



North Coast Regional Water Quality Control Board

December 3, 2021

Richard Dorey Jr
5585
18972 State Highway 36
Carlotta, CA 95528

Certified Mail 7021 0950 0001 6499

Dear Richard Dorey Jr,

Subject: Notice of Violation and Transmittal of Inspection Report for November 4, 2021 Inspection of Humboldt County Assessor's Parcel APN 207-092-002, and Directive to Respond Within 30 Days

File: Cannabis Program Inspections, Humboldt County, November 4, 2021, CIWQS Place ID 877448

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 Numbers: APN 207-092-002 (the Property):

1. California Water Code (Water Code) Section 13260
2. Water Quality Control Plan for the North Coast Region (Basin Plan) section 4.2.1 at location WQ4
3. California Water Code (Water Code) section 13264 at location WQ2

On November 4, 2021, North Coast Regional Water Quality Control Board (Regional Water Board) staff inspected the Property and observed site conditions and features associated with indoor cannabis cultivation and threats of waste discharge to waters of the state. 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. 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

LandVision records show that the Property was purchased by Richard Dorey Jr on August 17, 2021 from Earl K Willis and Renee Willis.

According to our records, this Property is not enrolled for coverage under the Cannabis General Order.

On November 4, 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.

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, associated with threatened and actual discharges of sediment from spent potting soil at WQ4, and violations of the Water Code, associated with unauthorized discharge of waste at WQ2.

Directive to Respond Within 30 days

During the November 4, 2021 inspection, staff observed cannabis cultivation in indoor facilities and threats of waste discharge. The overall cannabis cultivation operation was of sufficient size and scope to require regulatory coverage under the State Water Resources Control Board (State Water Board) 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* (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 13260¹ and 13264², 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/

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 adona.white@waterboards.ca.gov for further instructions and to determine the appropriate application fee;
- 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.

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

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.

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 November 4, 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.Henriouille@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,

on behalf of

Diana Henriouille
Enforcement Unit

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

Claudia Villacorta, Claudia.Villacorta@waterboards.ca.gov

Kason Grady, Kason.Grady@waterboards.ca.gov

Adona White, Adona.White@waterboards.ca.gov

Division of Water Rights

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

Taro Murano, Taro.Murano@waterboards.ca.gov

Department of Fish and Wildlife

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

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

Humboldt County Sheriff's Office

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

Shane Steele, SSteele@co.humboldt.ca.us

Humboldt County Hazardous Material

Maje Hoyos, MHoyos@co.humboldt.ca.us

Greg Young, GYoung@co.humboldt.ca.us

Humboldt County Planning Division

Karen Meynell, KMeynell@co.humboldt.ca.us

Brady Wylie BWylie@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>

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).”

FACILITIES INSPECTION REPORT

Region/Office: 1	Status: Performed	Reg. Measure ID: 445640
Program Type: IRRICANNABIS	WDID:	Order Number:
Scheduled Insp. Date:	Actual Insp. Date: 11/04/2021	

Discharger Information

Party ID: 628960	Discharger Organization Name: Richard Dorey Jr	
Address: 18972 State Route 36 Highway	City, State, Zip: Carlotta, CA 95528	
Discharger Contact Person:	Discharger Contact Phone:	
Discharger Contact Email Address:		

Facility Information

Place ID 877448	Facility Name: Richard Dorey Jr		
Address: 18972 State Highway 36 Highway	City, State, Zip: Carlotta, CA 95528		
County: Humboldt	Latitude: 40.47811	Longitude: -123.88764	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 (Regional)	<input type="checkbox"/> EPA and State (State Lead)

INSPECTION TYPE

Inspection Type: Complaint inspection

VIOLATIONSWere Violations noted during this inspection? Yes No

Violation ID	Violation Type	Occurrence Date	Rank	Description
1097438	Other Codes	11/04/2021	B	California Water Code Section 13260 : cannabis cultivation operations of sufficient size and scope to require regulatory coverage under Order No. WQ-2017-0023-DWQ
1097439	Basin Plan Prohibition	11/04/2021	B	Water Quality Control Plan for the North Coast Region (Basin Plan) Section 4.2.1 for threatened discharge of sediment to a watercourse at location WQ4.
1097440	Other Codes	11/04/2021	B	California Water Code Section 13264 for unauthorized discharge of waste to waters of the state at location WQ2.

