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North Coast Regional Water Quality Control Board

November 24, 2021

Pure Organic Medicinals  
Attention Jim Vattuone  
9 Wellbrock Court  
San Rafael, CA 94903  
[JimVattuone@hotmail.com](mailto:JimVattuone@hotmail.com)

Dear Mr. Jim Vattuone:

Subject: **Notice of Violation and Transmittal of Inspection Report for October 25, 2021 Inspection of Sonoma County Assessor's Parcel Number 084-210-001-000**

File: Cannabis Program Inspections, Sonoma County, October 25, 2021, CIWQS Place ID No. 842542

This letter is to notify you of observed violations of the requirements listed below, and cited in Attachment A, at the property identified as Sonoma County Assessor's Parcel Number 084-210-001-000 (the Property):

1. State Water Resources Control Board Order WQ 2019-0000-DWQ General Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities (Cannabis General Order), various provisions.
2. Water Quality Control Plan for the North Coast Region (Basin Plan) Section 4.2.1, Prohibitions 1 and 2.

Within 30 days, please contact Regional Water Board staff (Staff) to discuss your plan to correct the observed violations.

### **Background**

On July 7, 2021 you 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 APN 084-210-001-000. Based on the information you submitted in the enclosed Cannabis General Order Application Summary, the cannabis cultivation activities are classified as Tier 2 Low Risk.

Effective August 4, 2021, the Property is enrolled in State Cannabis Order WQ 2019-0001-DWQ, WDID 1\_49CC436300.

On October 25, 2021, Staff, accompanied by personnel from the California Department of Fish and Wildlife and Sonoma County Code Enforcement, 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 –Facilities Inspection Report, Inspection Map and Photolog). Please review the inspection report carefully and completely. The inspection report contains recommendations for correcting observed violations.

### **Relevant Requirements**

During the inspection, Staff identified several features and conditions on the Property that represent violations of the Cannabis General Order and Basin Plan Prohibitions.

### **Observed Violations**

As documented in the October 25, 2021 inspection report, Staff observed violations of the Basin Plan Prohibitions 1 and 2 for discharges, threatened and actual, of fine sediment from the inadequately stabilized/protected fill slopes at WQ5 and WQ8 to receiving waters at WQ6 and WQ9. The failure to stabilize these fill slopes in a timely manner is also a violation of the Cannabis General Order Attachment A, Cannabis Cultivation Policy, Principles and Guidelines for Cannabis Cultivation (Cannabis Policy), Section 1, Terms 33 and 34. Moreover, Staff observed fill slopes of more than 50 percent along the constructed pad; fill slopes also lacked appropriate erosion control; those conditions violate Cannabis Policy, section 2, Terms 2, 8, and 10.

Staff also observed evidence of excavation in a watercourse and riparian area at WQ13 without required Regional Water Board authorization; this violates Cannabis Policy, section 2, Terms 15, 16, 36, and 38.

### **Site Management Plan (SMP)**

Pursuant to the Cannabis General Order, all enrollees must submit an SMP within 90 days of enrollment. As of the date of this letter, no SMP has been submitted and the deadline for submitting your SMP has passed.

### **Additional Potential Liabilities**

The Regional Water Board is in the process of considering whether the violations of the Cannabis General Order and Basin Plan Prohibitions 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 Cannabis General Order and Basin Plan Prohibitions.

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 October 25, 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 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 Staff Brian Fuller by email at [Brian.Fuller@waterboards.ca.gov](mailto:Brian.Fuller@waterboards.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 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.  
Senior Water Resource Control Engineer

211124\_BMF\_dp\_Vattuone\_NOV

Attachments:       A—Regulatory Citations  
                          B—Facilities Inspection Report including:  
                              Narrative, Inspection Map, Aerial Imaged, Photolog and  
                              Recommendations

Certified Mail – Return Receipt requested

**cc: Department of Fish and Wildlife**

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

Matthew Jones, [Matthew.Jones@Wildlife.ca.gov](mailto:Matthew.Jones@Wildlife.ca.gov)

**County of Sonoma Building & Safety Division- Code Enforcement**

Jesse Cablk, [Jesse.Cablk@sonoma-county.org](mailto:Jesse.Cablk@sonoma-county.org)

