



North Coast Regional Water Quality Control Board

September 19, 2022

Brian Mitchell
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Fairfield, CA 94534
brian@northstar-equities.com

Certified Mail 7021 0950 0001 6499 8746

Garrett Gradin
1617 Amaral Court
Fairfield, CA 94534
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Dear Brian Mitchell and Garrett Gradin:

Subject: Notice of Violation, Transmittal of Inspection Report for August 25, 2022, Inspection of Humboldt County Assessor's Parcel 222-083-005-000, and Requirement to Respond within 30 days

File: Cannabis Program Inspections, Humboldt County, August 25, 2022, CIWQS Place ID 825055

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 Humboldt County Assessor's Parcel Number: 222-083-005-000 (the Property):

1. 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) various provisions
2. Water Quality Control Plan for the North Coast Region (Basin Plan) Section 4.2.1

Background

On October 16, 2018, Garrett Gradin submitted information through the State Water Resources Control Board (State Water Board) online portal for discharges of waste associated with cannabis cultivation related activities for APN 222-083-005-000 and listed Brian Mitchell as landowner of the Property. Based on the information submitted by the Applicant, the cannabis cultivation activities are classified as Tier 2L. Effective

November 21, 2018, the Property was enrolled into the Cannabis General Order, with WDID 1_12CC405606.

On August 25, 2022, staff from the Regional Water Board, accompanied by staff of California Department of Fish and Wildlife (CDFW), and Department of Cannabis Control (DCC) 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 – 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 August 25, 2022, inspection report, Regional Water Board staff observed violations of the Basin Plan. In addition, staff observed violations of the Cannabis General Order Attachment A, Section 1 - General Requirements and Prohibition Nos. 25,26, 35, and 37, and Section 2 - Requirements Related to Water Diversions and Waste Discharge for Cannabis Cultivation Nos. 3-4, 15-17, 31, 48-51, 56 and 90. Staff observed these violations at Property locations identified in the inspection report as WQ1 through WQ7.

Site Management Plan (SMP)

Pursuant to the Cannabis General Order, all enrollees must submit a Site Management Plan within 90 days of enrollment. As of the date of this letter, no SMP has been submitted.

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.

Inspection Report Recommendations

As mentioned above, the August 25, 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 Ermias Berhe 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 Ermias Berhe by email at Ermias.Berhe@waterboards.ca.gov or by phone at 707-445-6128.

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 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
Senior Water Resources Control Engineer

220825_Garret Graden_NOV_Report

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
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Division of Water Rights

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Department of Fish and Wildlife

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Kalyn Bocast, Kalyn.Bocast@Wildlife.ca.gov

Humboldt County Planning and Building Department

PlanningBuilding@co.humboldt.ca.us

Department of Cannabis Control

Marlen Richmond, Marlen.Richmond@cannabis.ca.gov

Attachment A – Regulatory Citations

Regulatory Section	Citation
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	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 https://www.waterboards.ca.gov/water_issues/programs/cannabis/docs/policy/final_cannabis_policy_with_attachment_a.pdf and https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2019/wqo2019_0001_dwq.pdf

Attachment B – Facilities Inspection Report

FACILITIES INSPECTION REPORT

Region/Office: 1	Status: Performed	Reg. Measure ID: 425716

Discharger Information

Party ID: 556365	Discharger Organization Name: Garrett Gradin
Address: 1700 Larabee Valley Road	City, State, Zip: Arcata, CA 95526
Discharger Contact Person:	Discharger Contact Phone:
Discharger Contact Email Address:	

Facility Information

Place ID 825055	Facility Name: 87 Farms Briceland
Address: 1550 Old Summerville Creek Road	City, State, Zip: Briceland, CA 95542
County: Humboldt	Latitude: 40.11745114 Longitude: -123.8956965 Method: Map Interpolation (digital)

Lead Inspector Information

Lead Inspector Party ID: 591567	Lead Inspector Name: Ermias Berhe
Inspector Type:	<input checked="" type="checkbox"/> State <input type="checkbox"/> State Contractor <input type="checkbox"/> EPA Contractor <input type="checkbox"/> EPA (Regional) <input type="checkbox"/> EPA and State (EPA Lead) <input type="checkbox"/> EPA and State (State Lead)

