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## North Coast Regional Water Quality Control Board

June 25, 2021

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EJR-PVR, LLC, CO  
11854 Darlington Ave, Apt 103  
Los Angeles, CA 90049

To Whom It May Concern:

Subject: **Notice of Violation and Transmittal of Inspection Report for May 26, 2021 Inspection of Humboldt County Assessor's Parcel 223-031-007-000**

File: Cannabis Program Inspections, Humboldt County, May 26, 2021,  
CIWQS Place ID 830722

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: 223-031-007-000 (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**
- 3. Federal Clean Water Act Section 301, 404 and 401**

On May 26, 2021, North Coast Regional Water Quality Control Board (Regional Water Board) staff (Staff) inspected the Property and observed presumed cannabis cultivation infrastructure and an on-stream pond. 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

On May 26, 2021, staff from the Regional Water Board, accompanied by staff of CDFW and personnel from the Humboldt County Sheriff's Office inspected the Property. The purpose of the inspection was to evaluate onsite development and conditions, and to

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

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 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 May 26, 2021, inspection report, Regional Water Board staff observed violations of the California Water Code, the Basin Plan, and Federal Clean Water Act Section. Staff observed these violations at Property locations identified in the inspection report as CA1, CA2, POND, SPRING, and XNG.

### **Directive to Obtain Regulatory Coverage Prior to Future Activities Involving or Resulting in Discharges of Waste to Waters of the State**

During the May 26, 2021, inspection, 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-2019-0001-DWQ, *General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities* (Statewide General Order).

Please be aware that, pursuant to Water Code sections 13260 and 13264, if you elect to resume/continue cannabis cultivation on the subject Property, you must either:

- 1) Enroll 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/)  
Submit the application fee within **30 days** of submitting the on-line application. Failure to submit the application fee within 30 days will result in the application being voided and authorization terminated. 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," and shall be delivered to:

(By US Mail):

Accounting Office  
Attn: Water Quality Fees – Cannabis General Order  
P.O. Box 1888  
Sacramento, CA 95812-1888

- 2) File a Report of Waste Discharge in order to obtain individual Waste Discharge Requirements (WDRs) specific to your property.

Please submit the appropriate documents and payments to:

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

Water Code section 13260 states, in relevant part:

- (a) Each 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.

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.

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 May 26, 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 Shannon Utley 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 Shannon Utley by email at [Shannon.Utley@waterboards.ca.gov](mailto:Shannon.Utley@waterboards.ca.gov).

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 [Mona.Dougherty@waterboards.ca.gov](mailto:Mona.Dougherty@waterboards.ca.gov) or by phone at (707) 445-6129. 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,

Mona Dougherty, P.E.  
Senior Water Resource Control Engineer  
Northern Cannabis Permitting Unit

Attachments: Attachment A - Regulatory Citations  
Attachment B – Facilities Inspection Report  
Attachment C – Inspection Map and Photolog

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)

[Shannon Utley](mailto:Shannon.Utley@waterboards.ca.gov), [Shannon.Utley@waterboards.ca.gov](mailto:Shannon.Utley@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**

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)

Deputy Shane Steele, [ssteele@co.humboldt.ca.us](mailto:ssteele@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 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)	“A person who fails to furnish a report or pay a fee under <a href="#">Section 13260</a> when so requested by a regional board is guilty of a misdemeanor and may be liable civilly in accordance with subdivision (b).”
Federal Clean Water Act Section 301 (a):	Section 301(a) provides that subject to certain exceptions, “the discharge of any pollutant by any person shall be unlawful.” 33 U.S.C. § 1311(a). One of the exceptions allowed for under the Clean Water Act is the discharge from a dredge and fill activity under the auspices of § 404 and 401 of the Clean Water Act. 33 U.S.C. § 1342. The Clean Water Act prohibits the discharge of any pollutant from a point source into waters of the United States without a section 404 dredge and fill permit and a section 401 state water quality certification.
Federal Clean Water Act Section 401	Section 401 (a)(1) “Any applicant for a Federal license or permit to conduct any activity including, but not limited to, the construction or operation of facilities, which may result in any discharge into the navigable waters, shall provide the licensing or permitting agency a certification from the State in which the discharge originates”

<b>Regulatory Section</b>	<b>Citation</b>
Federal Clean Water Act Section 404	Section 404(a) provides, in relevant part, “The Secretary may issue permits...for the discharge of dredged or fill material into the navigable waters...” The Code of Federal Regulations defines the term “dredged material” as material that is excavated or dredged from waters of the United States. 33 C.F.R. § 323.2(c). The term “discharge or dredged material” mean any addition of dredge material into the waters of the United States. 33 C.F.R. § 323.2(d)(1). The Code of Federal Regulations defines “fill material” as material placed in waters of the United States that has the effect of replacing any potion of a water of the United States with dry land or changing the bottom elevation of any potion of a water of the United States. 33 C.F.R. § 323.2(e)(1). The term “discharge of fill material” means the additional of fill material into waters of the United States. 33 C.F.R. § 323.2(f).

