

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD

NORTH COAST REGION

CLEANUP AND ABATEMENT and INVESTIGATIVE ORDER NO. R1-2022-0047

FOR

3900 Golden LLC, Kiryl Mikhalkevich and Operation H, LLC

Assessor's Parcel Number 011-320-005

Trinity County

Order No. R1-2022-0047 (the Order) is issued to 3900 Golden LLC, Kiryl Mikhalkevich, and Operation H, LLC (hereafter collectively referred to as the Dischargers) at the property located at Trinity County Assessor's Parcel Number (APN) 011-320-005 (the Property) based on provisions of Water Code section 13304¹ and Water Code section 13267².

FINDINGS

The Executive Officer, acting under authority delegated by the North Coast Regional Water Quality Control Board (Regional Water Board), finds, with respect to the Dischargers' acts, or failure to act, the following:

1. Purpose of the Order: This Order requires the Dischargers to immediately begin to clean up and abate the effects of discharging pollutants identified in finding 6 below, into, or where they can enter, groundwater and/or surface waters of Hayfork Creek and unnamed tributaries thereto, and to eliminate the threat of future discharges at the Property. This Order requires investigation and cleanup actions in compliance with the Porter-Cologne Water Quality Control Act (Wat. Code § 13000 *et seq.*), the *Water Quality Control Plan for the North Coast Region* (Basin Plan), State Water Resources Control Board (State Water Board) Resolution 92-49, *Policies and Procedures for Investigation and Cleanup and Abatement of Discharges under Water Code Section 13304* (Resolution 92-49), and other applicable State and Regional Water Board plans, policies, and regulations.
2. Responsible Parties: The Dischargers, as the Property owners and/or operators and the persons discharging or creating a threat of discharge, with the legal ability to

¹ Authorizes the North Coast Regional Water Quality Control Board to issue a Cleanup and Abatement Order.

² Authorizes the North Coast Regional Water Quality Control Board to require the preparation and submittal of technical and monitoring reports.

control the activities on the Property that resulted in the discharge and/or threat of discharge, are responsible parties for purposes of this Order. This Order finds that 3900 Golden LLC, Kiryl Mikhailkevich and Operation H, LLC are the responsible parties, and are all jointly and severally liable:

- a. Per records from LandVision, 3900 Golden LLC currently owns the Property associated with 3990 Hyampom Road, Hayfork, including approximately thirty acres, identified as Trinity County APN 011-320-005. According to records in LandVision, on December 17, 2021, 3900 Golden LLC bought the Property from Operation H, LLC, who bought the Property on April 30, 2019, from seller Zarzuela LLC, who had owned the Property since June 13, 2016.
- b. On May 14, 2019, Zhanna Topolska 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 on the Property, self-identifying as cultivator/diverter, and identifying Operation H, LLC as the property owner. Based on the submitted information, on July 31, 2019, the Regional Water Board issued a Notice of Applicability under the State Water Board's General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities Order WQ-2017-0023-DWQ (Cannabis General Order), as amended by State Water Board Order WQ-2019-0001-DWQ on April 16, 2019. Effective May 14, 2019, the Property was enrolled under the Cannabis General Order as Tier 1, Low Risk, with Waste Discharge Identification (WDID) Number 1_53CC415904.
- b. On August 13, 2021, the Regional Water Board received a Change of Enrollee Agreement, identifying Operation H, LLC and Kiryl Mikhailkevich as the landowner and the new operator and enrollee under the Cannabis General Order, as of May 12, 2021. The Regional Water Board also received a copy of a May 8, 2019, deed granting ownership of the Property from Zarzuela, LLC to Operation H, LLC. In response, on September 21, 2021, the Regional Water Board issued a new Notice of Applicability to Operation H, LLC, as the discharger enrolled under the Cannabis General Order, with the Property characterized as Tier 1, Low Risk.
- c. On February 28, 2021, a consultant with Down River Solutions submitted annual monitoring and reporting information for the Cannabis General Order enrollment for the 2020 calendar year. The reported information identified an increase in disturbed area from 20,000 square feet to 51,227 square feet. As a result, on October 28, 2021, the State Water Board issued a revised Notice of Applicability under the Cannabis General Order, to Operation H, LLC and Kiryl Mikhailkevich with the Property characterized as Tier 2, Low Risk.
- d. Kiryl Mikhailkevich, DBA Operation H, LLC, is the applicant on a Commercial Cannabis License Application submitted to Trinity County for the Property (Application Number CCL-2021-565).

