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GOVERNOR



JARED BLUMENFELD
SECRETARY FOR
ENVIRONMENTAL PROTECTION

North Coast Regional Water Quality Control Board

August 22, 2022

Certified # 7021 0950 0001 6499 8425

ACME Investments Inc.
ACME Investors Inc.
Anthony Cicardo
22 Royal Palm Way Unit 501
Boca Raton, FL 33432

Certified # 7021 0950 0001 6499 8432

Spencer Siegel
Registered Agent for ACME Investors Inc.
1600 S. Dixie Highway 300
Boca Raton, FL 33432

Dear ACME Investments Inc, Acme Investors Inc., Anthony Cicardo, and Spencer Siegel:

**Subject Notice of Violation, Transmittal of Inspection Report for July 13, 2022
Inspection of Mendocino County Assessor's Parcel Numbers
013-540-50 and 013-540-51**

File: Cannabis Program Inspections, Mendocino County 2022, CIWQS Place
ID 882282

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 Mendocino County Assessor's Parcel Number (APN) 013-540-50 and 013-540-51 (the Property):

1. Water Quality Control Plan for the North Coast Region (Basin Plan) Section 4.2.1, Prohibition 1 and Prohibition 2;
2. California Water Code (Water Code) Sections 13260 and 13264;
3. Federal Clean Water Act Section 301; and
4. State Water Resources Control Board (State Water Board) Cannabis Cultivation Policy Principals and Guidelines for Cannabis Cultivation (Cannabis Policy).

According to our records, the cannabis cultivation operation located on this Property is not enrolled for coverage under 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 July 13, 2022, North Coast Regional Water Quality Control Board (Regional Water Board) staff (Staff) inspected the Property and observed indoor cannabis cultivation with surface water diversion and storage. This letter directs you to address the violations noticed herein. Within 30 days, please contact our Staff to discuss your plan to correct the observed violations.

Background

The Property is located in the Grub Creek watershed, tributary to Ten Mile Creek, tributary to South Fork Eel River near the town of Laytonville, CA. LandVision records show that the Property was purchased on April 22, 2016, from Lance and Shelly Whitely, by ACME Investments Inc with a mailing address of 22 Royal Palm Way, Unit 501, Boca Raton, Florida, 33432-7881. According to the Florida Secretary of State website, ACME Investors Inc. is registered as a Florida Profit Corporation since 2016, with a principal address that is the same as the mailing address associated with ACME Investments Inc in Boca Raton; Spencer B. Siegel is the registered agent for ACME Investors Inc and Anthony Cicardo is the Officer/President. According to LandVision, ACME Investors Inc is also associated with two properties in Fort Lauderdale, FL, one purchased by Cicardo Development LLC on April 5, 2022, for \$8.7 million and the other purchased by Cicardo B2B Consulting LLC on March 11, 2021, for \$2.1 million.

According to review by Staff on July 20, 2022, of aerial imagery available from Google Earth and LandVision, development proceeded since 2017 in cultivation areas identified in the inspection report as WQ1, WQ6, WQ9, and WQ12. Between 2017 and 2019, cultivation in these areas appears to be outdoor. As of 2020, hoop houses were constructed. Order No. R1-2015-0023 (the Regional Cannabis Order) was in effect from August 2015 through adoption of the Cannabis General Order, and required cannabis cultivators within the North Coast Region to enroll and implement water quality protection measures. The Property was never enrolled under the Regional Cannabis Order.

On July 13, 2022, during the execution of a criminal search warrant served by the California Department of Fish and Wildlife (CDFW), Staff inspected the Property, accompanied by personnel from CDFW and personnel from various law enforcement agencies. 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. According to CDFW personnel, requisite state and local authorizations for commercial cannabis cultivation are not associated with the Property.

Attached is a copy of the water quality inspection report (Attachment B – July 13, 2022 Property Inspection Report). 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, 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 July 13, 2022 inspection report, Staff observed violations of the of the Basin Plan Section 4.2.1 Prohibition 1 at locations WQ2 through WQ4 and WQ14 for the discharge of sediment to a watercourse and Prohibition 2 at locations WQ1 through WQ5, WQ7 through WQ9, WQ11, and WQ13 through WQ17 for threatened discharge of sediment to a watercourse. Based on observations detailed in the inspection report of large-scale cannabis cultivation and associated activities, without first obtaining regulatory coverage for associated waste discharges, in violation of Water Code section 13260. Further, Staff observed violations of the California Water Code section 13264 for unauthorized discharges of waste to waters of the state at locations WQ2 through WQ5, WQ8, and WQ13 and of the Federal Clean Water Act for the unauthorized placement of fill in a water of the United States at WQ8. These site conditions also violate the Cannabis Policy.