INSPECTION TYPE

Inspection Type: B Type compliance inspection

VIOLATIONSWere Violations noted during this inspection? Yes No

Violation ID	Violation Type	Occurrence Date	Rank	Description
1108273	Basin Plan Prohibition	08/25/2022	B	Threatened sediment discharges and hydrologically connected road section between inspection points WQ2-WQ7
1108274	Order Conditions	08/25/2022	B	Violations of the Cannabis General Order for the improperly installed stream crossings between WQ2 and WQ7 and water storage tanks within the required riparian setback at WQ1

INSPECTION SUMMARY (REQUIRED) (500 character limit)

Recommendation:

1. Hire a professional to assess the condition of the stream crossings at the road section between inspection points WQ2 and WQ6 and propose a plan to address the threatened sediment discharge in a Site Management Plan with a timeline for compliance.
2. Remove the water storage tanks at WQ1 from the riparian setbacks of the watercourse.
3. For any instream work proposed at inspection points WQ2-WQ6 submit a 401 Water Quality Certification Application.

GENERAL NOTES (OPTIONAL) (2000 character limit)

As of the date of this inspection report, no Site Management Plan (SMP) has been submitted and the annual fees for FY 2020 and 2021 have not been paid.

I observed water storage tanks within the riparian setback at WQ1 and a Point of Diversion (POD) at inspection point WQ3. I observed four stream crossings on the road between inspection points WQ2 and WQ6. According to an employee on site, these stream crossings were installed in 2018. The stream crossings were not permitted. Two of these stream crossings have culverts installed slightly high in the fill and are threatening erosion and sediment delivery. There are also two rock ford stream crossings which are not properly installed and are threatening sediment delivery. At inspection point WQ7, I observed road erosion which is also hydrologically connected to a watercourse downstream. I observed cannabis cultivation infrastructures with no active cultivation south of inspection point WQ8 in the northwestern portion of the property.

For Internal Use (Optional)