- e. According to the California Secretary of State website business search, articles of organization for the registration of 3900 Golden LLC were filed on May 3, 2021, with Paracorp Incorporated as the Agent for Service of Process and Kiryl Mikhailkevich as Organizer. On August 24, 2021, a Statement of Information was filed for 3900 Golden LLC identifying 3990 Hyampom Road, Hayfork as the business address, Kiryl Mikhailkevich as a Manager or Member of the Limited Liability Company, and Paracorp Incorporated as the Agent for Service of Process. On July 8, 2022, Paracorp Incorporated resigned as Agent for Service of Process for 3900 Golden LLC.
 - f. According to the California Secretary of State website, Operation H, LLC filed a Statement of Information, dated May 12, 2021, which identifies 3990 Hyampom Road, Hayfork as the business address and Kiryl Mikhailkevich, as a Manager or Member of the Limited Liability Company, and Paracorp Incorporated, as the Agent for Service of Process. On July 8, 2022, Paracorp Incorporated resigned as Agent for Service of Process for 3900 Golden LLC.
 - g. For the purposes of this Order, the Regional Water Board is naming as responsible parties: 1) the current landowner 3900 Golden LLC; 2) the current discharger under the Cannabis General Order enrollment, Operation H, LLC; and 3) Kiryl Mikhailkevich as discharger contact for Operation H, LLC and as the sole identified member of both 3900 Golden LLC and Operation H, LLC.
 - h. The Regional Water Board reserves the right to amend this Order, or issue a subsequent Order, to add additional responsible parties when/if those parties are identified.
3. Property Location: The Property is located approximately four miles west of the town of Hayfork, at 3990 Hyampom Road, Hayfork in Trinity County. The Property drains to Hayfork Creek, which enters the South Fork Trinity River approximately thirteen stream miles downstream at Hyampom, in the South Fork Trinity River Hydrologic Area (HA) of the Trinity River Hydrologic Unit (HU).
 4. Watershed Setting: The discharge and/or threatened discharge is located within the Corral Creek Hydrologic Subarea (HSA) (HU/HA/HSA Number 106.24). The Basin Plan designates beneficial uses of water within Hydrologic Subareas. See Attachment 1 for additional watershed information, including the existing and potential beneficial uses for the watershed. Hayfork Creek is a water of the state, as well as a water of the United States (references hereafter to waters of the United States are also waters of the state, see Attachment 2 for more detail). Unnamed tributaries to Hayfork Creek are also waters of the state.
 5. Property History: According to aerial imagery review conducted by Regional Water Board staff on August 31, 2022, as of May 28, 2016, the Property was undeveloped except for a minor road from Hyampom Road to the western Property boundary.

A well completion report was submitted to the Trinity County Building Department on August 17, 2016, that identified 80 feet to depth of groundwater.

The May 14, 2019, Cannabis General Order application identified a cultivation area of 15,000 square feet and a disturbed area of 20,000 square feet. As of June 3, 2019, outdoor cultivation is visible in the meadow and, as of October 26, 2019, greenhouses are visible in the meadow. As of March 19, 2020, satellite imagery depicts reconfigured cultivation areas that approximate present conditions, which are also visible through the April 16, 2022 imagery. According to reporting information submitted under the Cannabis General Order, in 2020, the cultivation area was 16,980 square feet with a disturbed area of 51,227 square feet.

As of August 13, 2021, Operation H, LLC and Kiryl Mikhailkevich are enrolled under the Cannabis General Order. A Site Management Plan (SMP) was required within ninety days of enrollment. On April 20, 2022, Ashley Piker of Flowra Environmental Services Team, in consultation with Kiryl Mikhailkevich, submitted a SMP for the Property. The SMP described several features on the Property that were out of compliance with the Cannabis General Order including “One large generator was actively leaking oil onto bare native soils, or into open buckets” and provided a mitigation report with proposed treatments. During the August 3, 2022, inspection, staff observed that proposed treatments had not been completed and the features described in the SMP were still out of compliance with the Cannabis General Order and other regulatory requirements. Beyond the features identified in the SMP, during the August 3, 2022, inspection, Regional Water Board staff identified additional threats to water quality, including an unlined wastewater pond containing water of unknown composition and cultivation waste. As of October 28, 2021, the enrollment was updated to Tier 2, which requires the dischargers to submit a Nitrogen management Plan (NMP) to the Regional Water Board within ninety days. As of the date of this Order, no NMP has been submitted for the Property.