INSPECTION SUMMARY (REQUIRED) (500 character limit)

Recommendations:

1. Cleanup fertilizer. Properly dispose of or store in a location & manner that it can't enter ditches or waterways
2. Cleanup fuels per guidance from Humboldt County Hazardous Materials unit
3. Move soil away from were it could enter ditches or waterways & either properly dispose of or properly cover and contain soil
4. Work with CDFW and DIV to resolve surface water diversion
5. Enroll in Cannabis General Order for cultivation activities and comply with requirements

GENERAL NOTES (OPTIONAL) (2000 character limit)

On November 4, 2021 I participated in an inspection of Humboldt APN 207-092-002 (the Property) along with a criminal search warrant executed by the Humboldt County Sheriff's Office. The Property is located off of Hwy 36, between Carlotta and Bridgeville, and was operated for indoor cannabis cultivation. Class IV ditches were constructed around property that go under Hwy 36 toward the Van Duzen River. Property has PG&E but indoor cultivation areas appear to be run on generators. There was fuel storage and staining, lots of soil, and fertilizer. HazMat staff sampled four fuel storage tanks, waste oil, and soil. The water source appears to be a well, though a surface water diversion appeared to have recently been removed, according to CDFW. Soils, fertilizers, plastic, and fuels are handled in a manner and placed in locations where they could enter the Class IV watercourse surrounding Property.

The following specific locations are shown on Figure 2.

WQ1: At WQ1, a covered area with dirt floor was used for diesel fuel storage. The above ground storage tank had secondary containment. The ground was stained and fumes were strong. This location is in close proximity to Class IV ditch.

WQ2: A shed is built on top of section of Class IV watercourse contained in a 36" corrugated plastic pipe. A light deprivation tarp is in the watercourse. There are 4 storage tanks of fuel on top.

WQ3: There was 100 lb of GrowMore 0-30-50 bags sitting in the rain within 20' of the Class IV (soluble in cold water). This is just upstream of the culvert that flows off property under Hwy 36.

WQ4: I observed and measured a soil pile located within 25' of the Class IV watercourse. The pile dimension were 32' L x 6' W x 2-3' D.

For Internal Use (Optional)