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/

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

As documented in the inspection report, there are numerous existing stream crossings that must be upgraded or decommissioned to comply with the Basin Plan, which will require a water quality certification prior to conducting instream work.

The application for the water quality certification for cannabis cultivation-related projects is available here:

https://www.waterboards.ca.gov/northcoast/water_issues/programs/cannabis/pdf/200204/RB1_Cannabis_WQC_401_App.pdf

Additional Potential Liabilities

The Regional Water Board is in the process of considering whether the violations of the Policy 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. Administrative civil liabilities may be assessed on a daily basis in the amount up to \$10,000 for each day the violation occurs and \$10/gallon beyond the first 1,000 gallons not cleaned up for actual discharges to waters of the United States without a permit pursuant to Water Code section 13385.

Inspection Report Recommendations

As mentioned above, the July 13, 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 our Staff, Adona White, 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 our Staff Adona White by email at Adona.White@waterboards.ca.gov or by phone at 707-576-2672.

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 Jeremiah.Puget@waterboards.ca.gov or by phone at 707-576-2835. 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,

Jeremiah Puget
Senior Environmental Scientist
Enforcement Unit

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Attachments: Attachment A – Regulatory Citations
 Attachment B – July 13, 2022 Property Inspection Report

Certified Mail – Return Receipt requested

cc: **North Coast Regional Water Quality Control Board**
Northcoast.Cannabis@waterboards.ca.gov
Claudia Villacorta, Claudia.Villacorta@waterboards.ca.gov
Kason Grady, Kason.Grady@waterboards.ca.gov
Adona White, Adona.White@waterboards.ca.gov

Division of Water Rights

Taro Murano, Taro.Murano@waterboards.ca.gov
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Department of Fish and Wildlife

Scott Bauer, Scott.Bauer@wildlife.ca.gov
Lieutenant Douglas Willson, Douglas.Willson@wildlife.ca.gov
Kalyn Bocast, Kalyn.Bocast@wildlife.ca.gov
Erica Winner, Erica.Winner@wildlife.ca.gov
Warden Justin Rhoades, Justin.Rhoades@wildlife.ca.gov

Department of Cannabis Control

Erin Wonder, Erin.Wonder@cannabis.ca.gov

Attachment A – Regulatory Citations

Regulatory Section	Citation
Basin Plan Section 4.2.1, Prohibition 1	<p>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.”</p> <p>Available at: https://www.waterboards.ca.gov/northcoast/water_issues/programs/basin_plan/</p>
Basin Plan Section 4.2.1, Prohibition 2	<p>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.”</p>
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>(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>(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 Section 13260 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>
California Water Code Section 13265(a)	<p>“Any person discharging waste in violation of Section 13264, after such violation has been called to his attention in writing by the regional board, is guilty of a misdemeanor and may be liable civilly in accordance with subdivision (b). Each day of such discharge shall constitute a separate offense.”</p>

Regulatory Section	Citation
Federal Clean Water Act Section 301 (a):	Section 301(a) provides that subject to certain exceptions, “the discharge of any pollutant by any person shall be unlawful.” 33 U.S.C. § 1311(a). One of the exceptions allowed for under the Clean Water Act is the discharge from a dredge and fill activity under the auspices of § 404 and 401 of the Clean Water Act. 33 U.S.C. § 1342. The Clean Water Act prohibits the discharge of any pollutant from a point source into waters of the United States without a section 404 dredge and fill permit and a section 401 state water quality certification.
Federal Clean Water Act Section 401	Section 401 (a)(1) “Any applicant for a Federal license or permit to conduct any activity including, but not limited to, the construction or operation of facilities, which may result in any discharge into the navigable waters, shall provide the licensing or permitting agency a certification from the State in which the discharge originates”
Federal Clean Water Act Section 404	Section 404(a) provides, in relevant part, “The Secretary may issue permits...for the discharge of dredged or fill material into the navigable waters...” The Code of Federal Regulations defines the term “dredged material” as material that is excavated or dredged from waters of the United States. 33 C.F.R. § 323.2(c). The term “discharge or dredged material” mean any addition of dredge material into the waters of the United States. 33 C.F.R. § 323.2(d)(1). The Code of Federal Regulations defines “fill material” as material placed in waters of the United States that has the effect of replacing any portion of a water of the United States with dry land or changing the bottom elevation of any portion of a water of the United States. 33 C.F.R. § 323.2(e)(1). The term “discharge of fill material” means the additional of fill material into waters of the United States. 33 C.F.R. § 323.2(f).
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>Available at:</p> <p>https://www.waterboards.ca.gov/water_issues/programs/cannabis/docs/policy/final_cannabis_policy_with_attach_a.pdf and</p> <p>https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2019/wqo2019_0001_dwq.pdf</p>

