



North Coast Regional Water Quality Control Board

December 21, 2021

Mary Killion-Hurst
18950 Portfield Lane
Fort Bragg, CA 95437
marykillionhurst@gmail.com

Certified Mail

Dear Mary Killion-Hurst:

Subject: **Notice of Violation, Transmittal of Inspection Report for November 30, 2021 Inspection of Trinity County Assessor's Parcel 024-680-032-000**

File: Cannabis Program Inspections, Trinity County, November 30, 2021,
CIWQS Place ID 828365

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 Trinity County Assessor's Parcel Number 024-680-032-000 (the Property):

1. State Water Resources Control 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) 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 29, 2016, the Property was enrolled under Regional Cannabis Order R1-2015-0023, with Discharger Alec Hurst, WDID 1A161366CTRI. On June 25, 2019, Alicia Heitzman on behalf of the Discharger 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 the Property, and listed Mary Teresa Killion-Hurst as landowner of the Property. Based on the information submitted by Alicia Heitzman, the cannabis cultivation activities are classified as Tier 1, High Risk. Effective July 1, 2019, the Property was transitioned into State Cannabis Order No. WQ 2019-0001-DWQ, WDID 1_53CC418084.

On November 30, 2021, staff from the Regional Water Board, accompanied by staff of the California Department of Fish and Wildlife 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 may 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 November 30, 2021 inspection report, Regional Water Board staff observed violations of the Basin Plan Section 4.2.1, and the Cannabis General Order Attachment A, Section 1 - General Requirements and Prohibitions Nos. 26, 32, and 37 and Section 2 - Requirements Related to Water Diversions and Waste Discharge for Cannabis Cultivation Nos. 15, 17, 22, 26, 38, 48-51, 53, 56-57, 59, 63-64, 123, 126, 130, 131 and 133. Staff observed these violations at Property locations identified in the inspection report as Pond, Access Road, Cultivation Area, and Culverts.

Site Management Plan and Disturbed Area Stabilization 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. Additionally, no Disturbed Area Stabilization Plan 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 November 30, 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 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 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

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
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Division of Water Rights

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Department of Fish and Wildlife

Katherine Blanchard, Katherine.Blanchard@wildlife.ca.gov
Ashley Worth, Ashley.Worth@wildlife.ca.gov

Trinity County Environmental Health

Kristy Anderson, kanderson@trinitycounty.org

Alicia Heitzman, aheitzman@nrmcorp.com

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.”
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 https://www.waterboards.ca.gov/water_issues/programs/cannabis/docs/policy/final_cannabis_policy_with_attachment_a.pdf and https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2019/wqo2019_0001_dwq.pdf

FACILITIES INSPECTION REPORT

Region/Office: 1	Status: Performed	Reg. Measure ID: 431830
Program Type: IRRICANNABIS	WDID: 1_53CC418084	Order Number: 2019-0001-DWQ
Scheduled Insp. Date:	Actual Insp. Date: 11/30/2021	

Discharger Information

Party ID: 615800	Discharger Organization Name: Hurst Family Farms, LLC	
Address: 30 Shasta View Lane	City, State, Zip: Weaverville, CA 96093	
Discharger Contact Person: Mary Killion-Hurst	Discharger	707-357-0943
	Contact Phone:	

Facility Information

Place ID 828365	Facility Name: Mendo Brand		
Address: 30 Shasta View Lane	City, State, Zip: Weaverville, CA 96093		
County: Trinity	Latitude: 40.72953	Longitude: -122.97933	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 and State (EPA Lead)	<input type="checkbox"/> EPA and State (State Lead)	<input type="checkbox"/> EPA (Regional)

INSPECTION TYPE

Inspection Type: B Type compliance inspection

VIOLATIONS

Were Violations noted during this inspection? Yes No

Violation ID	Violation Type	Occurrence Date	Rank	Description
1098079	Basin Plan Prohibition	11/30/2021	B	Basin Plan Section 4.2.1 Prohibition 1 and 2, and various Cannabis General Order provisions for placement of cultivation-related material and domestic waste into and where such material could pass into watercourses.

INSPECTION SUMMARY (REQUIRED) (500 character limit)

Observations

Pond: I observed a small onstream pond at the base of a hill (Photo 1). The pond was blocked from discharging to the downhill channel by a road. The landowner’s proposal is to install a rolling dip and rocked ford to decommission the pond and reconnect the watercourse channel.

Access Road: I observed surface erosion and rut formation near the top of the access road (Photo 2). Walking down the road I observed a widening inboard ditch with no drainage relief structures.

GENERAL NOTES (OPTIONAL) (2000 character limit)

Observations cont.

Cultivation Area: I observed pots, raised beds, soil, irrigation lines, stakes, and fencing on a steep hillside (Photo 3). I observed bare soil walkways around the pots and raised beds. I observed a watercourse through the cultivation area, described in more detail below.

Culverts: I observed a culvert stream crossing under the access road discharging to a vegetated area (Photo 4). Approximately 20 feet downhill I observed another culvert stream crossing discharging to the cultivation area, with a defined channel extending down the hillside through the cultivation area (Photo 5). The culvert outlet was occluded with sediment and trash. The cultivation area was located within riparian setbacks required by the Cannabis General Order.

Recommendations

1. Submit a Disturbed Area Stabilization Plan detailing removal of cultivation infrastructure including but not limited to pots, raised beds, soil, irrigation lines, stakes, and fencing; and provide a plan to revegetate all disturbed area within riparian setbacks. Do not use heavy machinery in, or stockpile material in or adjacent to the watercourse in the cultivation area.
2. Submit additional information to complete the 401 Water Quality Certification application prior to starting work in the onstream pond.
3. Improve road surfacing and add drainage structures such as water bars, rolling dips, and/or ditch relief culverts to reduce erosion and to prevent transport of sediment from the road.
4. Regularly clean out and maintain culverts to prevent occlusion and overtopping.
5. Contain and regularly dispose of domestic and cultivation-related waste to prevent spillage and potential for transport of waste into receiving waters.

For Internal Use (Optional)

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

Hurst Photo Log – Attachment C
November 30, 2021 Inspection
Photos taken by Kate Hawken



Photo 1, Pond: small onstream pond with evidence of overflow across road



Photo 2, Access Road: Rut across road surface



Photo 3, Cultivation Area: Pots, soil, stakes, and fencing on steep hillside near residence



Photo 4, Culverts: Black plastic culvert outlet under access road in background, and black plastic culvert inlet in foreground



Photo 5, Culvert: Squashed culvert outlet and defined channel below