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North Coast Regional Water Quality Control Board

October 1, 2021

Mr. Gordon Springer  
28 Owl Ridge Court  
Novato CA, 94945

Certified Mail 7016 0750 0001 0048 6368

Dear Gordon Springer:

**Subject: Notice of Violation, Transmittal of Inspection Report for the *September 20, 2021* Inspection of Mendocino County Assessor's Parcel 014-290-35-00, and Directive to Respond within 30 days**

**File:** Cannabis Program Inspections, Mendocino County, September 20, 2021, CIWQS Place ID 876488

**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 Mendocino County Assessor's Parcel Number: 014-290-35-00 (the Property):

1. California Water Code (Water Code) sections 13260 and 13264
2. Water Quality Control Plan for the North Coast Region (Basin Plan) section 4.2.1

On September 20, 2021, North Coast Regional Water Quality Control Board (Regional Water Board) staff inspected the Property and observed cannabis cultivation with an associated disturbed area exceeding 10,000 square feet. 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**

LandVision records show that you purchased the Property from David Edward Phillips, on April 11, 2014.

On September 20, 2021, staff from the Regional Water Board, accompanied by personnel from California Department of Fish and Wildlife (CDFW) inspected the Property.

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

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. During the inspection, staff observed cannabis cultivation operations of sufficient size and scope to require regulatory coverage under the 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).

Attached is a copy of the water quality inspection report (Attachment B – Property 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 September 20, 2021 inspection report, Regional Water Board staff observed violations of the California Water Code section 13260 and 13264 for cannabis cultivation operations of sufficient size and scope to require regulatory coverage at WQ3, and Basin Plan Section 4.2.1, Prohibition 2, for threatened discharges of fine sediment, from graded roads and pads exhibiting rilling at WQ4, into tributaries to the South Fork Eel River to the north.

### **Directive to Respond Within 30 Days**

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:

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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

- 1) Enrolling the Property under the Cannabis General Order by submitting the appropriate fee (see below) and providing the information required in the online application: [https://www.waterboards.ca.gov/water\\_issues/programs/cannabis/](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 [Brian.Fuller@waterboards.ca.gov](mailto:Brian.Fuller@waterboards.ca.gov) for further instructions and to determine the appropriate application fee;

OR

- 3) Providing information demonstrating why regulatory coverage is not needed for the parcel 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 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.

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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.

### **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 September 20, 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 Brian Fuller 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 Brian Fuller by email at [Brian.Fuller@watrboards.ca.gov](mailto:Brian.Fuller@watrboards.ca.gov) or by phone at (707) 576-2806.

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 by email 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

211001\_BMF\_dp\_Springer\_NOV

Attachments: Attachment A - Regulatory Citations  
Attachment B – Facilities Inspection Report  
Attachment C – Inspection Maps 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)

Brian Fuller, [Brian.Fuller@Waterboards.ca.gov](mailto:Brian.Fuller@Waterboards.ca.gov)

**Division of Water Rights**

Stormer Feiler, [Stormer.Feiler@waterboards.ca.gov](mailto:Stormer.Feiler@waterboards.ca.gov)

Karen Kramer, [Karen.Kramer@Waterboards.ca.gov](mailto:Karen.Kramer@Waterboards.ca.gov)

Taro Murano, [Taro.Murano@waterboards.ca.gov](mailto:Taro.Murano@waterboards.ca.gov)

**Department of Fish and Wildlife**

Warden Justin Rhoades, [Justin.Rhoades@wildlife.ca.gov](mailto:Justin.Rhoades@wildlife.ca.gov)

Timothy Dodson, [Timothy.Dodson@wildlife.ca.gov](mailto:Timothy.Dodson@wildlife.ca.gov)

**Mendocino County**

Cannabis Program, [CannabisProgram@mendocinocounty.org](mailto:CannabisProgram@mendocinocounty.org)

## Attachment A – Regulatory Citations

Regulatory Section	Citation
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).”

## FACILITIES INSPECTION REPORT

Region/Office: 1	Status: Performed	Reg. Measure ID: 445053
Program Type: IRRICANNABIS	WDID:	Order Number:
Scheduled Insp. Date:	Actual Insp. Date: 09/20/2021	

### Discharger Information

Party ID: 627755	Discharger Organization Name: Springer, Gordon		
Address: 28 Owl Ridge Court	City, State, Zip: Novato, CA 94945		
Discharger Contact Person:	Discharger Contact Phone:		
Discharger Contact Email Address:			

### Facility Information

Place ID 876488	Facility Name: Gordon Springer		
Address: 9200 Branscomb Road	City, State, Zip: Laytonville, CA 95454-9721		
County: Mendocino	Latitude: 39.62971	Longitude: -123.58151	Method: Map Interpolation (digital)

### Lead Inspector Information

Lead Inspector Party ID: 568606	Lead Inspector Name: Brian Fuller		
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
1094505	Other Codes	09/20/2021	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) at location WQ3.
1094506	Basin Plan Prohibition	09/20/2021	B	Water Quality Control Plan for the North Coast Region (Basin Plan) Section 4.2.1 for threatened discharges of fine sediment from graded roads and pads exhibiting rilling at WQ4 into tributaries to the South Fork Eel River to the north.

