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North Coast Regional Water Quality Control Board

December 28, 2021

Gary Haga  
PO Box 72  
Honeydew, CA 95544  
[thcofhumboldt@gmail.com](mailto:thcofhumboldt@gmail.com)

Dear Gary Haga:

Subject: Notice of Violation and Transmittal of Inspection Report for December 7, 2021  
Inspection of Humboldt County Assessor's Parcel 107-106-005-000

File: Cannabis Program Inspections, Humboldt County, December 7, 2021,  
CIWQS Place ID 828410

**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 107-106-005-000 (the Property):

1. State Water Resources Control Board Order No. WQ 2019-0000-DWQ *General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities* (Cannabis General Order) various provisions; and
2. Water Quality Control Plan for the North Coast Region (Basin Plan) Section 4.2.1

Please provide us with a plan and schedule to address the recommendations in the attached inspection report within 30 days of the date of this letter.

**Background**

Effective September 13, 2016, the Property was enrolled under Regional Cannabis Order R1-2015-0023, with Discharger Gary Haga, WDID 1B161372CHUM. On May 27, 2019, the Discharger submitted information through the State Water Resources Control Board's online portal for discharges of waste associated with cannabis cultivation related activities for the Property. Based on the information submitted by Gary Haga, the cannabis cultivation activities are classified as Tier 1, Low Risk. Effective July 1,

2019 the Property was transitioned into State Cannabis Order No. WQ 2019-0001-DWQ, WDID 1\_12CC416447.

On December 7, 2021, staff from the Regional Water Board accompanied by staff of the California Department of Fish and Wildlife, and Humboldt County Planning and Building Department 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 – Inspection Report and Attachment C – Inspection Photo Log). 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 requirements and regulations.

### **Observed Violations**

As documented in the December 7, 2021 inspection report, Regional Water Board staff observed violations of the Basin Plan Section 4.2.1 Prohibition 1, and the Cannabis General Order Attachment A, Section 1 - General Requirements and Prohibitions Nos. 26 and 27 and Section 2 - Requirements Related to Water Diversions and Waste Discharge for Cannabis Cultivation Nos. 8, 10, 15, 16, 17, 22, 24, 31, 38, 48-50, 53-54, 56, 87-88, and 126. Staff observed these violations at Property locations identified in the inspection report as Access Road, Crossing 3, Crossing 5, Crossing 6, Water Bladder, and Culvert.

### **Site Management Plan**

Pursuant to the Cannabis General Order, all enrollees must submit a Site Management Plan (SMP) within 90 days of enrollment. As of the date of this letter, no SMP has been submitted.

### **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 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 December 7, 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 Kate Hawken 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 Kate Hawken by email at [Katherine.Hawken@waterboards.ca.gov](mailto:Katherine.Hawken@waterboards.ca.gov) or by phone at 707-445-6127.

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

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Attachments: Attachment A - Regulatory Citations  
Attachment B – Inspection Report  
Attachment C – Inspection Photo Log

cc: Praj White, [praj@northpointeureka.com](mailto:praj@northpointeureka.com)

**Department of Fish and Wildlife**

Christine Hahn Vertical, [Christine.HahnVertical@wildlife.ca.gov](mailto:Christine.HahnVertical@wildlife.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)

**Humboldt County Planning and Building Department**

Devin Sutfin, [dsutfin1@co.humboldt.ca.us](mailto:dsutfin1@co.humboldt.ca.us)

**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)

## 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.”
Cannabis Policy and General Order No. WQ 2019-0001-DWQ	State Water Resources Control Board Cannabis Cultivation Policy and General Waste Discharge Requirements Order No. WQ 2019-0001-DWQ for Discharges of Waste Associated with Cannabis Cultivation Activities <a href="https://www.waterboards.ca.gov/water_issues/programs/cannabis/docs/policy/final_cannabis_policy_with_attachment_a.pdf">https://www.waterboards.ca.gov/water_issues/programs/cannabis/docs/policy/final_cannabis_policy_with_attachment_a.pdf</a> and <a href="https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2019/wqo2019_0001_dwq.pdf">https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2019/wqo2019_0001_dwq.pdf</a>

### FACILITIES INSPECTION REPORT

Region/Office: 1	Status: Performed	Reg. Measure ID: 430787
Program Type: IRRICANNABIS	WDID: 1_12CC416447	Order Number: 2019-0001-DWQ
Scheduled Insp. Date:	Actual Insp. Date: 12/07/2021	

#### Discharger Information

Party ID: 615565	Discharger Organization Name: The Honeydew Creek Original Family Humboldt	
Address: 944 Wilder Ridge Road	City, State, Zip: Honeydew, CA 95544	
Discharger Contact Person: Gary Haga	Discharger Contact Phone:	Multiple Phone Numbers

