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North Coast Regional Water Quality Control Board

October 14, 2022

Stefan and Geri Kellar  
PO Box 1334  
Redway, CA 95560

Certified Mail No. 7021 0950 0001 6499 9026

Dear Stefan and Geri Kellar:

**Subject: Notice of Violation, Transmittal of Inspection Report for September 15, 2022, Inspection of Humboldt County Assessor's Parcel 033-081-054-000, and Requirement to Respond within 30 days**

**File:** Cannabis Program Inspections, Humboldt County, September 15, 2022, CIWQS Place ID 883390

**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: 033-081-054-000 (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 and 13264

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

On September 15, 2022, North Coast Regional Water Quality Control Board (Regional Water Board) staff inspected the Property and observed cannabis cultivation of sufficient size and scope, which requires coverage under the Cannabis General Order. Accordingly, this letter directs you to address the violations noticed herein. Within 30 days, please contact Regional Water Board staff to discuss your plan to correct the observed violations.

## **Background**

LandVision records show that the Property was sold to Stefan E Kellar and Geri Gizinski Kellar by Geri Gizinski Kellar and Violet Kellar, on October 10, 2018.

On September 15, 2022, staff from the Regional Water Board, accompanied by staff of the California Department of Fish and Wildlife (CDFW), State Water Board Division of Water Rights, 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 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 September 15, 2022, inspection report, Regional Water Board staff observed cannabis cultivation without coverage under the Cannabis General Order. In addition, staff observed violations of the Cannabis General Order Attachment A, Section 1 - General Requirements and Prohibitions No. 1. Staff observed these violations at Property locations identified in the inspection report as WQ1 and WQ2.

## **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/)

### **Additional Potential Liabilities**

The Regional Water Board is in the process of considering whether the violations of the Water Code and the Cannabis Cultivation Policy warrant further enforcement. We encourage you to take steps, to correct the violations as soon as possible, secure applicable permits from this and other agencies. Please note that the existing conditions, as observed and documented in the Inspection Report, may represent continuing violations of the Water Code and the Cannabis Cultivation Policy.

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 September 15, 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](mailto: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](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  
Senior Water Resources Control Engineer

Filename: 220915\_Stefan and Geri Kellar\_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](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)  
Jeremiah Puget, [Jeremiah.Puget@Waterboards.ca.gov](mailto:Jeremiah.Puget@Waterboards.ca.gov)  
Ermias Berhe, [Ermias.Berhe@Waterboards.ca.gov](mailto:Ermias.Berhe@Waterboards.ca.gov)

**Division of Water Rights**

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

Christopher Van De Wyngard, [Christopher.VandeWyngard@waterboards.ca.gov](mailto:Christopher.VandeWyngard@waterboards.ca.gov)

Ryan Babb, [Ryan.Babb@waterboards.ca.gov](mailto:Ryan.Babb@waterboards.ca.gov)

Christopher Baimas, [Chris.Baimas@Waterboards.ca.gov](mailto:Chris.Baimas@Waterboards.ca.gov)

**California Department of Fish and Wildlife**

Ryan Bourque, [ryan.bourque@wildlife.ca.gov](mailto:ryan.bourque@wildlife.ca.gov)

Cheri Sanville, [cheri.sanville@wildlife.ca.gov](mailto:cheri.sanville@wildlife.ca.gov)

**Humboldt County Planning and Building Department**

Robert Russell, [rrussell@co.humboldt.ca.us](mailto:rrussell@co.humboldt.ca.us)

**Department of Cannabis Control**

Marlen Richmond, [marlen.richmond@cannabis.ca.gov](mailto:marlen.richmond@cannabis.ca.gov)

## 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 <a href="#">Section 13260</a> when so requested by a regional board is guilty of a misdemeanor and may be liable civilly in accordance with subdivision (b).”</p>
California Water Code Section 13264(a)	<p>“No person shall initiate any new discharge of waste or make any material changes in any discharge, or initiate a discharge to, make any material changes in a discharge to, or construct, an injection well, prior to the filing of the report required by Section 13260 and no person shall take any of these actions after filing the report but before whichever of the following occurs first: (3) The issuance of waste discharge requirements pursuant to Section 13263. (2) The expiration of 140 days after compliance with Section 13260 if the waste to be discharged does not create or threaten to create a condition of pollution or nuisance and any of the following applies:... (3) The issuance of a waiver pursuant to Section 13269.”</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>

<b>Regulatory Section</b>	<b>Citation</b>
	<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>

## **Attachment B – Facilities Inspection Report**

**FACILITIES INSPECTION REPORT**

Region/Office: 1	Status: Performed	Reg. Measure ID: 449342

**Discharger Information**

Party ID: 635405	Discharger Organization Name: Kellar, Stefan and Geri	
Address: Po Box 1334	City, State, Zip: Redway, CA 95560	
Discharger Contact Person:	Stefan and Geri Kellar	Discharger Contact Phone:
Discharger Contact Email Address:		

**Facility Information**

Place ID 883390	Facility Name: Kellar, Stefan and Geri Property	
Address: 480 Greycliff Road	City, State, Zip: Garberville, CA 95542	
County: Humboldt	Latitude: 40.0705	Longitude: -123.7717 Method:

**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: Miscellaneous inspection

**VIOLATIONS**Were Violations noted during this inspection?  Yes  No

Violation ID	Violation Type	Occurrence Date	Rank	Description
1109234	Order Conditions	09/15/2022	B	State Water Resources Control Board Cannabis Cultivation Policy Principals and Guidelines for Cannabis Cultivation (Cannabis Policy) for cannabis cultivation without coverage at WQ1.
1109237	Other Codes	09/15/2022	B	California Water Code (Water Code) Section 13260 and 13264, for cannabis cultivation without permit at WQ1

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

Recommendation:

1. If the property owner and/or tenant(s) choose to continue to cultivate cannabis, enroll for coverage under and take steps to comply with the requirements of the Cannabis General Order (CANGO) (Order WQ 2019-0001-DWQ).
2. Work with CDFW and the State Water Resources Control Board's Division of Water Rights (DIV) to determine and secure any applicable permits or licensing required for surface water diversion, storage, and use on the site.

