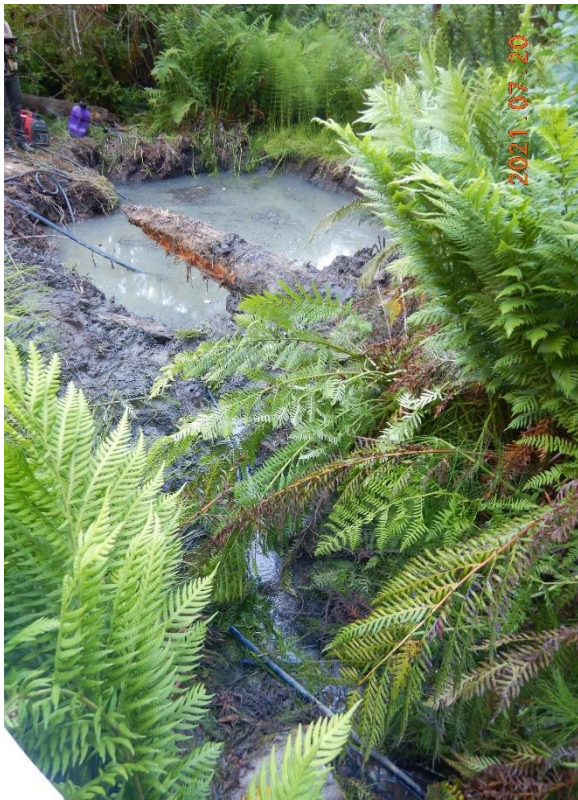


Figure 17. Gasoline pump on bank of excavated surface water.



Figure 19. Excavation dimensions were measured as 20 feet long, and 18 feet wide.



Figure 20. The dimensions of the spoils piles were measured with a measuring tape. The dimensions of the piles were measured as follows: Pile 1 (on left of photo) = 24 feet long, 13 feet wide, and 6.5 feet high. Pile 2 (on right of photo) = 14 feet high, 9 feet wide, and 4 feet high.



Figure 21. The spoils are fine grained, gray in color and are saturated.



Figure 22. Downstream, at GPS 516, a second small excavation was observed.



Figure 23. Tanks and pump to service the cultivation.



Figure 24. Excavator onsite.



Figure 25. The underside of the excavator is covered in oil.

WQ4: Refuse and Housekeeping



Figure 26. High concentration water soluble fertilizer on the ground.



Figure 27. Refuse from pallets of soil bags.



Figure 28. Spilled perlite on ground.



Figure 29. Stockpile of chicken manure.



Figure 30. Waste oil in open container on ground.