



---

## North Coast Regional Water Quality Control Board

October 8, 2021

Ted Nash  
2480 Crystal Ship Court  
Henderson, NV, 89052

Certified Mail No. 7021 0950 0001 6499 5042

Rudy Chacon  
PO Box 2541  
San Pedro, CA, 90731

Certified Mail No. 7021 0950 0001 6499 5059

Dear Mr. Nash and Mr. Chacon:

**Subject: Notice of Violation, Violation for Failure to Comply with Cleanup and Abatement Order No. R1-2021-0031 (CAO) Required Action No. 1.**

**File: Cannabis Enforcement, Humboldt County, 2020, APN 208-054-003-000, Szagora LLC, CIWQS Place ID No. 830016**

The purpose of this letter is to notify you that Szagora LLC, Ted Nash, and Rudy Chacon (collectively, Dischargers) are in violation of the above-referenced CAO Required Action No. 1., for failure to submit a complete and acceptable Cleanup, Restoration, and Monitoring Plan (CRMP) by July 1, 2021.

### **Background**

On June 2, 2021, the Executive Officer of the North Coast Regional Water Quality Control Board (Regional Water Board), issued the subject CAO to the Dischargers. The CAO pertains to the threatened discharge of earthen waste to unnamed tributaries to the Mad River associated with roads hydrologically connected to surface waters and undersized, misaligned and failed stream crossings.

**Required Action No. 1** of the CAO requires the Dischargers to Submit a proposed CRMP by July 1, 2021, that is acceptable to the Regional Water Board or its delegated officer. The CRMP shall include, but not be limited to:

---

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

- a. An assessment of any direct and indirect impacts to any waters of the state on the Property, including, but not limited to, rivers, streams, seeps, springs, bogs, and wetlands, caused by the roads and facilities used for cannabis cultivation on the Property; and identify controllable sediment sources requiring restoration. The assessment shall be completed by an appropriately qualified professional, and must at a minimum address surface water hydrology, bed and bank stability, riparian and aquatic habitat and loss thereof, channel slope stability, encroaching reservoirs, active or potential erosion and sedimentation sites, stability of graded and disturbed features, culverts, and other stream crossings, as well as roads and all disturbed areas on the Property. The assessment shall include aerial photographs and/or satellite images, photographs, topographic maps, or drawings, etc., of existing Property conditions, and include a detailed map of features accurately depicting the Property's topography, all graded surfaces, all waters of the state and waters of the United States, drainages, and stream crossings, instream structures, and the functional status of these features. Assessment findings shall serve as the basis for the CRMP;
- b. A proposal to restore beneficial uses of any waters of the state on the Property that were adversely impacted by the roads and facilities used for cannabis cultivation on the Property, including the Mad River, and its unnamed tributaries, and any springs, seeps, bogs, or wetlands; and
- c. An implementation schedule that includes a time schedule for submitting permit applications to all applicable local, state, and federal agencies necessary and, detailed project milestones to fulfill the requirements of this Order once those permits are obtained and a deadline for having fully implemented and completed the CRMP.

The Regional Water Board has not received any submittals from the Dischargers or their agents.

### **Future Enforcement**

Submittal of the CRMP is required pursuant to Water Code section 13267. Please note that failure to submit reports required under Water Code section 13267 is a misdemeanor and may result in administrative civil liability from the Regional Water Board in an amount up to one thousand dollars (\$1,000) per day, or civil liability imposed by the superior court in an amount up to five thousand dollars (\$5,000) per day. Your continuing failure to submit the CRMP puts you at risk of significant penalties.

Please also note that CAO Directive No. 4 requires that you implement an approved CRMP by October 15, 2021. Implementation of the cleanup and restoration activities described in an approved CRMP is required pursuant to Water Code section 13304.

Please note that failure to comply with requirements imposed under Water Code section 13304 may result in administrative civil liability from the Regional Water Board in an amount up to five thousand dollars (\$5,000) per day, or civil liability imposed by the superior court in an amount up to fifteen thousand dollars (\$15,000) per day. Failure to meet the CAO deadlines may subject you to significant daily administrative penalties. We will consider the timeliness and adequacy of your response in determining our next enforcement steps. It is your responsibility to engage qualified professionals to develop the CRMP.

If you have any questions, please contact my staff, Brian Fuller, via email at [Brian.Fuller@waterboards.ca.gov](mailto:Brian.Fuller@waterboards.ca.gov) or by phone at (707) 576-2806.

Sincerely,

Kason Grady  
Cannabis and Enforcement Division Supervisor

211008\_BMF\_dp\_Szagora\_NOV

Certified Mail – Return Receipt requested

**cc: Department of Fish and Wildlife**

Ryan Bourque, [Ryan.Bourque@wildlife.ca.gov](mailto:Ryan.Bourque@wildlife.ca.gov)  
Warden Eric Agoitia, [Eric.Agoitia@Wildlife.ca.gov](mailto:Eric.Agoitia@Wildlife.ca.gov)

**Humboldt County Planning and Building Department**

Brady Wiley, [BWiley@co.humboldt.ca.us](mailto:BWiley@co.humboldt.ca.us)  
Robert Russell, [RRussell@co.humboldt.ca.us](mailto:RRussell@co.humboldt.ca.us)

**North Coast Regional Water Quality Control Board**

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)

**State Water Resources Control Board Office of Enforcement**

Andrew Tauriainen, [Andrew.Tauriainen@Waterboards.ca.gov](mailto:Andrew.Tauriainen@Waterboards.ca.gov)

**State Water Resources Control Board Division of Water Rights**

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