Inspection Map and Photo Appendix, ACME Investments Inc Property
 CIWQS Inspection ID, July 13, 2022 Inspection, MEN APNs 013-540-50 & 013-540-51

Inspection Maps

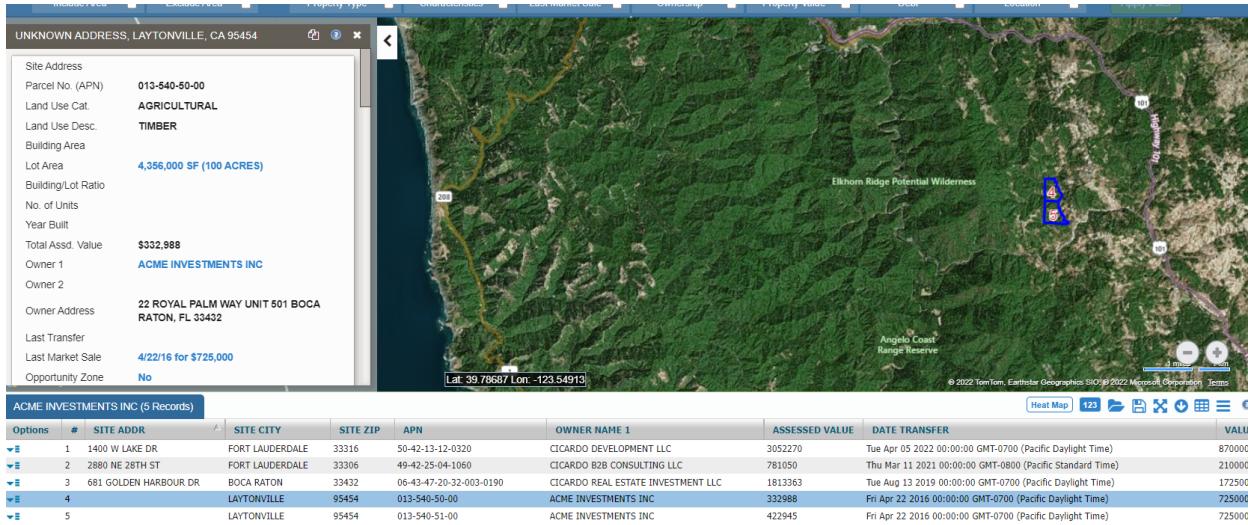


Figure 1. APN 013-540-50 & 51 (Property) location and ownership information for ACME Investments Inc in the Ten Mile Creek watershed of South Fork Eel River, northwest of the town of Laytonville, located in northern Mendocino County.