**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)

## Attachment A – Regulatory Citations

<b>Regulatory Section</b>	<b>Citation</b>
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, various provisions	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/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> and <a href="https://www.waterboards.ca.gov/water_issues/programs/cannabis/docs/policy/final_cannabis_policy_with_attach_a.pdf">https://www.waterboards.ca.gov/water_issues/programs/cannabis/docs/policy/final_cannabis_policy_with_attach_a.pdf</a>

## FACILITIES INSPECTION REPORT

Region/Office: 1	Status: Performed	Reg. Measure ID: 444123
Program Type: IRRICANNABIS	WDID: 1_49CC436300	Order Number: 2019-0001-DWQ
Scheduled Insp. Date:	Actual Insp. Date: 10/25/2021	

### Discharger Information

Party ID: 603381	Discharger Organization Name: Pure Organic Medicinals		
Address: 7250 Giovanetti Road	City, State, Zip: Forestville, CA 95456		
Discharger Contact Person:	Discharger Contact Phone:		
Discharger Contact Email Address:			

### Facility Information

Place ID 842542	Facility Name: Pure Organic Medicinals POM420 Gio Sky Samorl		
Address: 7250 Giovanetti Road	City, State, Zip: Forestville, CA 95436-9709		
County: Sonoma	Latitude: 38.45946	Longitude: -122.90776	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: Miscellaneous inspection

## VIOLATIONS

Were Violations noted during this inspection?  Yes  No

Violation ID	Violation Type	Occurrence Date	Rank	Description
1096582	Order Conditions	10/25/2021	B	State Water Resources Control Board Order WQ 2019-0000-DWQ General Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities (Cannabis General Order), various provisions
1096583	Basin Plan Prohibition	10/25/2021	B	Water Quality Control Plan for the North Coast Region(Basin Plan) Section 4.2.1, Prohibitions 1 and 2

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

See below for a narrative description of the inspection. Attached are an inspection map, aerial images, photolog and recommendations completed by Brian Fuller, PG, Engineering Geologist.

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

I accessed the Property from the north and parked near the northern edge of the reservoir. I walked south along the road and observed watercourses flowing over the road surface at WQ1 and WQ2. At WQ3, I observed a low berm had prevented stormwater from flowing directly off the out-sloped road causing it to concentrate and scour the road surface. At WQ4, I observed stormwater eroding the road surface and a fallen tree on the downslope side of the road creating a berm that prevented stormwater from leaving the road.

At WQ5 I observed the fill face along the southeast edge of a constructed pad had slopes exceeding 50 percent and had been significantly gullied by stormwater. I walked downslope and observed sediment deposited in a watercourse beginning at WQ6 and continuing for approximately 300 feet to WQ7 where the watercourse was obstructed by fallen trees.

I returned to WQ5 and walked west to WQ8 where I observed gullies had formed below jute netting along the steep fill face. I followed the path of deposited fine sediment downslope to a watercourse at WQ9 and followed the watercourse for 600 feet to where it converged with a larger stream channel at WQ10. I observed fine sediment deposited along the entire length of the 600 feet. Making a conservative estimate of the deposition occurring across an average width of 3 feet with an average depth of 4 inches results in 590 cubic feet of sediment along the 600-foot reach. I observed deep lobes of deposited sediment in the receiving watercourse at WQ10 as well.

I returned to the pad and walked to WQ11 and observed that the well that was being drilled the previous year had been capped and a new drill location was being prepared. I walked back north along the same road and observed proposed culvert installation locations at WQ12 and WQ13. I observed a trench had been cut at the location of the watercourse at WQ13. I continued walking north and observed spring water flowing across the road at WQ14.