On October 21, 2021, Trinity County Environmental Health sent a Notice of Violation to Operation H LLC, Attention Kiryl Mikhailkevich, identifying that they were in violation of Trinity County Code. On the west side of the Property, County Code violations included illegal disposal of sewage, including fecal matter, into a tributary to Hayfork Creek, and placement of discarded soil mound where it could discharge to a watercourse. On the east side of the Property, County Code violations included the discharge of wastewater onto the ground from a recreational vehicle (RV), showers, and an outdoor kitchen and the County required disconnection of the RV wastewater and proper abandonment of the associated waste disposal pit.

6. Factual Basis of Order: On August 3, 2022, Regional Water Board staff inspected the Property, along with personnel from Trinity County Environmental Health, Trinity County Cannabis Division, California Department of Fish and Wildlife, and California Department of Cannabis Control. 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. On August 25, 2022, the Regional Water Board transmitted the August 3, 2022,

inspection report and Notice of Violation to Operation H, LLC and Kiryl Mikhailkevich (Attachment 6).

The Dischargers' activities and/or the conditions observed at the Property, as documented in the Regional Water Board inspection report and detailed below, pose immediate threats to water quality and are not in conformance with the terms of the enrollment under the Cannabis General Order, including the following:

- a. Inadequate storage and handling of petroleum products by the Dischargers, has allowed the spilling of diesel into and/or where it can enter an unnamed tributary of Hayfork Creek on the east side of the Property and where it may pose a threat to groundwater. On August 3, 2022, inspectors observed evidence of a diesel spill, indicated by a stain of nine hundred square feet, in an area where several large generators were located. Diesel fuel was stored in water tanks, totaling at least 4,000 gallons, without adequate secondary containment, with open tops, and signs of leakage. Polyethylene plastic water tanks are not of suitable material or construction to be compatible with diesel storage. The Dischargers did not immediately report the spill to California Office of Emergency Services or immediately initiate cleanup activities to ensure the spill could not enter a waterbody or degrade groundwater. The Dischargers were aware of a leaky generator on native soils dating back to at least April 20, 2022, when the SMP was submitted to the Regional Water Board.
- b. Inadequate handling of fertilizers, pesticides, and chemicals that are stored and used inside a structure with a dirt floor, without secondary containment; signs of spills were evident on the ground.
- c. An unlined wastewater pond, with pipes leading to it, containing water of unknown origin; the pond contained refuse and was surrounded by cultivation waste. The pond and material therein could pose a threat of discharge to groundwater and surface water. Hayfork Creek is downslope of the pond, across Hyampom Road.
- d. The Dischargers failed to ensure proper permitting of an onsite wastewater treatment system (i.e., septic system) by Trinity County; in 2021, at the direction of Trinity County Environmental Health, the Dischargers were required to disconnect a RV, remove the septic tank, and properly abandon the waste disposal pit. During the August 3, 2022 inspection, it appeared the septic tank had been removed, but the trench and waste disposal pit remained and were still being used for illegal land application of raw sewage waste from the RV, which Regional Water Board staff found with an open septic cap. Domestic wastewater was not handled in a manner protective of water quality and public health.
- e. Cultivation-related wastes and potting soils were stockpiled in a manner and at locations that would allow the discharge of soil, residual nutrients and chemicals to the riparian setback or waters of the state. Excess potting soils were not hauled away and were stored in several areas on the Property, without covers,

unprotected from rainfall, erosion, and leaching, with potential to discharge sediment in stormwater. Erosion control measures were not used to minimize erosion and prevent discharges of waste. The lack of adequate erosion and sediment control measures creates a condition of threatened discharges to waters of the state.

- f. Debris and trash associated with cannabis cultivation activities were accumulated and stockpiled in a manner that allowed litter and plastic to enter the riparian setback or waters of the state. Trash was observed overflowing from a moving truck, in uncontained piles, and in erosional ruts on the access road. Trash accumulation includes fertilizer containers, plastic tarps, plastic pipes, and other refuse. The lack of adequate containment of trash and debris creates a condition of threatened discharges to waters of the state.
- g. The native surface roads are not constructed consistent with the requirements of the Cannabis General Order. The roads on the Property are not adequately drained and/or maintained and have developed surface ruts. Overflowing water from water tanks was observed flowing several hundred feet down the road, with the potential to transport associated pollutants, including sediment. The inadequate construction and maintenance of roads on the Property creates a condition of threatened discharges to waters of the state.