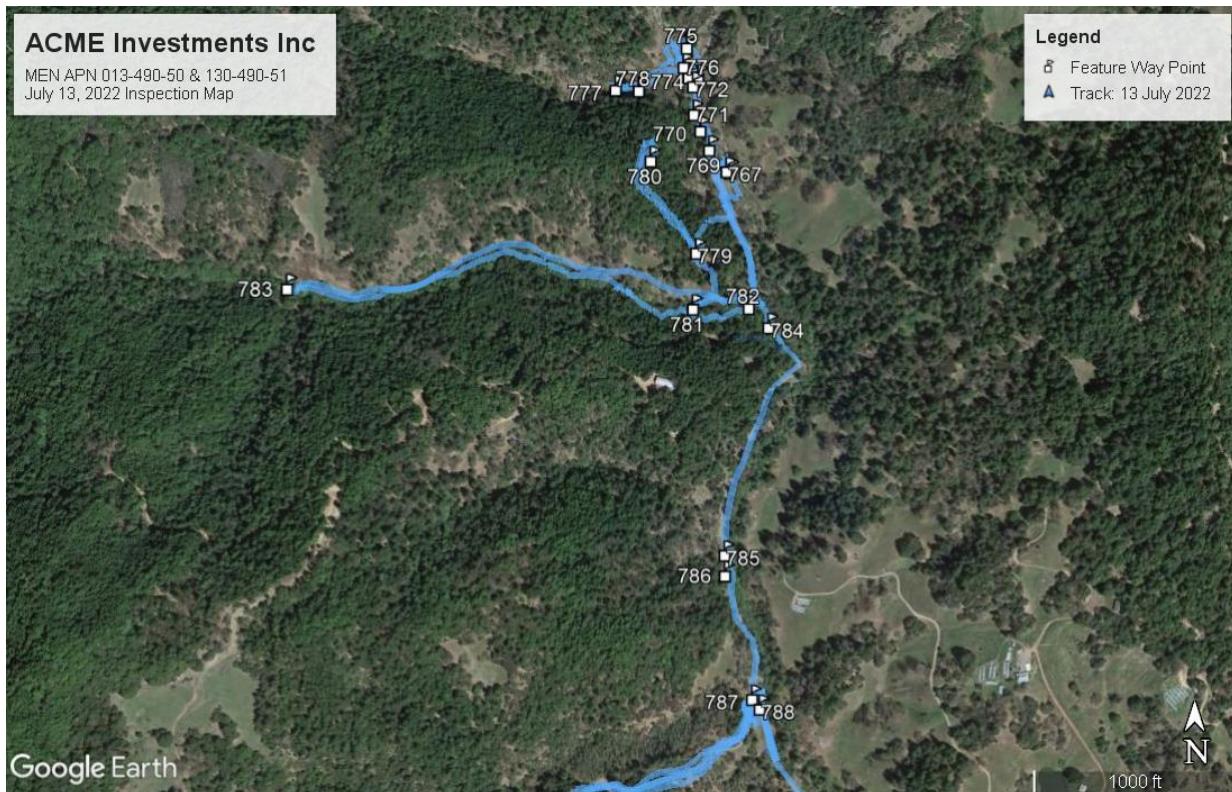


Figure 2. April 21, 2019 Aerial imagery of Property with inspection GPS way points (WP) shown by number and inspection route shown in blue.

Inspection Map and Photo Appendix, ACME Investments Inc Property
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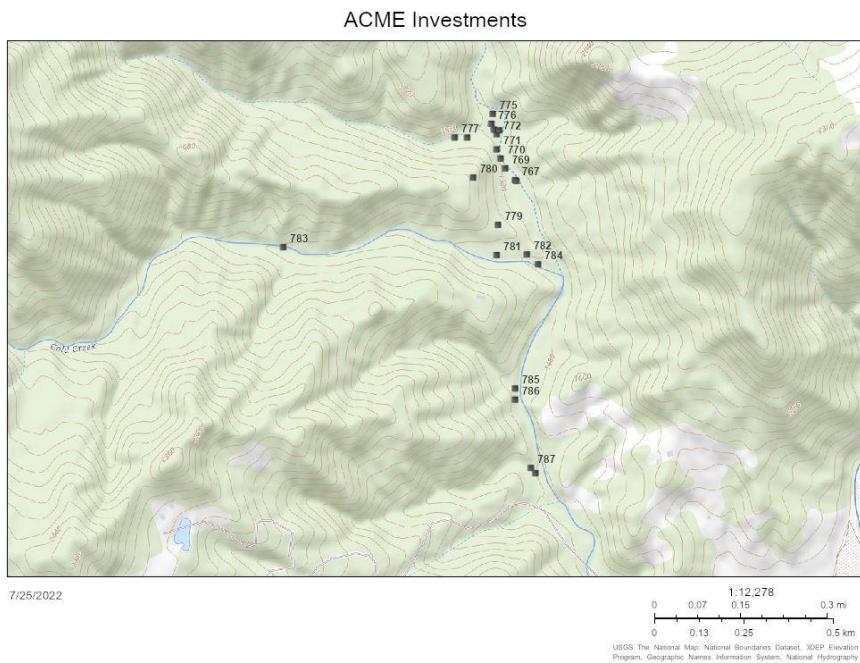


Figure 3. The Property is situated along the western and right bank (facing downstream) of Grub Creek, with several tributaries entering from the west, including Cold Creek, as shown on this USGS topographic map.



Figure 4. Terrain map of the Property and inspection WPs.

Inspection Map and Photo Appendix, ACME Investments Inc Property
CIWQS Inspection ID, July 13, 2022 Inspection, MEN APNs 013-540-50 & 013-540-51



Figure 5. Inspection map of northern portion of the Property with features of concern to water quality labeled WQ1-WQ11.