### For Internal Use (Optional)

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

**Inspection Map**

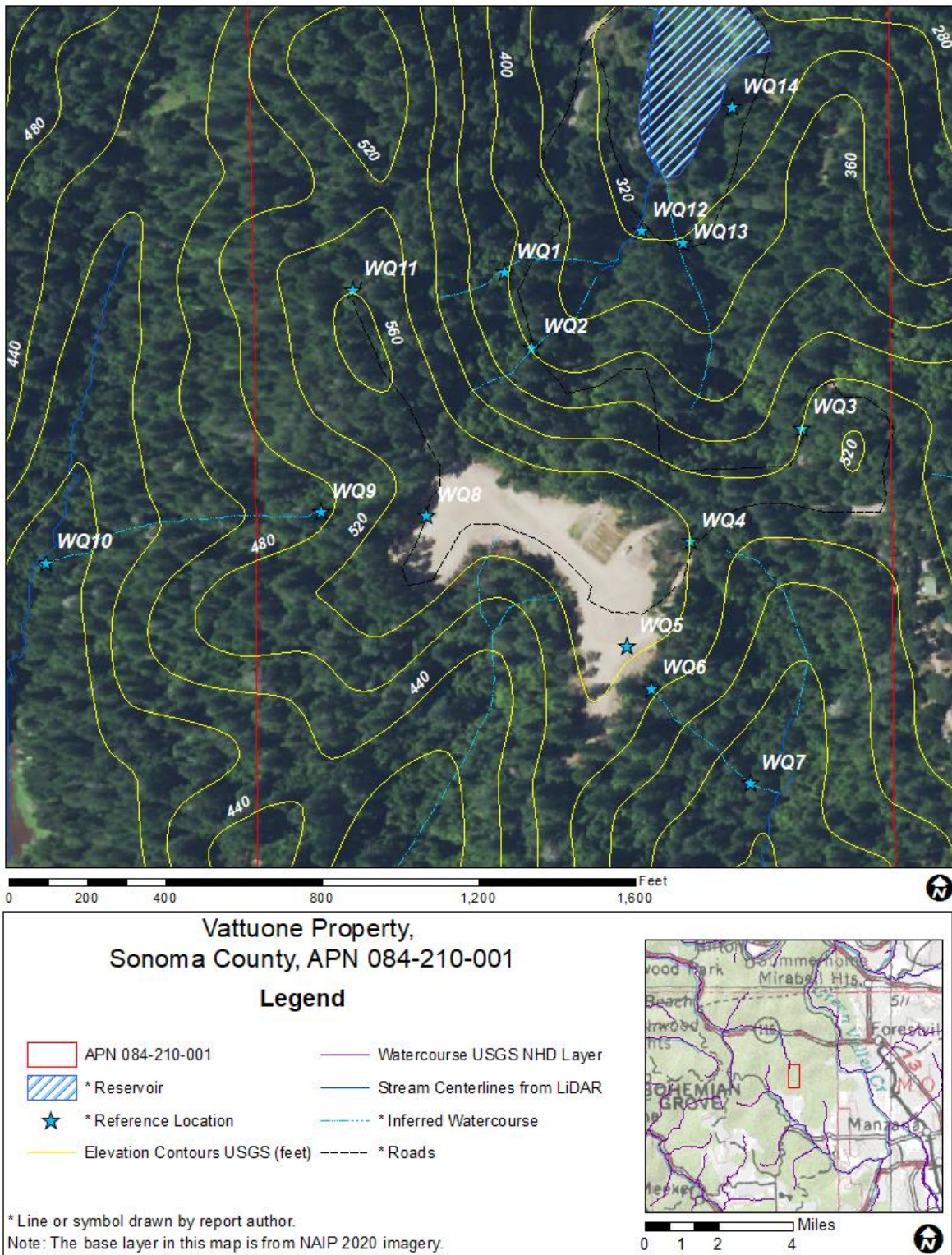
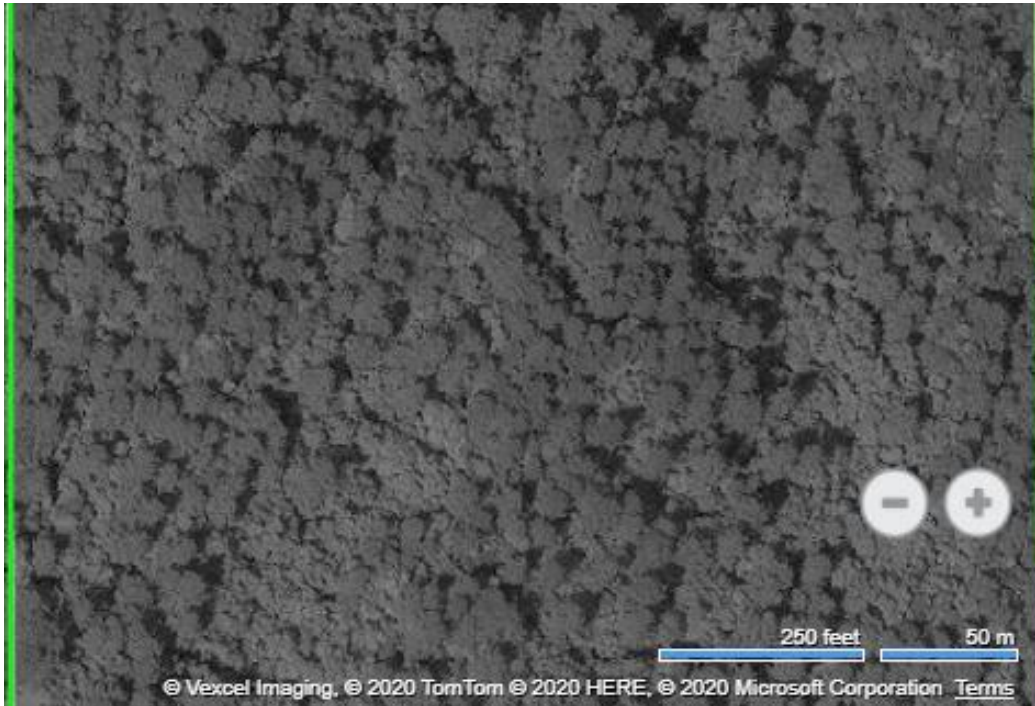
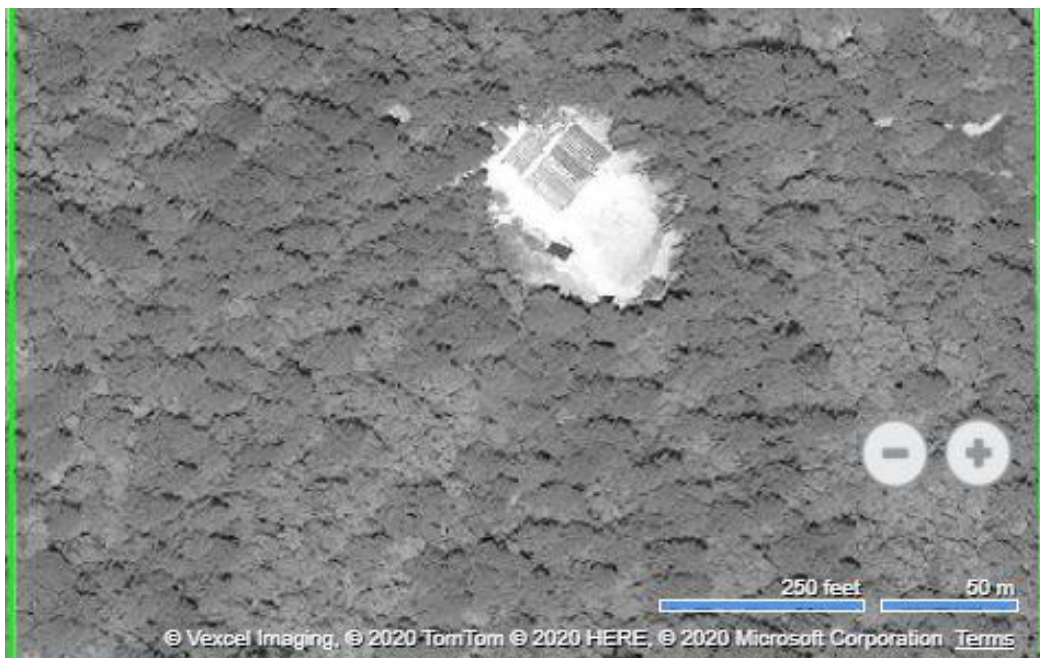