Following the August 3, 2022 Inspection, on August 16, 2022, the Trinity County Cannabis Division sent a letter to Kiryl Mikhailkevich DBA Operation H , LLC notifying them of violations of the Trinity County Code, including a 30-foot by 30-foot area of spilled diesel fuel, hidden from sight with tarps and woods chips; 4,000 gallons of diesel fuel stored in unpermitted and leaking containers; a sewage pit previously identified; commercial quantities of waste; and an unpermitted wastewater pond.

- 7. Beneficial Uses, Basin Plan Prohibitions and Water Quality Objectives: The Basin Plan designates beneficial uses of water within Hydrologic Subareas, establishes water quality objectives, contains implementation programs for achieving objectives, and incorporates, by reference, applicable plans and policies adopted by the Regional and State Water Boards. (See Attachment 1 for additional watershed information, including the existing and potential beneficial uses for the watershed) The Basin Plan also contains specific standards and provisions for maintaining high-quality waters of the state that provide protection to the beneficial uses identified. The most stringent water quality objectives for protection of all beneficial uses are selected as the protective water quality criteria. Alternative cleanup and abatement actions must evaluate the feasibility of, at a minimum: (1) cleanup to background levels; (2) cleanup to levels attainable through application of best practicable technology; and (3) cleanup to the level of water quality objectives for protection of beneficial uses. A table of water quality objectives for petroleum constituents in groundwater is incorporated into this Order as Attachment 3.

8. Findings of Pollution and/or Nuisance: The Dischargers' activities on the Property, as described in Finding 6, have caused or threaten to cause waste to be discharged into waters of the state in a manner that has created or threatens to create conditions of pollution and nuisance by altering the quality of the waters of the state to a degree that unreasonably affects the waters for beneficial uses.
- a) "Pollution" is defined by Water Code section 13050, subdivision (l)(1) as an alteration of the quality of the waters of the state by waste to a degree which unreasonably affects either the waters for beneficial uses or the facilities which serve these beneficial uses.
 - b) "Nuisance" is defined by Water Code section 13050, subdivision (m) to mean anything that meets all the following requirements:
 - i. Is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property.
 - ii. Affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal.
 - iii. Occurs during, or as a result of, the treatment or disposal of wastes.
9. Legal and Regulatory Authority: Water Code section 13304, subdivision (a) states, in relevant part, "any person who has discharged or discharges waste into the waters of this state in violation of any waste discharge requirement or other order or prohibition issued by a regional board or the state board, or who has caused or permitted, causes or permits, or threatens to cause or permit any waste to be discharged or deposited where it is, or probably will be, discharged into the waters of the state and creates, or threatens to create, a condition of pollution or nuisance, shall, upon order of the regional board, clean up the waste or abate the effects of the waste, or, in the case of threatened pollution or nuisance, take other necessary remedial action, including, but not limited to, overseeing cleanup and abatement efforts." (See Attachment 2 for additional information regarding the legal authority to issue this Order.)
- a. The Dischargers' activities and/or the conditions observed at the Property, as documented in the Regional Water Board inspection report and as detailed below, pose immediate threats to water quality and are not in conformance with the terms of the enrollment under the Cannabis General Order, as described in Finding 6.
 - b. Petroleum products associated with the Dischargers' cultivation activities on the Property were observed where they could enter unnamed tributaries to Hayfork Creek and groundwater, alter the quality of those waters and unreasonably affect beneficial uses. Petroleum products used for lubricants and fuels for small engines including oil, diesel, and gasoline can enter waters through spills, leakage from storage containers, and improper storage and disposal and can

result in contamination of freshwater sources. Heavier oils sink and can become trapped in gravels, contributing to long-term exposures, while lighter material can accumulate on the surface of water and spread downstream; materials can collect on stream beds, log jams, and at the water's edge. The actual dynamics depend on the characteristics of the petroleum product and the setting. Exposure can impact human health through exposure or ingestion and can result in impacts to the central nervous system, eyes, and respiratory tract. Amphibian exposure to petroleum products can be particularly detrimental as they breathe through their skin, and coating can be lethal. Oil and fuel exposure to fish can cause impaired functions, physical deformities, and compromised reproduction.

