



---

North Coast Regional Water Quality Control Board

November 8, 2022

Robert Crowley  
99 Redwood Road  
Klamath, CA 95548

Certified Mail No. 7021 0950 0001 6499 9422

Dear Robert Crowley:

**Subject: Notice of Violation, Transmittal of Inspection Report for October 12, 2022, Inspection of Del Norte County Assessor's Parcel No. 127-200-020, and Requirement to Respond within 30 days**

**File:** Cannabis Program Inspections, Del Norte County, October 12, 2022, CIWQS Place ID 872860

**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 Del Norte County Assessor's Parcel Numbers: 127-200-020 (the Property):

1. State Water Resources Control Board (State Water Board) *Cannabis Cultivation Policy Principals and Guidelines for Cannabis Cultivation* (Cannabis Policy)
2. California Water Code (Water Code) Section 13260

According to our records, the cannabis cultivation operation located on this Property is not enrolled for coverage under the 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).

On October 12, 2022, North Coast Regional Water Quality Control Board (Regional Water Board) staff inspected the Property and observed cannabis cultivation in hoop houses. Within 30 days, please contact Regional Water Board staff to discuss your plan to correct the observed violations.

---

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

## **Background**

On March 12, 2021, Erik Mays 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 127-200-020 and listed Global Matrix Investment Group LLC as landowner of the Property. However, the application fee was never paid so the enrollment never became active. Additionally, Land Vision records do not list Global Matrix Investment Group LLC as the landowner.

Land Vision records show Robert Crowley is the landowner, having purchased the Property on August 18, 2017.

On October 12, 2022, staff from the Regional Water Board, accompanied by staff of the California Department of Fish and Wildlife, and personnel of various law enforcement agencies, 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. During the inspection, staff observed cannabis cultivation operations of sufficient size and scope to require regulatory coverage under the Cannabis General Order.

Attached is a copy of the water quality inspection report (Attachment B – Property 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, and related, requirements and regulations.

## **Observed Violations**

As documented in the October 12, 2022, inspection report, Regional Water Board staff observed violations of the California Water Code, Section 13260. In addition, staff observed violations of the Cannabis General Order Attachment A, Section 1 - General Requirements and Prohibitions Nos. 1, 29, 37 and Section 2 - Requirements Related to Water Diversions and Waste Discharge for Cannabis Cultivation Nos. 7, 8, 57, 62, 90, 103, 105, 113, 117, 119, and 123. Staff observed these violations at Property locations identified in the inspection report as Cultivation Area, Storage Area, and Human Waste.

## **Legal Requirements**

The State Water Board adopted the Cannabis Policy and the Cannabis General Order on October 17, 2017, and updates on February 5, 2019, which remain in effect today. The purpose of the Cannabis Policy is to ensure that the discharge of waste and diversion of water associated with cannabis cultivation does not have a negative impact on water quality, aquatic habitat, riparian habitat, wetlands, and springs. The Cannabis Policy applies to cannabis cultivation activities throughout California including, Commercial Recreational, Commercial Medical, and Personal Use Medical. The Policy does not apply to recreational cannabis cultivation for personal use, which is limited to six plants under the Adult Use of Marijuana Act (Proposition 64, approved by California voters in November 2016).

The Cannabis General Order is the statewide water quality permit that implements the Cannabis Policy through the overarching general Waste Discharge Requirements (WDRs) in accordance with the California Water Code and is available for eligible cannabis cultivators to enroll under. The Cannabis General Order regulates waste discharges from cultivation sites including sediment, irrigation runoff, fertilizers, pesticides/herbicides, petroleum, agricultural related chemicals, cultivation related waste, and refuse. Threats of waste discharge may be from irrigation runoff, over fertilization, pond failure, road construction, grading activities, domestic and cultivation related waste, refuse placement, etc. All commercial cannabis cultivators must obtain coverage under the Cannabis General Order, including for both indoor and outdoor cultivation.

Cultivation activities on the Property requires conformance with the Cannabis Policy and enrollment in under the Cannabis General Order. For more information, please visit our website at:

[https://www.waterboards.ca.gov/northcoast/water\\_issues/programs/cannabis/](https://www.waterboards.ca.gov/northcoast/water_issues/programs/cannabis/)

As documented in the inspection report, the site conditions observed on the Property do not meet the requirements of the Cannabis Policy. Please provide a written response supporting documentation, including photos if relevant, explaining when and how the Property will be restored in compliance with the Policy.