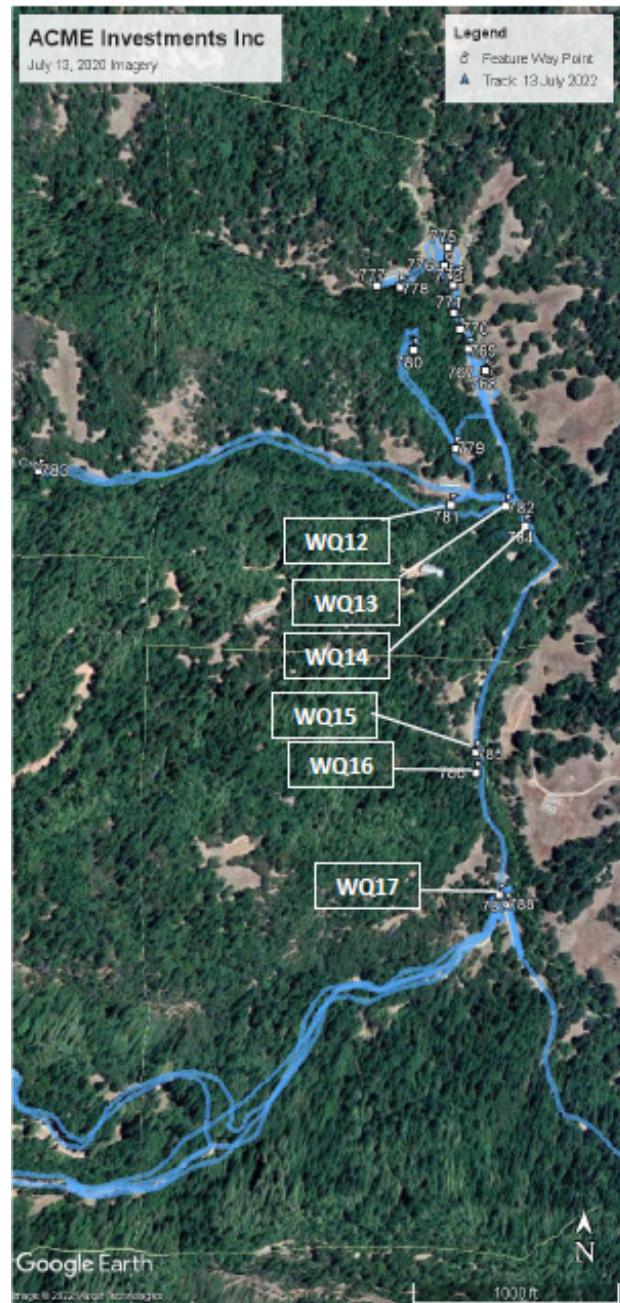


Figure 6 Inspection map with features on the southern portion of the Property of concern to water quality labeled WQ12-WQ17.

Inspection Photographs

All photos taken by Adona White on July 13, 2022, unless otherwise specified.

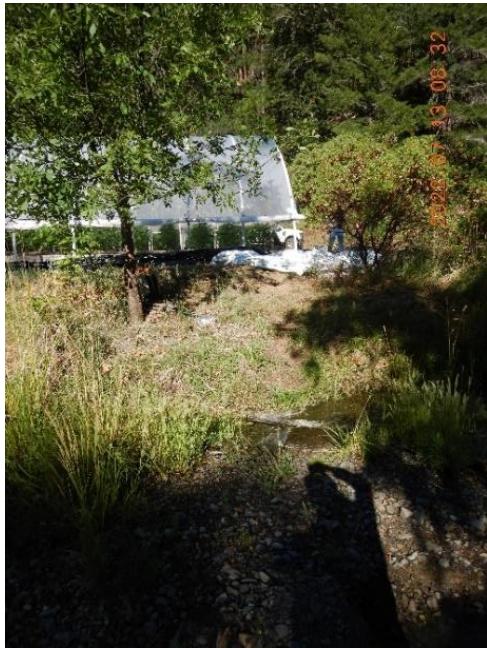


Figure 7. WQ1, WP767, Cultivation Area CA1 as viewed from the watercourse. The north corner of the cultivation area is 15' from top of bank of watercourse at WP768. Dep hoop house, spray tank. Cultivation waste, riparian disturbance.



Figure 8. WQ1, WP767. View of CA1 from Grub Creek. The light depreciation hoop house was constructed near the top of the bank, resulting in riparian disturbance.

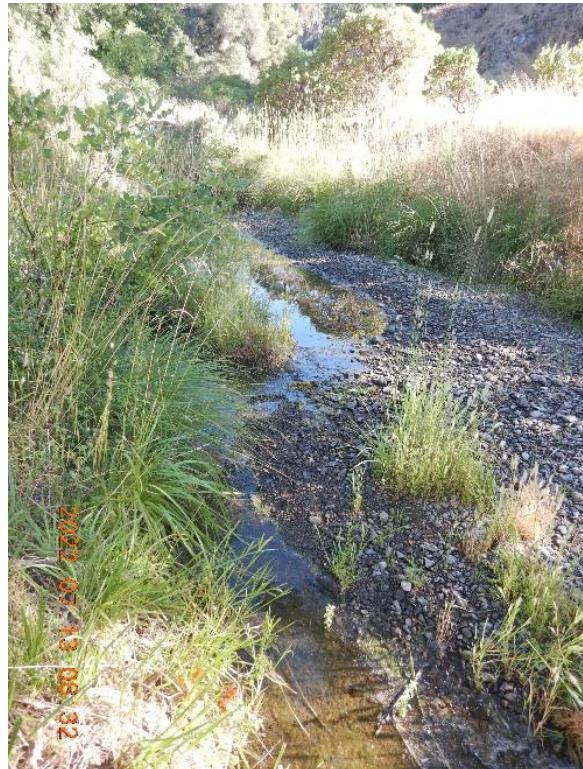


Figure 9. WQ1. Watercourse at WP768.