- c. Plastic trash and refuse associated with cultivation activities on the Dischargers' Property that were observed adjacent to, and where they could enter, unnamed tributaries to Hayfork Creek, and could alter the quality of those waters and unreasonably affect beneficial uses.
 - d. The Dischargers' lack of road maintenance and handling of soils has resulted in threatened discharges of sediment into unnamed tributaries of Hayfork Creek, in violation of Prohibition 2 of the Action Plan for Logging, Construction, and Associated Activities contained in the Basin Plan, issued by the Regional Water Board. The extent of these threatened and actual discharges of waste could be deleterious to fish, wildlife, or other beneficial uses.
10. Cleanup and Abatement Action Necessary: Due to the current and ongoing threat of discharges, cleanup and abatement actions are necessary to ensure that the existing condition of pollution is cleaned up, that the threat of unauthorized discharges to waters of the state from the Property are prevented, that the background water quality or the best water quality that is feasible is restored, and that any impacts to beneficial uses are mitigated. The issuance of a cleanup and abatement order pursuant to Water Code section 13304 is appropriate and consistent with the policies of the Regional Water Board and the State Water Board. (See Attachment 2 for applicable Regional Water Board and State Water Board Resolutions.)
11. Technical Reports Required: Water Code section 13267, subdivision (a) provides that the Regional Water Board may investigate the quality of any water of the state within its region in connection with any action relating to the Basin Plan. Water Code section 13267, subdivision (b) provides that the Regional Water Board, in conducting an investigation, may require a discharger to furnish, under penalty of perjury, technical or monitoring program reports. The burden, including costs, of preparing these reports must bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. The technical reports required by this Order pursuant to Water Code section 13267 are necessary to assure compliance with this Order and to protect the waters of the state. The technical reports are further necessary to demonstrate that appropriate methods will be used to clean up waste discharged to waters of the state, to ensure that cleanup complies with Basin Plan

requirements and State Water Board Resolution 92-49, and that the Dischargers will implement adequate and effective best management measures and practices to control and minimize future pollutant discharges from the Property. In accordance with Water Code section 13267, subdivision (b), the findings in this Order provide the Dischargers with a written explanation with regard to the need for remedial action and reports and identify the evidence that supports the requirement to implement cleanup and abatement activities and submit the reports. The estimated costs associated with the activities outlined in this Order are included in Attachment 5. The Dischargers named in this Order own and/or operate the Property from which waste was discharged, and thus are appropriately responsible for providing the reports.

12. **Electronic Reporting Requirements:** Sampling data, reports, and plans shall be submitted to the Regional Water Board via the State Water Resources Control Board's Geographic Environmental Information Management System database (GeoTracker) as specified in Title 23, Division 3, Chapter 30, Article 2, Sections 3890-3895 of the California Code of Regulations.

REQUIRED ACTIONS

IT IS HEREBY ORDERED, pursuant to Water Code sections 13267 and 13304, that the Dischargers shall clean up the wastes and abate the impacts to water quality in accordance with the scope and schedule set forth below and provide the following information. The Dischargers shall obtain all necessary permits for the activities required in this Order.

1. Conduct all work under the direction of a California professional civil engineer or professional geologist experienced in surface water, soil, and groundwater investigation and remediation. All workplans and reports submitted to the Executive Officer of the Regional Water Board shall be signed and stamped by a licensed professional.
2. **Within 15 days of this Order being issued, the Discharger shall implement water quality protection actions and submit evidence of implementation** of the following:
 - a. Provide the name and contact information of the licensed hauler that is hired to remove the diesel fuel from the water tanks and other inadequate containers and haul the fuel and containers offsite for proper disposal at an appropriate facility.
 - b. The name and contact information of a qualified consultant hired to conduct a site visit, prepare a workplan for remediation of fuel-contaminated soil.
 - c. Provide evidence to the Regional Water Board that you have capped any waste pipes associated with waste discharges, including those associated with nutrient management from cultivation areas and domestic wastewater.
 - d. Improve water storage systems and use practices to ensure water tanks do not overflow or transport runoff downslope.

