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North Coast Regional Water Quality Control Board

March 29, 2022

Adesa Organic, LLC

Certified Mail: 7021 0950 0001 6499 6070

c/o Laura Borusas  
730 7<sup>th</sup> St., Ste. 202  
Eureka, CA 95501  
[lborusas@gmail.com](mailto:lborusas@gmail.com)

Dear Adesa Organic, LLC and Ms. Laura Borusas:

Subject: **Notice of Violation for Humboldt County Assessor's Parcel 315-211-003-000, and Directive to Respond within 30 days**

File: Adesa Organic, LLC -Cannabis Waste Discharge Regulatory Program,  
CIWQS Place ID: 831057

**THIS LETTER REQUIRES THAT YOU ACT WITHIN 30 DAYS**

This letter is to notify you of violations of the requirements listed below, and cited in Attachment A, at the property identified as Humboldt County Assessor's Parcel Number (APN) 315-211-003-000 (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

On December 16, 2021, North Coast Regional Water Quality Control Board (Regional Water Board) received an environmental complaint through the Cal EPA Environmental Complaint System, and email notification from Humboldt County Planning and Building Department staff (Humboldt County staff) following an inspection of the Property by Humboldt County staff on December 15, 2021. Humboldt County staff reported a significant discharge of sediment to waters of the State and waters of the United States at the Property. 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.

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

## **Background**

According to our records, the cannabis cultivation operation located on this Property is enrolled for coverage under the Cannabis General Order as Tier 2, Low Risk to water quality.

Effective December 22, 2016, APN 315-211-003-000 (in addition to other adjacent parcels) was enrolled under Regional Cannabis Order R1-2015-0023, with WDID 1B161705CHUM. On June 30, 2019, Adesa Organic LLC 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. Effective July 1, 2019, the Property was transitioned into the Cannabis General Order, WDID 1\_12CC419652.

## **Identified Violations, Relevant Requirements, and Recommendations**

### Identified Violations:

Attached is a copy of the site map and photolog with labels of their observations provided by Humboldt County staff following their inspection of the Property (Attachment B –County Inspection Map and Photolog) on December 15, 2021. Upon review of Attachment B, Regional Water Board staff identified several features and conditions on the Property that represent violations of water quality requirements and regulations.

The photolog demonstrates the lack of adequate grading and construction stormwater best management practices (BMPs), which resulted in the discharge of sediment laden water to surface waters in at least three locations from three separate grading activities (cultivation area grading, onstream pond and storage area, and off-stream pond area grading). The photolog provides evidence of the absence of required BMPs and the failure of the inadequate BMPs installed. The two impacted watercourses are considered waters of the United States and waters of the State to which unauthorized discharges of waste are prohibited.

### Relevant Requirements:

Upon review of Attachment B provided by Humboldt County staff, Regional Water Board staff identified violations of the Cannabis General Order and Basin Plan. In addition, staff identified violations of the Cannabis General Order Attachment A, Section 1 - General Requirements and Prohibitions Nos. 25-27, 34, and 35; and Section 2 - Requirements Related to Water Diversions and Waste Discharge for Cannabis Cultivation Nos. 10, 14, 17, 22, 26, 28-29, 35-36, 59, 126, 128-133, and Section 5 – Planning and Reporting submittal of a Site Management Plan and Nitrogen Management Plan within 90 days of the issuance of receipt. Attachment A – Regulatory Citations, provides references to these, and related, requirements and regulations.

Recommendations:

Please review Attachment B carefully and completely, Attachment B contains the relevant locations and reference photos for correcting the identified violations. Provide, in writing:

1. A description of what happened at the Property and surrounding circumstances,
2. An assessment of why and how the stormwater BMPs failed and resulted in a discharge to surface waters,
3. A description of the resulting unauthorized discharge of sediment laden water to surface waters and observed impacts, and proposal to resolve those impacts,
4. An assessment of how to prevent future BMP failures and discharges of waste to surface waters and a plan to ensure there is not a repeat occurrence,
5. A plan and schedule for resolving the failed and inadequate BMPs,
  - a. Including a site map with labeled locations based on the map included in Attachment B,
  - b. Photographs of any BMPs added or re-installed, tied back to the labeled site map locations, and
  - c. Engineering or technical designs necessary to prevent the discharge of waste.

In addition, upon review of the documents required to be submitted per the Property's enrollment in the Cannabis General Order, please submit an updated Site Management Plan and Nitrogen Management Plan for the activities occurring or proposed to occur at the Property in order to comply with Attachment A, Section 5 of the Cannabis General Order.

**Additional Potential Liabilities**

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

Please note that correcting the conditions of non-compliance at the Property does not preclude enforcement for the violations alleged in this notice. As noted above, the Regional Water Board reserves its right to fully enforce the law against any violation and threatened violation by taking enforcement actions such as a cleanup and abatement order, time schedule order, administrative civil liabilities, and referral to the California Attorney General's office. Administrative civil liabilities may be assessed on a daily basis in the amount up to \$5,000 for each day the violation occurs or up to \$10 per gallon, but not both, pursuant to Water Code section 13350.

**Directive to Respond Within 30 Days**

Based on the violations identified in Attachment B and detailed above, the Regional Water Board has determined that, you are required to respond to this NOV within 30

days by providing additional technical information and plan to ensure violations of the Basin Plan and Cannabis General Order do not and will not occur or continue. Failure to comply with the Cannabis General Order may result in an administrative civil liability under Water Code sections 13265 and 13268 not to exceed \$1,000 per violation for each day in which each violation occurs.

Please advise Regional Water Board staff of your intentions, plan, and schedule to implement recommendations above. 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 Shannon Utley by email at [Shannon.Utley@waterboards.ca.gov](mailto:Shannon.Utley@waterboards.ca.gov) or (707) 445-6125.

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 (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, P.E.  
Senior Water Resources Control Engineer

Filename: Adesa\_Organics\_NOV

Attachments: Attachment A - Regulatory Citations  
Attachment B – County Inspection Map and Photos

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)  
Shannon Utley, [Shannon.Utley@waterboards.ca.gov](mailto:Shannon.Utley@waterboards.ca.gov)

**California Department of Fish and Wildlife**

Cheri Sanville, [Cheri.Sanville@wildlife.ca.gov](mailto:Cheri.Sanville@wildlife.ca.gov)  
Andrew Orahoske, [Andrew.Orahoske@wildlife.ca.gov](mailto:Andrew.Orahoske@wildlife.ca.gov)

**Humboldt County Planning and Building Department**

Bob Russell, Deputy Director ([rrussell@co.humboldt.ca.us](mailto:rrussell@co.humboldt.ca.us))  
Blake Batten, Planner ([bbatten1@co.humboldt.ca.us](mailto:bbatten1@co.humboldt.ca.us))

## 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	<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></p> <p>and</p> <p><a href="https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2019/wqo2019_0001_dwq.pdf">https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2019/wqo2019_0001_dwq.pdf</a></p> <p>Term:</p> <p>Condition:</p>