Figure 10. WQ1, CA1. Cultivation waste stored near watercourse.

Inspection Map and Photo Appendix, ACME Investments Inc Property
CIWQS Inspection ID, July 13, 2022 Inspection, MEN APNs 013-540-50 & 013-540-51



Figure 11. WQ1, WP 767. Backpack sprayer stored at top of bank.



Figure 12. WQ1. WP768. Within less than 20 feet from the backpack sprayer, I observed a hole dug in gravels of Grub Creek, with water on the surface and algae growing.



Figure 13. WQ2, WP769, watercourse crossing X1. Ford crossing on Grub

Creek. 30' long x 16' wide. The road approaches are hydrologically connected. Fine sediment is deposited upstream and downstream in the watercourse. Downstream is to the right of photo.



Figure 14. WQ2, WP769, X1. Fine sediment deposited in watercourse immediately downstream of ford crossing from road-related erosion of the crossing and the hydrologically connected road approaches.

Inspection Map and Photo Appendix, ACME Investments Inc Property
CIWQS Inspection ID, July 13, 2022 Inspection, MEN APNs 013-540-50 & 013-540-51



Figure 15. WQ3, WP770, watercourse crossing X2. Ford crossing on Grub Creek. 22' long by 12' wide. Vehicular use of the crossing results in a visible turbid plume downstream.



Figure 16. WQ3, WP770. Turbid plume downstream of X2.



Figure 17. WQ3, WP770. Turbid plume and fine sediment deposition downstream of X2.



Figure 18. WQ4, WP771, watercourse crossing X3 is a ford crossing on Grub Creek. The unsurfaced road approaches are hydrologically connected to the watercourse. Outside of the crossings, Grub Creek is a free flowing stream.

Inspection Map and Photo Appendix, ACME Investments Inc Property
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Figure 19. WQ4, WP771, watercourse crossing X3. The ford is 22' long by 8' wide.



Figure 20. View upstream at WQ4, WP771, X3.



Figure 21. View downstream at WQ4, WP771, X3 with fine sediment deposition.



Figure 22. WQ5, WP772, watercourse crossing X4 is a skid trail ford over a Class II tributary to Grub Creek and is a ford crossing that is 14' long x 6' wide.



Figure 23. WQ5, WP772, watercourse crossing X4. The road approaches are hydrologically connected to the watercourse.



Figure 24. WQ6, WP773, hoop house cultivation area CA2. The area is located adjacent to the watercourse and has been graded associated with the access road and the cultivation area.

Inspection Map and Photo Appendix, ACME Investments Inc Property
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Figure 25. WQ7, WP774. The stream bank is eroded to verticle, and algae is growing in the channel. I observed loose uncompacted fill pushed within 15' of the top of the bank of Grub Creek.



Figure 26. Aerial imagery of the area around CA2.



Figure 27. Terrain map of area around CA2. The cultivation area is constructed on a terrace upstream of the confluence of an unnamed Class II tributary, flowing from the west, and Grub Creek, flowing from the north. Along the bank of the tributary, there is a feature that appears eroded from the terrace and is visible on this terrain map. A wetland occupies this feature at WP776.



Figure 28. View of the cultivation area CA2, constructed on the terrace along the left bank of the unnamed tributary (facing downstream). The tributary has riparian vegetation on the banks.



Figure 29. View of the cultivation area CA2, constructed on the terrace along the left bank of the unnamed tributary (facing downstream). The tributary has riparian vegetation on the banks. Grub Creek is in the distance.



Figure 30. WQ8, WP776. Loose fill associated with the greenhouse pad construction is pushed over the break in slope with the wetland. Looking approximately north.



Figure 31. WQ8, WP776. Potting soil and dirt graded adjacent to wetland feature. Looking approximately south.



Figure 32. WQ8, WP776. Pushed fill encroaching over slope into wetland feature. Looking approximately north.

Inspection Map and Photo Appendix, ACME Investments Inc Property
CIWQS Inspection ID, July 13, 2022 Inspection, MEN APNs 013-540-50 & 013-540-51



Figure 33. WQ8, WP776. Pushed fill encroaching over slope into wetland feature. Looking approximately south.