- e. Proper disposal of the existing, on-site potting soil stockpiles by either having them hauled off-site for disposal to an appropriately licensed facility. Provide evidence of proper disposal of the existing, on-site trash accumulation by having it hauled off-site for disposal at an appropriately licensed facility.
- f. **Actions to fulfill the recommendations identified in the August 3, 2022, Inspection Report**, including:
 - i. Discontinue discharge of wastewater to ground. Cap discharge valve on RV and defer to Trinity County staff for septic system permitting requirements and guidance on legal RV discharge locations.
 - ii. Install float valves or similar shutoff devices on water storage tanks. Do not discharge water or allow water to concentrate and flow down road surfaces.
 - iii. Relocate all cannabis-related infrastructure, equipment, and trash at least 50 feet away from the Class III watercourse.
 - iv. Hire a qualified professional to investigate the extent of the diesel spill and to prepare a plan and timeline to remove the diesel safely. After concurrence from applicable agencies, proceed with cleanup.
 - v. Characterize source and composition of the water in the small reservoir. Discontinue discharge of water and waste to reservoir.
- g. **Actions identified in the Site Management Plan (SMP)**, as submitted on April 22, 2022, including:
 - i. All bare soils shall be seeded with a native, non-invasive plant mix to stabilize soils and prevent erosion and sediment delivery into waterways.
 - ii. Interim erosion and sediment control measures such as revegetation, straw wattle installation, and tarp placement, shall be implemented with seven days of completion land disturbing activities.
 - iii. Synthetic cultivation-related wastes shall be collected and stored in a secure location that does not allow wastes to enter waters of the state or access to scavenging wildlife. The cultivator shall regularly collect, store, and properly dispose of all synthetic wastes.
 - iv. Ensure that access roads are not allowed to develop or show evidence of significant surface rutting or gulying. Surface access roads and use water bars and rolling dips as designed by a qualified professional to minimize access road surface erosion and dissipate runoff.
 - v. Ensure that potting soil or soil amendments, when not in use, are placed and stored with covers, when needed, to protect from rainfall and erosion, to prevent discharge to waters of the State, and to minimize leaching of waste constituents into groundwater.

- vi. Store petroleum, petroleum products, and similar fluids in a manner that provides chemical compatibility, provides secondary containment, and protection from accidental ignition, the sun, wind, and rain.
 - vii. Use a separate storage area for pesticides, and fertilizers, and another storage area for petroleum or other liquid chemicals (including diesel, gasoline, oils, etc.). All such storage areas shall comply with the riparian setback Requirements, be in a secured location in compliance with label instructions, outside of areas of known slope instability, and be protected from accidental ignition, weather, and wildlife. All storage areas shall have appropriate secondary containment structures, as necessary, to protect water quality and prevent spillage, mixing, discharge, or seepage. Storage tanks and containers must be of suitable material and construction to be compatible with the substances stored and conditions of storage, such as pressure and temperature.
 - viii. Keep and use absorbent materials designated for spill containment and spill cleanup equipment on-site for use in an accidental spill of fertilizers, petroleum products, hazardous materials, and other substances which may degrade waters of the State. Cat litter in a trash can with a properly sized, sealed lid is considered acceptable for the storage of absorbent materials to be used in a chemical spill scenario.
 - ix. Only use water storage tanks and bladders equipped with a float valve, or equivalent device, to shut off diversion when storage systems are full or retrofit existing tanks with the appropriate measure. Cannabis cultivators shall install any other measures necessary to prevent overflow of storage systems.
 - x. Implement annual winterization measures to stabilize the property prior to the wet winter season.
3. **Within 10 days of the issuance of the Order, the Dischargers shall submit a proposed Remedial Action Plan (RAP)** for the Property to the Regional Water Board for approval by the Executive Officer. The RAP shall include, but not be limited to:
- a. A detailed map accurately depicting topography, all graded/disturbed surfaces, roads, surface watercourses, and well locations.
 - b. Identification of all locations where fuel has discharged to soil, groundwater, and to waters of the state.
 - c. A report of spills, including the nature, causes and circumstances, and all actions taken thus far to cleanup and abate the discharge and prevent future similar discharges.
 - d. A workplan to assess, abate and clean up the discharge of waste or threatened discharge of waste, restore water quality in groundwater and surface water, and

protect the beneficial uses of surface and groundwater, human health and the environment. The workplan shall include plans for excavation of soil and associated oversight and sampling.