#### Facility Information

Place ID 828410	Facility Name: Haga	
Address: 944 Wilder Ridge Road	City, State, Zip: Honeydew, CA 95545	
County: Humboldt	Latitude: 40.21962	Longitude: -124.1158 Method: Map Interpolation (digital)

#### Lead Inspector Information

Lead Inspector Party ID: 569684	Lead Inspector Name: Katherine Hawken	
Inspector Type:	<input checked="" type="checkbox"/> State <input type="checkbox"/> State Contractor <input type="checkbox"/> EPA Contractor <input type="checkbox"/> EPA (Regional) <input type="checkbox"/> EPA and State (EPA Lead) <input type="checkbox"/> EPA and State (State Lead)	

### INSPECTION TYPE

Inspection Type: B Type compliance inspection

### VIOLATIONS

Were Violations noted during this inspection?

Violation ID	Violation Type	Occurrence Date	Rank	Description
1098339	Basin Plan Prohibition	12/07/2021	B	Violation of Basin Plan Section 4.2.1, Prohibition 1 for placement of road material where it may discharge into waters of the state, and violation of various Cannabis General Order conditions.

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

Observations (Crossing numbers taken from LSAA)  
 Access Road: I observed a dirt road with a berm on the outer edge with multiple places where water discharged through the berm onto the steep hillside below, creating entrenched channels (Photo 1).  
 Crossing 2: I observed road runoff discharging into a watercourse near the outlet of a culvert stream crossing (Photo 2).  
 Crossings 3 and 5: I observed two culvert stream crossings with their outlets perched above the watercourses (Photos 3-4).

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

Observations cont.  
 Crossing 6: I observed a recently installed culvert stream crossing in a low-lying area (Photo 5). The upstream watercourse ran parallel to the road (Photo 6).  
 Water Bladder: I observed a water bladder with no secondary containment (Photo 7).  
 Well: I observed a shallow well (Photo 8).  
 Pond Site: I observed a proposed pond site with two Class III watercourses coming off the hillside nearby and dissipating in the flat, grassy area (Photos 9-10).  
 Culvert (not referenced in LSAA; -124.1150, 40.2225): I observed a culvert stream crossing used to access the residence and nursery with an entrenched channel upstream (Photo 11).  
 Nursery: I observed a nursery at the base of a hill with standing water (Photo 12).

Recommendations

1. Submit a Site Management Plan including:
  - a. A map of all aquatic features and minimum required setbacks
  - b. Description of all stream crossings including ability to convey the 100-year flood flow and associated debris
  - c. All additional requirements per the Cannabis General Order
2. Submit design plans and a construction schedule to upgrade stream crossings through a Water Quality Certification application prior to starting work instream: [https://www.waterboards.ca.gov/northcoast/water\\_issues/programs/cannabis/pdf/200204/RB1\\_Cannabis\\_WQC\\_401\\_App.pdf](https://www.waterboards.ca.gov/northcoast/water_issues/programs/cannabis/pdf/200204/RB1_Cannabis_WQC_401_App.pdf)
3. Stabilize incising watercourse upstream of Culvert. Install rock armoring and/or plant live willow cuttings.
4. Outslope roads, improve road surfacing, and remove berms where feasible to allow runoff to disperse to vegetated areas. Add drainage-relief structures such as water bars, rolling dips, and ditch relief culverts to minimize surface erosion.
5. Discontinue use of nursery. Include this area in aquatic resource delineation to determine source of water and appropriate protections per required setbacks.
6. Discontinue use of water storage bladder or install a secondary containment system with capacity to capture 110 percent of the bladder’s maximum possible contents.

For Internal Use (Optional)

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

Haga Photo Log – Attachment C  
December 7, 2021 Inspection  
Photos taken by Kate Hawken



Photo 1, Access Road: Path of concentrated road runoff discharging to hillside



Photo 2, Crossing 2: Road runoff discharging to watercourse near outlet of Crossing 2



Photo 3, Crossing 3: Outlet of Crossing 3 perched above watercourse



Photo 4, Crossing 5: Outlet of Crossing 5 perched above watercourse



Photo 5, Crossing 6: Recently installed culvert stream crossing in low lying area



Photo 6, Crossing 6:  
Watercourse uphill of Crossing  
6 running parallel to road



Photo 7, Water Bladder: Water  
storage bladder with no  
secondary containment system



Photo 8, Well: Shallow well  
used for domestic and irrigation  
water



Photo 9, Pond Site: Grassy flat area proposed for pond construction



Photo 10, Pond Site: Class III watercourse coming off of hillside and discharging near proposed pond site



Photo 11, Culvert: Incising channel upstream of culvert crossing



Photo 12, Nursery: Entrance to nursery with standing water