## **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 October 12, 2022, 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 Katherine 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 Katherine 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, PE  
Senior Water Resource Control Engineer

221108\_KH\_Crowley\_NOV

Attachments:        Attachment A - Regulatory Citations  
                         Attachment B – Facilities 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](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)

**Division of Water Rights**

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

**California Department of Fish and Wildlife**

David Manthorne, [David.Manthorne@wildlife.ca.gov](mailto:David.Manthorne@wildlife.ca.gov)  
Erika Winner, [Erika.Winner@wildlife.ca.gov](mailto:Erika.Winner@wildlife.ca.gov)  
Joshua Zulliger, [Joshua.Zulliger@wildlife.ca.gov](mailto:Joshua.Zulliger@wildlife.ca.gov)

**Del Norte County Code Enforcement**

Dominic Mello, [dmello@co.del-norte.ca.us](mailto:dmello@co.del-norte.ca.us)

## Attachment A – Regulatory Citations

Regulatory Section	Citation
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)	<p>“A person who fails to furnish a report or pay a fee under <u>Section 13260</u> when so requested by a regional board is guilty of a misdemeanor and may be liable civilly in accordance with subdivision (b).”</p>
Cannabis Policy and General Order No. WQ 2019-0001-DWQ	<p>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</p> <p><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</p> <p><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></p>

## FACILITIES INSPECTION REPORT

Region/Office: 1	Status: Performed	Reg. Measure ID: 449545
Program Type: IRRICANNABIS	WDID:	Order Number:
Scheduled Insp. Date: 10/12/2022	Actual Insp. Date: 10/12/2022	

### Discharger Information

Party ID: 622731	Discharger Organization Name: Global Matrix Investment Group LLC		
Address: 99 Redwood Drive	City, State, Zip: Klamath, CA 95548		
Discharger Contact Person:	Discharger Contact Phone:		
Discharger Contact Email Address:			

### Facility Information

Place ID 872860	Facility Name: Robert Crowley		
Address: 99 Redwood Road	City, State, Zip: Klamath, CA 95548		
County: Del Norte	Latitude: 41.570801	Longitude: -124.068383	Method:

### 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: Miscellaneous inspection

## VIOLATIONS

Were Violations noted during this inspection?  Yes  No

Violation ID	Violation Type	Occurrence Date	Rank	Description
1109638	Unauthorized Discharge	10/12/2022	B	Water Code 13260 for cannabis cultivation of sufficient size without appropriate regulatory coverage.

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

Observations  
 Cultivation Area: I observed three active hoop houses with cannabis plants in raised beds (Photo 1). I observed plastic netting around the plants. I observed potting soil and plant waste piled around the hoop houses (Photo 2).

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

Observations cont.

Wetland: Emergent freshwater wetlands are mapped on this Property. I observed hydrophytic plants including willows, alders, skunk cabbage, rushes, and sedges. I observed isolated areas with standing water. I observed grasses growing around the hoop houses, and willows on the edges of the cultivation area (Photo 3).

Storage Area: I observed a dirt road from the cultivation area, through wetland habitat, to a materials storage area (Photo 4). I observed water storage tanks, fertilizer containers, petroleum products, and a pump situated atop an ephemeral culvert stream crossing on the dirt road (Photo 5-6). The fertilizers and petroleum products were stored inadequately to protect the adjacent watercourse and wetland complex.

Water Source: I observed a well shed near a pool of standing water in the wetland complex (Photo 7). The water lines connecting to the well shed were buried.

Human Waste: I observed human waste and toilet paper in a bucket and on the ground in the wetland complex (Photo 8).

Recommendations:

1. Prior to further development of the Property, retain a qualified professional to delineate the extent of the wetlands. Do not operate machinery in, stockpile materials next to, or otherwise threaten discharges of waste to wetlands.
2. If the owner and/or tenant plan to continue cultivating cannabis, enroll for coverage under the State Water Board’s Order WQ 2019-0023-DWQ, General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities and take steps to comply with all local and state regulations governing cannabis cultivation.
3. Contain and properly dispose of potting soil, fertilizers, plant waste, petroleum products, and human waste to prevent spillage and transport into receiving waters, and to maintain public health. Relocate materials at least 50 feet away from ephemeral watercourses, and 100 feet away from wetland habitat.

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

Crowley Inspection Photo Log – Attachment C  
Photos taken October 12, 2022, by Katherine Hawken



Photo 1, Cultivation Area: Hoop houses with cannabis plants in raised beds



Photo 2, Cultivation Area: Potting soil, plant waste, and trash piled around hoop houses



Photo 3, Wetland: View of hydrophytic plants near the cultivation area



Photo 4, Storage Area: View of road through wetland habitat leading to water storage tanks



Photo 5,  
Storage Area:  
Water storage  
tanks,  
fertilizers, red  
pump, on dirt  
road surface  
atop culvert  
stream  
crossing



Photo 6, Storage Area: Fertilizer containers  
near ephemeral watercourse culvert inlet.  
View of cultivation area in background



Photo 7, Water Source: Well shed in wetland complex. Pool of standing water visible behind well shed

Photo 8, Human Waste: Bucket with human waste and toilet paper. Waste also visible on ground