Figure 1: Map of Property, including inspection points of interest.

**Aerial Images:**



*Aerial Image 1—Shows the southern part of the property dated August 23, 2016, accessed with Digital Map Products' Land Vision service.*



*Aerial Image 2—Shows the southern part of the property dated July 13, 2017, accessed with Digital Map Products' Land Vision service.*



*Aerial Image 3—Shows the southern part of the property dated August 6, 2019, accessed with Digital Map Products' Land Vision service.*



*Aerial Image 4—Shows the southern part of the property dated June 27, 2020, accessed with Digital Map Products' Land Vision service.*

**Photolog:**



*Photo 1—Watercourse crossing road at WQ1.*



*Photo 2—Looking southwest and upslope where watercourse approaches road at WQ2.*



*Photo 3—Looking northeast where watercourse crosses road at WQ2.*



*Photo 4—Looking south along road in the vicinity of WQ3. Stormwater has scoured the road surface where a low berm on the downslope side of the road (right side of the image) prevents stormwater from flowing off the road.*



*Photo 5—Looking south at WQ4 where stormwater has concentrated on and scoured into the road surface. A berm and woody debris border the downslope side of the road (left side of the image).*



*Photo 6—Looking north on the eastern edge of the pad in the vicinity of WQ5. Rills are visible on the east dipping slope in the middle of the image.*



*Photo 7—Looking west and upslope towards WQ5. Rills are visible in the foreground of the image.*



*Photo 8—Looking east and downslope from WQ5. Staff measured a length of 47 feet with a tape measure from the edge of the graded pad to the slash at the bottom of the rills in the middle of the image and measured a horizontal distance of 39 feet between the two points with a gps device resulting in a local slope of 67 percent.*



*Photo 9—Watercourse, with flowing water, approximately two feet wide at WQ6. Lobes of fine sediment are visible obstructing the flow in the middle of the image.*



*Photo 10—Looking southeast at a wedge of fine sediment where the watercourse intercepts fallen trees at WQ7.*



*Photo 11—Watercourse, southeast of WQ7, that receives flow from the watercourse pictured in the previous image.*



*Photo 12—Looking South at western edge of graded pad in the vicinity of WQ8. Gullies are visible below jute netting along the steep fill face. Staff measured one of the gullies to be 42 inches deep with a tape measure. Using a conservative estimates of 18 inches for the average gully widths, 3 feet for average gully depths, 20 feet for average gully lengths and a spacing interval of one gully every 3 feet over 100 feet of gullied fill face visible in aerial images, an estimated 3,000 cubic feet of fine sediment had evacuated from the fill face along the western edge of the constructed pad.*



*Photo 13—Forest floor west and downslope from WQ8. Fine sediment is visible deposited on the forest floor. The topographic form of a watercourse is visible in the back left of the image.*



*Photo 14—Watercourse with flowing water at WQ9. The watercourse has a bank-full width of five feet and the bed is blanketed with fine sediment.*



*Photo 15—An approximate 5-foot-wide pool filled with fine sediment west of WQ9 near the property boundary.*



*Photo 16—Receiving watercourse at WQ10. The Watercourse bed is blanketed with fine sediment.*



*Photo 17—Lobe of fine sediment in watercourse near WQ10. Staff dug a six-inch-deep hole into the fine sediment with their hand and determined that the sediment was the same uniform color as that on the hillslope at WQ8.*



*Photo 18—New well drilling location at WQ11. Mr. Vattuone advised staff that the drill core had broken off while drilling at the previous location and that the core was abandoned in the well.*



*Photo 19—Looking west towards where a road crosses a watercourse at WQ12. A concrete cube (proposed drop culvert) is visible in the middle back of the image and a road can be seen passing between the concrete cube and a large tree.*



*Photo 20—Looking south and upslope at a recently excavated trench within a watercourse. The trench is two feet wide and four feet deep. A concrete cube (drop culvert inlet) is next to the excavated channel. Staff advised Mr. Vattuone that a WDR from the Regional Water Board is required prior to excavating material from a stream channel.*



*Photo 21—Looking north from excavated watercourse at WQ13. A backhoe and dump truck are visible in the back right of the image. Mr. Vattuone informed staff that he had been excavating sediment from the onstream reservoir to the north and staging it at the proposed culvert locations to use to bury the culverts. Staff advised Mr. Vattuone that a WDR from the Regional Water Board is required prior to dredging material from an onstream reservoir.*



*Photo 22—Water emanating from the ground to the east crossing road at WQ14.*



*Photo 23—Looking west towards reservoir from road at WQ14. The road has pooled spring-water and the reservoir water is light brown in color.*

**Recommendations:**

Engage a qualified professional to:

1. Implement erosion and sediment control measures to minimize erosion of graded pads and prevent any eroded sediment from reaching receiving waters;
2. Develop and submit a Site Management Plan describing how and when all features on the Property will be corrected to meet requirements of the Cannabis General Order;
3. Submit an application for and obtain a Water Quality Certification prior to conducting any instream work and
4. Complete and submit an assessment of the impacts to watercourses from the unauthorized grading/development.