- e. A proposed sensitive receptor survey based on the results of the remediation and the associated sampling.
 - f. The proposed RAP shall comply with the Groundwater Water Quality Objectives for Cleanup Projects in the North Coast Region as contained in Attachment 3 to this Order.
 - g. Management practices and measures shall be properly designed and installed/implemented and assessed periodically for effectiveness. If a management measure is found to be ineffective, the plan must be adapted and implemented to incorporate new or additional management practices to ensure compliance with the Performance Standards included in Attachment 4.
 - h. An implementation schedule that includes the following:
 - i. a time schedule for submitting permit applications to all applicable local, state, and federal agencies;
 - ii. detailed project milestones to fulfill the requirements of this Order
4. **Within 30 days of approval of the RAP, the Discharger shall fully implement the approved RAP**
- a. The Discharger shall collect confirmation soil samples following excavation to determine the extent of remaining contamination in soil and, if groundwater is encountered, groundwater samples shall be collected. Soil and groundwater samples must be analyzed for total petroleum hydrocarbons as diesel (TPHd) by EPA Method 8015B. In addition, at least one near-surface soil sample within the source area must be analyzed for total petroleum hydrocarbons as carbon chain (TPHcc) by EPA Method 8015B, Volatile Organic Compounds (VOCs) by EPA Method 8260B, and Semi-Volatile Organic Compounds (SVOCs) by EPA Method 8270C.
 - b. The Discharger shall characterize and dispose of soil stockpiles by having them hauled off-site for disposal at a properly licensed facility. If stored on-site, stockpiled soil must be winterized by tarping below and immediately above to prevent mobilization of soil or other contaminants. Contaminated soil shall be removed in the shortest practicable timeframe or stabilized for onsite remediation, if included in the approved RAP.
5. **By November 14, 2022, the Dischargers shall submit and implement a Nitrogen Management Plan** that describes how nitrogen is stored, used, and applied to crops in a way that is protective of water quality, consistent with the requirements and guidance provided in the Cannabis General Order.

6. Within 30 days of full implementation of the RAP, the Discharger shall submit a Completion Report for the RAP for approval by the Executive Officer, including the following:

- a. A detailed base map accurately depicting topography, all graded/disturbed surfaces, roads, surface watercourses, surface water drainages, and water crossings.
- b. Identification of all locations where fuel has discharged to and been cleaned up from soil, groundwater, and waters of the state.
- c. A report of the spill including nature, cause and circumstances, and all actions taken thus far to cleanup and abate the discharge and prevent future similar discharges.
- d. A summary of the work performed, including tables, figures, and laboratory reports.
- e. Copies of transport manifests and receipts by a permitted landfill for all disposed soils.
- f. As-built designs of all completed restoration construction and/or abatement measures included in the approved RAP to demonstrate the RAP has been fully implemented.
- g. This report shall also include pre- and post-construction photographs taken at each photo point, as depicted on site maps/figures.
- h. If the full extent of contaminated soil and groundwater has not been remediated per the determination by a licensed engineer or geologist, and that the work is not complete, the Discharger shall submit a workplan for the Regional Water Board Executive Officer's approval that specifies actions the Discharger proposes to take to further assess soil and/or groundwater to fully delineate the extent of the contamination remaining at the Site. Within sixty days of Regional Water Board Executive Officer's approval of the workplan, the Discharger shall complete implementation of the workplan and shall submit a report of findings for that work. If the results show residual groundwater and/or soil impacts, the report must contain recommendations and an implementation schedule for additional remediation. The Discharger shall implement additional remediation per the implementation schedule as approved by the Executive Officer. If a licensed engineer or geologist determines that additional is not feasible due to safety concerns from removing soil from, beneath and adjacent to bedrock, hillsides, or roadways, then the Discharger shall submit a risk assessment report detailing the risk to human health and the environment from the residual contamination. If the Regional Water Board does not concur with the findings of the risk assessment, then the Regional Water Board may require a revised workplan and additional work.