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

Attachment C – Inspection Map and Photo Log

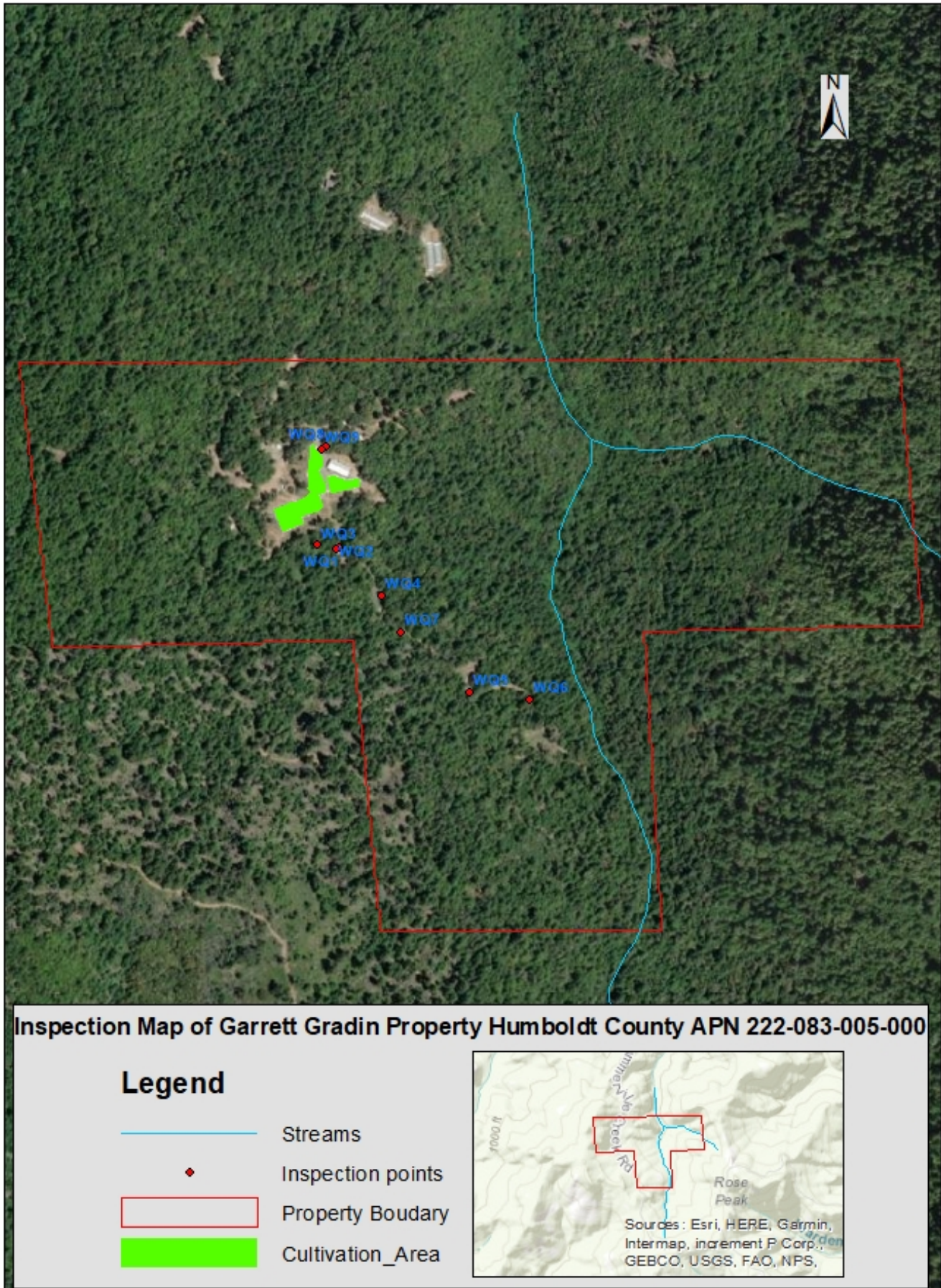


Figure 1 inspection map

Photo Log of August 25, 2022, Inspection of Garrett Gradin Property, Humboldt County APN 222-083-005-000

Photos taken by Ermias Berhe unless noted otherwise.



Photo 1: Water Storage tanks within riparian setback at inspection points WQ1



Photo 2: Outlet of an improperly installed culverted stream crossing at inspection point WQ2



Photo 3: Point of Diversion (POD) at inspection point WQ3



Photo 4: Outlet of an improperly installed culvert at inspection point WQ4



Photo 5: Rock ford stream crossing at inspection point WQ5

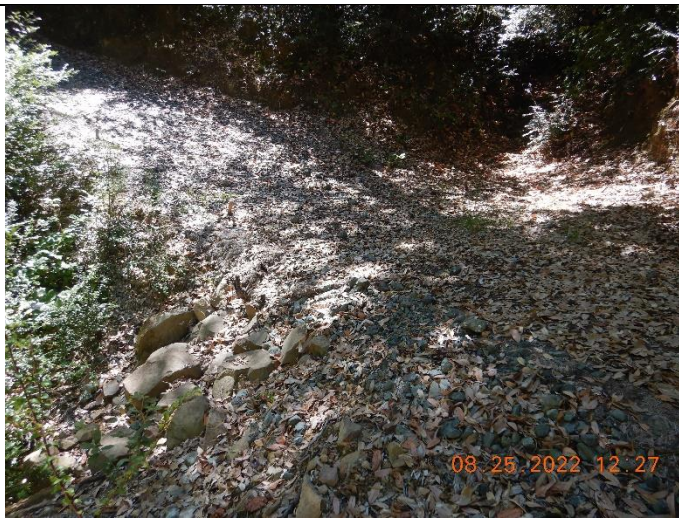


Photo 6: Rock ford stream crossing at inspection point WQ6



Photo 7: Road erosion near a rock ford stream crossing at Inspection point WQ7



Photo 8: Cultivation area without active cultivation at Inspection point WQ8



Photo 9: Headwater of a watercourse at Inspection Point WQ 8