Figure 34. Pushed fill and potting soil encroaching over slope into wetland feature. Looking approximately south.



Figure 35. Pushed fill and potting soil encroaching over slope into wetland feature. Looking approximately north.



Figure 36. View of hoop houses and constructed flat adjacent to wetland feature. Looking approximately east.



Figure 37. Pushed fill encroaching over slope into wetland feature. Looking approximately east.



Figure 38. WQ8, WP776. Based on rapid visual observation, and my experience with wetlands in the

Inspection Map and Photo Appendix, ACME Investments Inc Property
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northcoast, vegetation associated with wetland feature appears to be dominated by hydrophytic vegetation.



Figure 39. WQ8, WP776. Based on rapid visual observation, and my experience with wetlands in the northcoast, soils within the wetland feature appear to be saturated.



Figure 40. WQ8, WP776. View looking north of watercourse in foreground, and the wetland feature, flanked by

greenhouses. Based on my field observations and evaluation of the terrain, and my experience with wetlands in the northcoast, the hydrology of the the feature is associated with the unnamed Class II tributary to Grub Creek.



Figure 41. View of flowing unnamed tributary, just downstream of WQ8.



Figure 42. WP777, cultivation area CA3.

Inspection Map and Photo Appendix, ACME Investments Inc Property
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Figure 43. WP777, CA3 is situated adjacent to the same unnamed Class II tributary to Grub Creek as discussed in WQ8.



Figure 44. WP777, CA3 and adjacent watercourse.



Figure 45. WQ9, WP777, CA3. Riparian trees were cut to facilitate cannabis cultivation.



Figure 46. WQ9, WP777, CA3. Removal of riparian trees to facilitate cannabis cultivation allows more sun to reach the watercourse and associated riparian area, potentially increasing water temperatures.



Figure 47. WQ9, WP777. Potting soil is stored uncontained at the top of bank at CA3.



Figure 48. WQ10, WP 778. On the gravels of the stream channel, next to

Inspection Map and Photo Appendix, ACME Investments Inc Property
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the flowing surface water of the stream, I observed a pesticide container and jug. According to the safety data sheet for the pesticide, Sevin Insect Killer, it contains active ingredient zeta-cypermethrin, which according to the US EPA label amendment in 2021, the “product is extremely toxic to fish, aquatic invertbrates..”

[https://www3.epa.gov/pesticides/chem_search/ppls/000279-09548-20210806.pdf]



Figure 49. WQ11, WP778, quad trail watercourse crossing X5 over the Class II unnamed tributary. The ford is 12' wide by 6' long and connects to the crossing identified at WQ5, WP772.



Figure 50. WQ11, WP778, X5, approaches are steep and hydrologically connect to the watercourse.



Figure 51. WQ11, WP 778, view of quad stream crossing and CA3.



Figure 52. A road up to water tanks is very steep (30-50% slope) with wheel track troughs.

Inspection Map and Photo Appendix, ACME Investments Inc Property
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Figure 53. Road surface erosion has transported into swale at WP779 along road to water tanks.



Figure 54. Water tanks are located on ridgeline at WP780.



Figure 55. WP780. Water tanks and fertilizer.



Figure 56. WP780. Water tanks and fertilizer.



Figure 57. WP780. Water tank is not level.



Figure 58. WP780. Pump at water tanks.

Inspection Map and Photo Appendix, ACME Investments Inc Property
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Figure 59. WP781, CA4. CA4 is located up above and setback from Cold Creek.



Figure 60. WQ12. Between Cold Creek and the CA4 cultivation area, oaks and firs are cleared. Late afternoon summer shade on big Class II stream could be reduced, potentially elevating air temperatures and water temperatures.



Figure 61. WQ12. Cultivation waste is stockpiled between CA4 and Cold Creek.



Figure 62. WQ13, WP 782. A streamside landing is being used to facilitate water diversion for the cultivation. Two pumps and a water tank are located on the top of the bank of Cold Creek. There is a diversion into the tank, and out are two pumps, each on separate out lines.



Figure 63. WQ13, WP782. I observed evidence that fertilizer was being used at the top of the streambank.

Inspection Map and Photo Appendix, ACME Investments Inc Property
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Figure 64. WQ13, WP782. Jugs of fertilizer are located on the streamside landing and water tank.



Figure 67. Cold Creek on way to POD. We observed waterline and diversion related items.



Figure 65. WQ13, WP782. Cold Creek next to streamside flat.



Figure 68. Cold Creek on way to POD.



Figure 66. We followed water lines from WQ13 upstream approximately 2300' to the point of diversion (POD).



Figure 69. Point of diversion pool at WP783.