7. **Modifications to the approved RAP:** The Dischargers shall notify and provide rationale to the Regional Water Board staff and obtain approval from the Regional Water Board Executive Officer at least 15 days prior to making any modifications to the approved RAP.
8. **General Requirements:** The Dischargers shall comply with all provisions of Attachments 4 and shall ensure that the subject Property complies with all applicable Performance Standards for Cleanup, Abatement, and Remedial Action.
9. **Duty to Use Qualified Professionals:** The Discharger shall provide documentation that plans and reports required under this Order are prepared under the direction of appropriately qualified professionals. As required by the California Business and Professions Code sections 6735, 7835, and 7835.1, engineering and geologic evaluations and judgments shall be performed by or under the direction of registered professionals competent and proficient in the fields pertinent to the required activities. The Discharger shall include a statement of qualification and registration numbers of the responsible lead professionals in all plans and reports required under this Order. The lead professional shall sign and affix their registration stamp to the report, plan, or document. The required activities must be implemented by the appropriately qualified/licensed professional as otherwise required by law.
10. **Delayed Compliance:** If for any reason, the Dischargers are unable to perform any activity or submit any document in compliance with the schedule set forth herein, or in compliance with any work schedule submitted pursuant to this Order and approved by the Regional Water Board Executive Officer, the Dischargers may request, in writing, an extension of the time specified. The extension request shall include justification for the delay. Any extension request shall be submitted as soon as a delay is recognized and prior to the compliance date. An extension may only be granted by modification of this Order or by a letter from the Executive Officer.
11. **Potential Liability:** If the Dischargers fail to comply with the requirements of this Order, this matter may be referred to the Attorney General for judicial enforcement or a complaint for administrative civil liability may be issued by the Regional Water Board. Failure to comply with this Order may result in the assessment of an administrative civil liability of up to \$10,000 per violation per day and \$10 per gallon when the violation results in the discharge of waste, pursuant to California Water Code sections 13268, 13350, and/or 13385. The Regional Water Board reserves its right to take any enforcement actions authorized by law, including, but not limited to, violation of the terms and condition of this Order.
12. **No Limitation of Water Board Authority:** This Order in no way limits the authority of the Regional Water Board to institute additional enforcement actions or to require additional investigation and cleanup of the Property consistent with the Water Code. This Order may be revised as additional information becomes available.

13. **Modifications:** Any modification to this Order shall be in writing and approved by the Regional Water Board or its delegated officer including any potential extension requests.
14. **Notice of Onsite Work:** The Dischargers, or a duly authorized agent, shall notify Regional Water Board staff at least 48 hours prior to any onsite work, testing, or sampling that pertains to environmental remediation and investigation and is not routine monitoring, maintenance, or inspection. The Dischargers may contact the Regional Water Board using the general phone line at (707) 576-2220 or contact Katharine Hawken at 707-445-6127.
15. **California Environmental Quality Act:** Issuance of this Order is being taken for the protection of the environment and to enforce the laws and regulations administered by the Regional Water Board and, as such, is exempt from provisions of the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et seq.) in accordance with California Code of Regulations, title 14, sections 15061, subdivision (b)(3), 15302, 15304, 15306, 15307, 15308, and 15321. This Order generally requires the Discharger to submit plans for approval prior to implementation of cleanup, abatement, and restoration activities at the Property. Mere submittal of plans is exempt from CEQA as submittal will not cause a direct or indirect physical change in the environment and/or is an activity that cannot possibly have a significant effect on the environment. CEQA review at this time would be premature and speculative, as there is simply not enough information concerning the Discharger's proposed cleanup, abatement or restoration activities and possible associated environmental impacts. To the extent that the Order requires earth-disturbing and re-vegetation activities not to exceed five acres in size and to assure restoration of stream habitat and prevent erosion, this Order is exempt from provisions of CEQA pursuant to California Code of Regulations, title 14, section 15333. If the Regional Water Board determines that implementation of any plan required by this Order will have a significant effect on the environment that is not otherwise exempt from CEQA, the Regional Water Board will conduct the necessary and appropriate environmental review prior to implementation of the applicable plan. The Discharger will bear the costs, including the Regional Water Board's costs, of determining whether implementation of any plan required by this Order will have a significant effect on the environment and, if so, in preparing and handling any documents necessary for environmental review. If necessary, the Discharger and a consultant acceptable to the Regional Water Board shall enter into a memorandum of understanding with the Regional Water Board regarding such costs prior to undertaking any environmental review.
16. **Requesting Review by the State Water Board:** Any person aggrieved by this or any final action of the Regional Water Board may petition the State Water Board to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, section 2050 et al. The State Water Board must receive the petition no later than 5:00 p.m., 30 days following the date of this Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or

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state holiday, the petition must be received on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at: http://www.waterboards.ca.gov/public_notices/petitions/water_quality or will be provided upon request.

This Order is effective upon the date of signature.

Matthias St. John, Executive Officer

Attachments:

1. Watershed Fact Sheet: Corral Creek Hydrologic Subarea
2. Legal Basis for the Order
3. Groundwater Water Quality Objectives for Cleanup Projects in the North Coast Region
4. General Requirements and Notices, and Performance Standards for Cleanup, Abatement and Remedial Action
5. Cost Estimates for Water Code Section 13267 Order Required Technical Reports
6. Regional Water Board Notice of Violation and Inspection Report