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

Recommendations:

1. Prior to cultivating cannabis or developing the property for cannabis cultivation, obtain required authorizations.
2. Cleanup, haul away, and properly dispose of refuse.
3. Correct the roads on the Property to conform with the Cannabis Policy.
4. Comply with directives from CDFW and the Division of Water Rights with respect to requirements for water sources and diversions.

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

My inspection was associated with a criminal search warrant and I viewed only portions of the Property. See the attached Map and photos for locations and details about features of concern to water quality.

I parked on Branscomb Road and walked west to WQ1 where I observed a black plastic pipe and electrical wire leading into the South Fork Eel River. I walked east to WQ2 and observed waste motor oil containers in the watercourse and the same electrical line that I had observed at WQ1.

I continued walking east and observed cannabis plants growing outside of a greenhouse in the vicinity of WQ3. Farther east, I observed stormwater collected by cultivation areas had concentrated on a road forming rills at WQ4. I observed trash bags adjacent to a watercourse at WQ5. Some of the bags were torn and refuse had scattered into the watercourse.

I observed a toilet at WQ6 with uncontained human waste that threatened to spread from the location and discharge to receiving waters. I walked to WQ7 and saw additional refuse, including suspected waste chemical containers, scattered on the forest floor.

**For Internal Use (Optional)**

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

**Inspection Maps and Photolog for inspection conducted, September 20, 2021**

Map and photo selection completed by Brian Fuller, PG, Engineering Geologist

**Inspection Map**

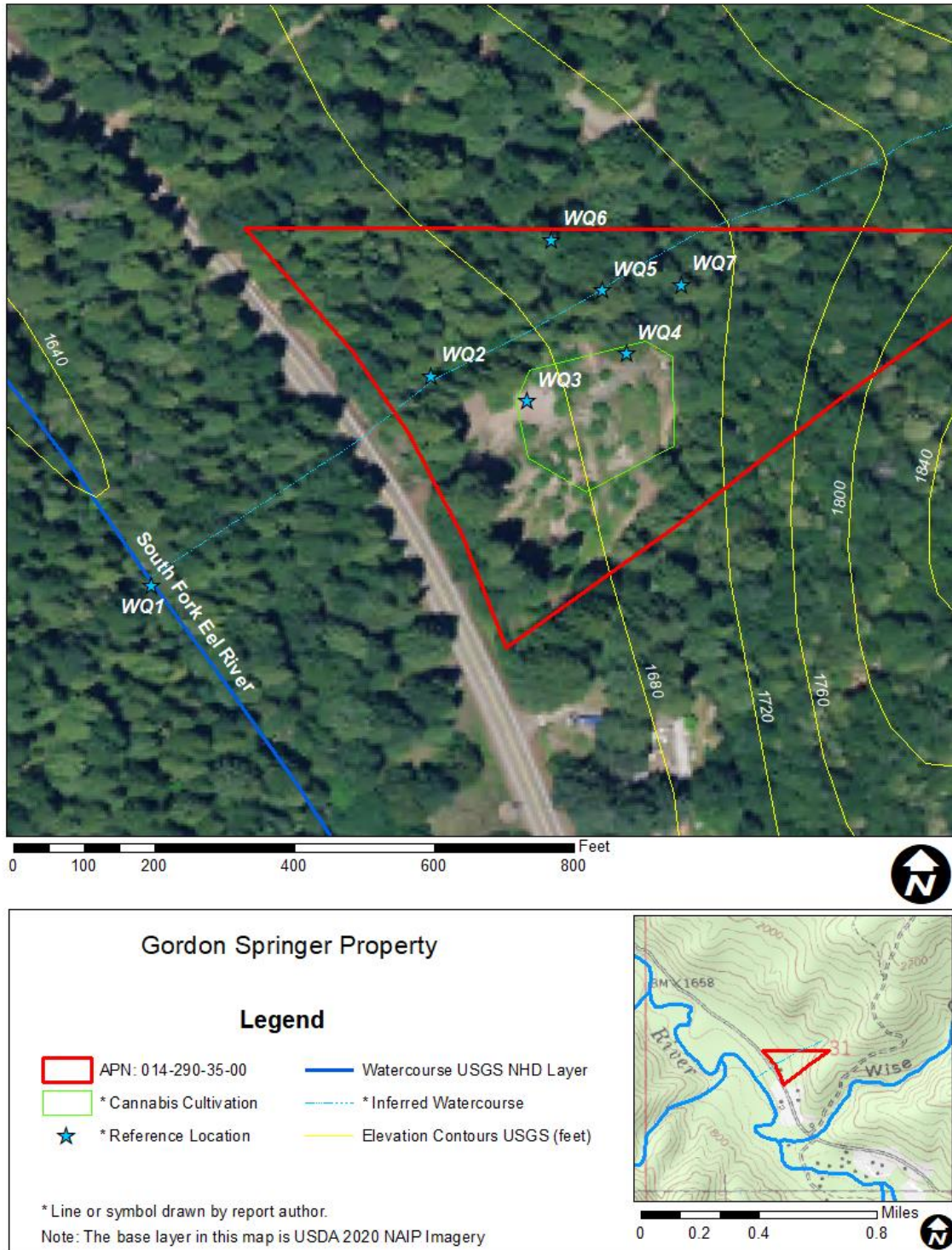
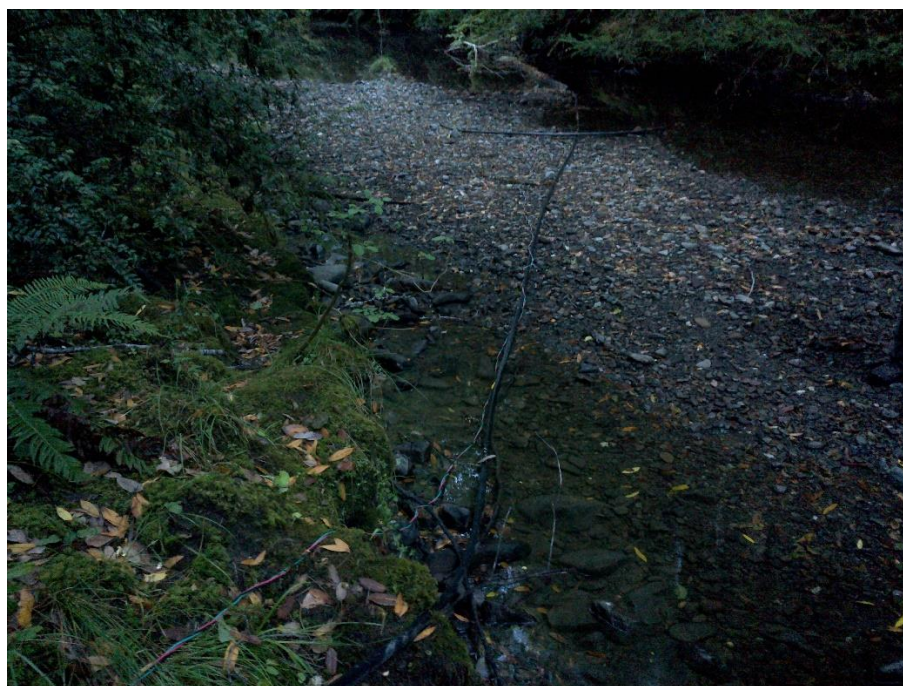


Figure 1: Map of Property, including inspection points of interest.

**Photo Appendix:**



*Photo 1—Looking northwest and downstream at the South Fork Eel River in the vicinity of WQ1.*



*Photo 2—Looking south and upstream at the South Fork Eel River in the vicinity of WQ1. A black plastic poly line and electrical cable are visible in the middle of the image.*



*Photo 3—A tributary to the South Cork Eel River at WQ2. Motor oil containers are within the banks of the watercourse and the same electrical wire that was visible at WQ1 is visible at the bottom of the image.*



*Photo 4—Looking northeast toward cannabis cultivation at WQ3.*



*Photo 5—Looking southwest at rilling from stormwater on a graded road surface at WQ4.*



*Photo 6—Refuse located at WQ5. The tributary the South Fork Eel River that passes through WQ2 is visible passing from the bottom of the image to the right of the image. The refuse is within the tributary and where it threatens to discharge into the tributary.*



*Photo 7—Toilet located at WQ6. The human waste collected at the toilet threatens to discharge to the tributary to the South Fork Eel River to the south.*



*Photo 8—Refuse, including unlabeled chemical containers, located at WQ7.*