Figure 70. WQ14, WP 784. Ford crossing of Cold Creek. Both road approaches discharge to this stream this stream, shown as a blueline stream on the USGS map in Figure 3. 12' long wet ford built up with rocks in the channel. Lots of fine sediment deposited in channel.



Figure 71. WQ15, WP 785. A culverted stream crossing has too short of a pipe.



Figure 72. WQ16, WP 786. The access road is located close to Grub Creek, 4' horizontally and 4' vertically. Road surface erosion ready can discharge to the watercourse. I observed fish in this reach.



Figure 73. WQ17, WP 787. Misaligned corrugated plastic pipe located on a skid trail with eroded fill on tributary to Grub Creek

FACILITIES INSPECTION REPORT

Region/Office: I	Status: Performed	Reg. Measure ID: 448572
Program Type: IRRICANNABIS	WDID: I_23MJ000062	Order Number:
Scheduled Insp. Date:	Actual Insp. Date: 07/13/2022	

Discharger Information

Party ID: 634383	Discharger Organization Name: Acme Investments Inc.
Address: 22 Royal Palm Way Unit 501	City, State, Zip: Boca Raton, FL 33432
Discharger Contact Person:	Discharger Contact Phone:
Discharger Contact Email Address:	

Facility Information

Place ID 882282	Facility Name: Acme Investments Inc.		
Address: Address Unknown	City, State, Zip: Laytonville, CA 95454		
County: Mendocino	Latitude: 39.76867	Longitude: -123.5791	Method:

Lead Inspector Information

Lead Inspector Party ID: 526285	Lead Inspector Name: Adona White
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: Complaint inspection

VIOLATIONS

Were Violations noted during this inspection? Yes No

Violation ID	Violation Type	Occurrence Date	Rank	Description
1106135	Other Codes	07/13/2022	B	California Water Code Section 13260 for unauthorized land disturbances associated with cannabis cultivation
1106217	Basin Plan Prohibition	07/13/2022	B	Basin Plan Section 4.2.1 Action Plan For Logging, Construction, And Associated Activities Prohibition 1 at location WQ2 through WQ4, and WQ14 and Prohibition 2 at locations WQ1 through WQ5, WQ7 through WQ9, WQ11, and WQ13 through WQ17.
1106218	Unauthorized Discharge	07/13/2022	B	California Water Code Section 13264 for unauthorized discharge of waste to waters of the state at locations WQ2 through WQ4, WQ8, WQ10, WQ14, and WQ17. Federal Clean Water Act section 301 for unauthorized fill of waters of the United States at WQ8.

INSPECTION SUMMARY (REQUIRED) (500 character limit)

See Map and Photo Appendix for details of specific locations.

I only observed portions of the Property.

Roads were not maintained for erosion control and had rills, indicating past winter erosion.

Cultivation areas are located near stream, with cultivation in hoop houses, within 15 feet of top of bank.

I observed numerous ford crossings of streams with blankets of sediment deposits downstream, resulting from vehicular access.

Graded material was pushed to encroach on a wetland and fill pushed near stream banks.

GENERAL NOTES (OPTIONAL) (2000 character limit)

Recommendations:

1. Immediately remove fertilizers, pesticides, and petroleum products and containers from near stream areas, including at WQ1, WQ6, WQ10, WQ13.
2. Remove unpermitted cultivation, related materials, and associated refuse and cultivation waste from WQ1, WQ6, WQ9, WQ12.
3. Hire a qualified professional to conduct and submit a wetland delineation at WQ8. Identify impacts associated with the encroachment on the wetland with fill. Propose a cleanup plan to restore the wetland and associated watercourse to their pre-disturbed conditions.
4. Hire a qualified professional to inventory the Property, and provide treatment plans to protect streams and wetlands from unauthorized discharge of sediment and other waste, including from the access road and crossings. The roads assessment treatment plan should be consistent with the guidance offered in the document found at this link:

<https://www.pacificwatershed.com/sites/default/files/RoadsEnglishBOOKapril2015b.pdf>.

The treatment plans should include immediate stabilization measures to prevent sediment discharges to streams from hydrologically connected road segments and cultivation areas during the 2022/2023 rainy season, and longer-term cleanup and restoration measures to prevent, minimize, and mitigate impacts to waters of the state and of the United States from discharges of sediment, nutrients, chemicals, and excess heat.

5. Prior to conducting any instream work, first obtain a water quality certification from the Regional Water Board:

https://www.waterboards.ca.gov/northcoast/water_issues/programs/cannabis/pdf/200204/RBI_Cannabis_WQC_401_App.pdf.

6. Work with the Division of Water Rights and California Department of Fish and Wildlife to ensure conformance to their respective surface water diversion, storage, and use requirements.

For Internal Use (Optional)

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