



North Coast Regional Water Quality Control Board

March 11, 2022

Certified Mail No. 7021 0950 0001 6499 6988

Rodney and Gayle Baker
PO BOX 457,
Hayfork, CA, 96041-0457
gaylebaker2@aol.com

Dear Rodney and Gayle Baker,

Subject: Notice of Violation for Failure to Comply with Cleanup and Abatement Order No. R1-2020-0028 (CAO) Required Action Nos. 4 and 5

File: Cannabis Program Inspections, Trinity County, 2019, Rodney and Gayle Baker, CIWQS Place ID 849792

The purpose of this letter is to notify you that you have not fully implemented the Cleanup Restoration and Monitoring Plan (CRMP) and, as a result, you are in violation of Cleanup and Abatement Order No. R1-2020-0028 (CAO) Required Action Nos. 4 and 5. This letter also provides guidance for completing the CAO Required Actions.

Background

On July 31, 2020, the Regional Water Board issued the CAO to Rodney and Gayle Baker (the "Dischargers") in response to observed discharges and threatened discharges of waste associated with cannabis cultivation activities, to receiving waters, including a watercourse tributary to Salt Creek that had been filled with imported potting soil and other cultivation waste without authorization from applicable federal, state, and local agencies.

Required Action No. 1 of the CAO requires that the Dischargers submit a Cleanup, Restoration, and Monitoring Plan (CRMP) by August 1, 2020.

On July 31, 2020, the Dischargers submitted a CRMP of appropriate scope to address the CAO requirements. You then revised the CRMP on August 5, 2020 and submitted an addendum to the CRMP on August 20, 2020.

On October 6, 2020, I approved the August 5, 2020, CRMP including the August 20, 2020 addendum (collectively, the Approved CRMP).

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

On February 10, 2022, Regional Water Board staff (Staff) inspected your Property, the report of which is attached. During the inspection, Staff found that work items included in the Approved CRMP had not been performed. Specifically, you had not arranged for a well inspection by Trinity County Environmental Health and the revegetation plan had not yet been implemented.

Mrs. Baker explained to Staff that your consultant had proposed a scope of work to restore the site, which was beyond your capacity to implement. Mrs. Baker explained that you did not have enough money to purchase the 141 container grown plants that were identified in the Approved CRMP, and you would not be able to irrigate them since your power service had been vandalized.

These arguments are not sufficient to justify removing the requirement for implementing the revegetation plan in the Approved CRMP. The planting of the 141 container grown species will provide valuable water quality and habitat benefits and the inclusion of these plantings in the proposed CRMP satisfied, in part, the requirement (included in CAO Required Action 1c) for mitigation to compensate for having impacted the watercourse.

Lack of Compliance

Required Action No. 4 (submittal of monthly progress reports) is a condition of the CAO required pursuant to Water Code section 13267.

Required Action No. 5 (completion of the CRMP including, facilitating inspection of the well by Trinity County staff, securing/removing all refuse onsite, and implementing the approved revegetation plan by March 31, 2021) is a condition of the CAO required pursuant to Water Code section 13304.

Violations of requirements imposed pursuant to Water Code section 13267 may result in administrative civil liability of up to \$1,000 per day pursuant to Water Code section 13268.

Violations of requirements imposed pursuant to Water Code section 13304 may result in administrative civil liability of up to \$5,000 per day pursuant to Water Code section 13350.

As of March 11, 2022, you have missed 16 Monthly Progress Reports in violation of CAO Required Action No. 4 since December 1, 2020 and face potential administrative civil liability of up to \$16,000. As of March 11, 2022, you have been in violation of Required Action No. 5 for a total of 345 days, which represents a very significant potential civil liability.

Within 30 days of this letter, please advise my staff member Brian Fuller of your intentions, plan, and schedule to submit monthly monitoring reports, arrange for an inspection of your well by Trinity County Environmental Health and complete the

plantings and irrigation required in the Approved CRMP to come into compliance with the CAO. Brian Fuller can be reached at (707) 576-2806 or by email at Brian.Fuller@waterboards.ca.gov. We will consider the timeliness and adequacy of your response in determining our next enforcement steps. Staff is committed to continue to advise you and your consultants about the CAO requirements; however, it is your responsibility to implement all of the CAO Required Actions.

Sincerely,

Kason Grady
Cannabis and Enforcement Division Supervisor

220311_BMF_NOV_For_R1-2020-0028_Required_Actions_4_and_5

Attachment: Water Quality Report of February 10, 2021 Inspection

cc:

Consultants for the Discharger

Marie Petersen, stellaria.sftr@gmail.com

Department of Fish and Wildlife

Jacqueline Matthews, Jacqueline.Matthews@Wildlife.ca.gov

Warden Barry Powell, Barry.Powell@Wildlife.ca.gov

North Coast Regional Water Quality Control Board

Brian Fuller, Brian.Fuller@waterboards.ca.gov

Kason Grady, Kason.Grady@waterboards.ca.gov

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County of Trinity

Department of Environmental Health, environmentalhealth@trinitycounty.org

State Water Resources Control Board, Office of Enforcement

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