## FACILITIES INSPECTION REPORT

Region/Office: 1	Status: Performed	Reg. Measure ID: 407369
Program Type: IRRICANNABIS	WDID: 1B16836CHUM	Order Number:
Scheduled Insp. Date:	Actual Insp. Date: 05/26/2021	

### Discharger Information

Party ID: 625287	Discharger Organization Name: EJR-PVR, LLC, CO		
Address: 11854 Darlington Avenue Apt 103	City, State, Zip: Los Angeles, CA 90049		
Discharger Contact Person:	Discharger Contact Phone:		
Discharger Contact Email Address:			

### Facility Information

Place ID 830722	Facility Name: EJR-PVR, LLC, CO		
Address:	City, State, Zip: CA		
County: Humboldt	Latitude: 40.054515	Longitude: -123.698723	Method: Map Interpolation (digital)

### Lead Inspector Information

Lead Inspector Party ID: 545131	Lead Inspector Name: Shannon Utley		
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: Miscellaneous inspection

## VIOLATIONS

Were Violations noted during this inspection?  Yes  No

Violation ID	Violation Type	Occurrence Date	Rank	Description
1091271	Other Codes	05/26/2021	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.

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

**Recommendations:**  
 Enroll in the State Water Resources Control Board Cannabis Policy and General Waste Discharge Requirements Order No. WQ 2019-0001-DWQ for cannabis cultivation and comply with the General Order and Policy.

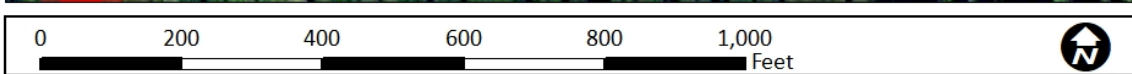
Hire a qualified professional to assess the stability of the Pond and overflow infrastructure; and assess the size of the stream crossings for a minimum 100-year flow capacity. Apply for WDRs or 401 Water Quality Certification for any proposed work in a surface water.

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

**Inspection Description:**  
 The May 26, 2021, inspection was associated with a criminal search warrant and only portions of the Property were viewed. Please see the attached Map and Appendices for locations and details about features of water quality concern. Cannabis cultivation related infrastructure and associated disturbed areas were observed in two locations on Humboldt County Accessor Parcel Number 223-031-007-000 (hereafter the Property), which requires enrollment under General Order No. WQ 2019-0001-DWQ if the site will be used for cannabis cultivation activities over 2,000 square feet. Presumed cannabis cultivation infrastructure and associated disturbed area was located on two ridge line locations in hoop-house style greenhouses (CA1 and CA2 on the Inspection Map). Runoff from CA2 appeared to be draining off the graded pad into two Class III watercourses. The Property had an on-stream pond (POND) located on a Class III watercourse that overflows to a Class II watercourse (IN, OUT, and MP1) and was constructed where fill from the pond construction was placed adjacent to a Class II watercourse (FILL and MP2). The Class III watercourse that feeds into the Pond originates upslope of the Pond within a slumping-landslide wetland spring complex (SPRING and XNG). Wetland vegetation was present between the stream crossing and below the pond berm (BERM) which could indicate leakage and failure of the pond. Generators and fuels were located near the residence and cultivation area CA2. Water for the property appeared to be sourced from a groundwater well (WELL) with a production rate of approximately 10 gallons per minute.


<b>For Internal Use (Optional)</b>					
Reviewed By:	(1)	(2)	(3)		
CIWQS Entry Date:		Regional Board File Number:		CIWQS Inspection ID:	

## Attachment C – Inspection Map and Photolog




**Site Map of EJR-PVR, LLC Property**  
Humboldt County  
5/26/2021

- Point of Interest
- Watercourse
- Cultivation Area
- Pond
- Parcel Boundary



GALIFORNIA  
Water Boards  
STATE WATER RESOURCES CONTROL BOARD  
REGIONAL WATER QUALITY CONTROL BOARD

Note: 2020 NAP Imagery provided by  
California Department of Fish and Wildlife  
online mapping services  
points of interest may be drawn in by hand



2.5 Miles

All photographs and GPS locations were taken by Shannon Utley, North Coast Regional Water Quality Control Board

Photo 1: View of cultivation area CA1 adjacent to the groundwater well



Photo 2: View of cultivation area CA2 hoop-houses



Photo 3: View of water storage tanks and fuel storage shed at CA2



Photo 4: Closer view of above ground storage tanks located at CA2



Photo 5: View of the onstream pond looking toward the pond outflow pipe



Photo 6: View of the onstream pond looking toward the pond outflow pipe



Photo 7: View of the pond berm and wetland vegetation



Photo 8: Closer view of the pond berm and wetland vegetation



Photo 9: Stream crossing XNG located next to the onstream pond



Photo 10: Closer view of the stream crossing



Photo 11: View of the pond outflow pipe looking towards the spring



Photo 12: View of the pond outflow pipe looking towards the Class II

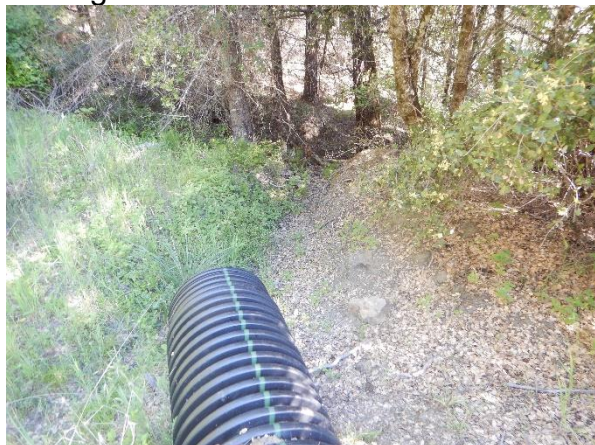


Photo 13: View of the spring landslide complex located near XNG



Photo 14: View of fill placed near the Class II watercourse at FILL near MP2



Photo 15: View of the groundwater well located next to CA1 and the residence



Photo 16: A Closer view of the groundwater well