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

Inspection Map and Photo Appendix

CIWQS Inspection 45739452

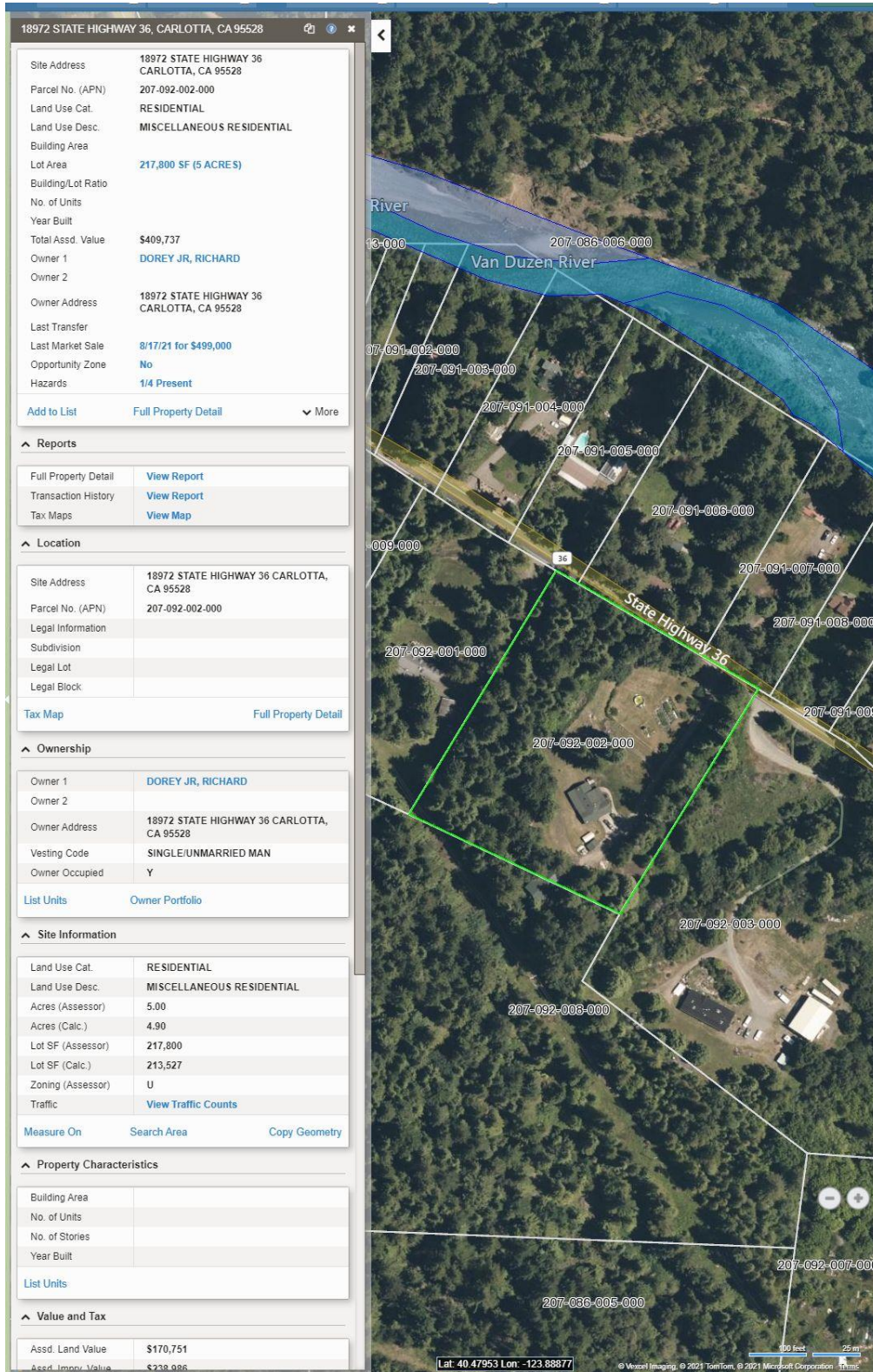


Figure 1. Location map of APN 207-092-002. The property is located off Hwy 36, between Carlotta and Bridgeville.

Inspection Map and Photo Appendix
CIWQS Inspection 45739452



Figure 2. Inspection map of November 4, 2021. The majority of the Property is flat, with rural residential development, including a driveway, house, garden, and outbuildings, many of which were being used for indoor cannabis cultivation and processing. Older Class IV ditches are constructed around Property, draining under Hwy 36 toward the Van Duzen River at the northeast corner of the Property, near the front gate. The blue line indicates the approximate location of the observed Class IV watercourse along the Property perimeter. WQ1-WQ4 are locations of features that pose threats to water quality.

All Photographs taken by Adona White
on November 4, 2021.

WQ1:



Figure 3. Even though it appears that the Property has PGE power hookups, I observed several areas of fuel storage and use, including WQ1, associated with generators to power the indoor cultivation facilities.



Figure 4. Class IV watercourse near WQ1, with cultivation waste on bank.



Figure 5. Class IV watercourse near WQ1.

WQ2:



Figure 6. Fuel storage and light deprivation tarp in watercourse at WQ2.

Inspection Map and Photo Appendix
CIWQS Inspection 45739452



Figure 7. Figure 8. Fuel storage on top of culvert at WQ2.



Figure 9. Fuel storage on top of culvert at WQ2.



Figure 10. Downstream end of culverted section of Class IV at WQ2.

WQ3:



Figure 11. Fertilizer bags on ground near Class IV watercourse.



Figure 12. High concentration water soluble fertilizer on ground in rain.



Figure 13. Culvert under HWY 36 near Property entrance gate.

Inspection Map and Photo Appendix
CIWQS Inspection 45739452



Figure 14. Gate into Property from HWY 36.

WQ4:



Figure 15. Soil pile is unprotected at WQ4.



Figure 16. Soil pile as viewed from edge of Class IV ditch.



Figure 17. Empty pool near WQ4 with plastic mesh strewn on ground.



Figure 18. Waste oil buckets full of stormwater and burned garbage near WQ4.

Other photos of Property:



Figure 19. Fuel shed near residence.

Inspection Map and Photo Appendix
CIWQS Inspection 45739452



Figure 20. Fuel shed near residence.



Figure 23. Building next to Class IV watercourse.



Figure 21. Culvert under road to Class IV watercourse.



Figure 24. Class IV watercourse.



Figure 22. Indoor cultivation building.