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

I observed cannabis cultivation of sufficient size (approximately 2900 square feet) and scope at inspection points WQ1 on the northern portion of the property which require coverage under the Cannabis General Order WQ 2019-0001-DWQ. On the southwest of the cultivation area at inspection point WQ2, I observed a Point of Diversion (POD). I also observed a water storage tank at WQ1.

**For Internal Use (Optional)**

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

# Attachment C – Inspection Map and Photolog

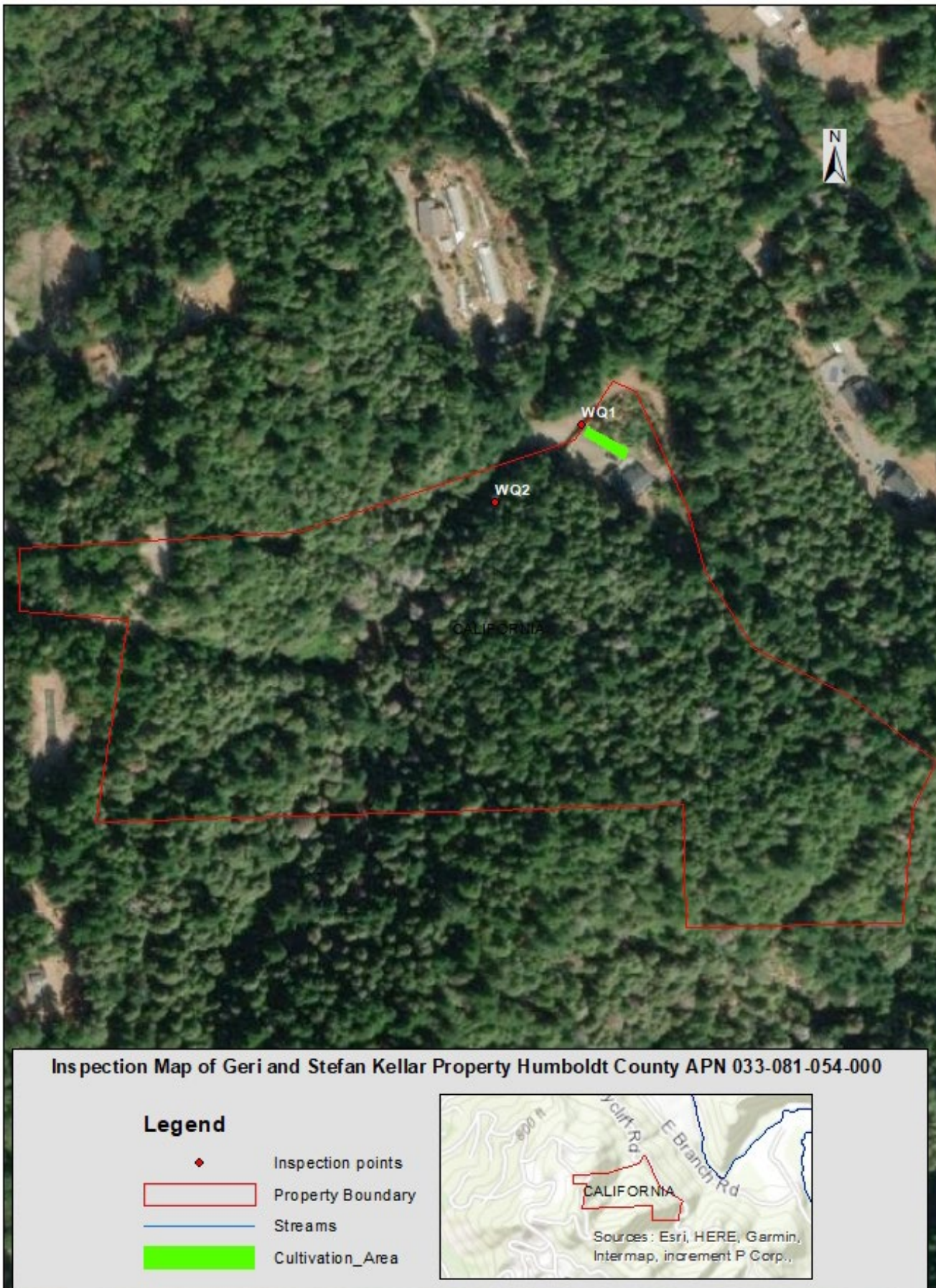


Figure 1 inspection map

Photo Log of September 15, 2022, Inspection of Stefan and Geri Keller Property, Humboldt County  
APN 033-081-054-000

Photos taken by Ermias Berhe unless noted otherwise.



*Photo 1: Outdoor cannabis cultivation south of inspection points WQ1*



*Photo 2: Water storage tank at inspection point WQ1*



*Photo 3: Point of diversion (POD) at inspection point WQ2*