



North Coast Regional Water Quality Control Board

March 18, 2022

Alicia Garcia
PO Box 2542
Redway, CA 95560

Certified Mail 7021 0950 0001 6499 7060

Dear Alicia Garcia:

Subject: Notice of Violation, Transmittal of Inspection Report for January 16, 2022 Inspection of Trinity County Assessor's Parcel APN 022-080-025

File: Cannabis Program Inspections, Trinity County, February 16, 2022,
CIWQS Place ID 879991

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 Trinity County Assessor's Parcel Number: 022-080-034 (the Property):

1. State Water Resources Control Board Cannabis Cultivation Policy 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

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

On February 16, 2022, North Coast Regional Water Quality Control Board (Regional Water Board) staff inspected the Property and observed cannabis cultivation greenhouses. 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

The Property was formerly part of the Shannon Ranch. LandVision records show that the Property was sold by Michael and Stephen Klem on June 7, 2018 to Levi Rodriguez, who sold it to Alicia Garcia on July 8, 2019. Levi Rodriguez and Alicia Garcia have the same mailing address.

According to aerial imagery review by Regional Water Board staff on March 14, 2022, as of August 12, 2017, the only site development visible on the Property is a road that runs parallel to the southern parcel boundary which appears only as tire tracks. The Property is mostly forested, with a cleared area in the middle that runs up hill, with open grassland along the south and eastern parcel boundaries that appear to tie into lush green swaths, indicative of wetlands. Imagery dated November 11, 2018 shows clearing and piling in the grasslands, road upgrades use along the southern road. Imagery from July 1, 2021 shows the scar of the August complex.

The Property was never enrolled under Regional Cannabis Order R1-2015-0023.

On February 16, 2022, during the execution of a criminal search warrant served by the California Department of Fish and Wildlife (CDFW), staff from the Regional Water Board, accompanied by staff of CDFW, Trinity County Environmental Health, 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. According to CDFW personnel, the 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 – 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, 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 February 16, 2022 inspection report, Regional Water Board staff observed violations of the Cannabis Cultivation Policy. Staff describe these violations in the inspection report.

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.

Inspection Report Recommendations

As mentioned above, the February 16, 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 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 Regional Water Board 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 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, PE
Senior Water Resource Control Engineer
Cannabis Program

Attachments: Attachment A – Regulatory Citations
Attachment B – 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

Stormer Feiler, Stormer.Feiler@waterboards.ca.gov

Department of Fish and Wildlife

Scott Bauer, Scott.Bauer@wildlife.ca.gov

Josh Zulliger, Joshua.Zulliger@wildlife.ca.gov

County Sheriff's Office

Sergeant Nathaniel Trujillo, ntrujillo@trinitycounty.org

Trinity County Environmental Health

Kristy Anderson, kanderson@trinitycounty.org

Department of Cannabis Control

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

Down River Solutions

Marie Peterson, stellaria.sftr@gmail.com

Timberland Resource Consultants

Chris Carroll, carroll@timberlandresource.com

Attachment A – Regulatory Citations

Regulatory Section	Citation
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

FACILITIES INSPECTION REPORT

Region/Office: 1	Status: Performed	Reg. Measure ID: 446994
Program Type: IRRICANNABIS	WDID:	Order Number:
Scheduled Insp. Date:	Actual Insp. Date: 02/16/2022	

Discharger Information

Party ID: 631607		Discharger Organization Name: Alicia Garcia	
Address: Po Box 2542		City, State, Zip: Redway, CA 95560	
Discharger Contact Person:		Discharger Contact Phone:	
Discharger Contact Email Address:			

Facility Information

Place ID 879991		Facility Name: Alicia Garcia Property	
Address: 3781 Hoaglin Road		City, State, Zip: Zenia, CA 95595	
County: Trinity	Latitude: 40.14014	Longitude: -123.40663	Method: Map Interpolation (digital)

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 and State (EPA Lead)	<input type="checkbox"/> EPA (Regional)	
		<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
1102241	Other Codes	02/16/2022	B	Violation of the State Water Resources Control Board Cannabis Cultivation Policy for failure to enroll under the Cannabis General Order, Order WQ 2019-0001-DWQ

INSPECTION SUMMARY (REQUIRED) (500 character limit)

Recommendations:

1. Submit a wetland delineation of wetland features on the Property; describe any impacts to waters of the state from the construction and management of the pond or other cannabis-related infrastructure.
2. Work with CDFW and DIV to determine and secure any applicable permits or licensing required for surface water diversion, storage, and use.
3. Remove cannabis cultivation infrastructure or enroll in the Cannabis General Order and comply with the requirements therein.

GENERAL NOTES (OPTIONAL) (2000 character limit)

I inspected Trinity County APN 022-080-025 (the Property), the afternoon of February 16, 2022, during the service of a criminal search warrant by California Department of Fish and Wildlife (CDFW) and other law enforcement personnel. The Property does not possess the requisite authorizations for commercial cannabis cultivation, including a cannabis cultivation permit from Trinity County, nor is there a license from California Department of Cannabis Control. There is no enrollment under the Cannabis General Order.

Locations discussed are shown on Figure 2.

The Property has an open flat area that ties into a lush green area of likely wetlands. The access road along the southern Property boundary is elevated above the grade of the adjacent and natural ground surfaces.

At Way Point (WP 695), I observed the inlet of Culvert 1, and within 15 feet of the inlet, a greenhouse was situated. The area around the inlet looked to have potential wetland characteristics.

Culvert 2 was located at WP 696.

At WP 692, I observed a water line from the adjacent parcel (APN 022-080-034) to the Property, suggesting an affiliation.

At WQ 697 I observed an area of older outdoor cultivation pots.

For Internal Use (Optional)

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

Alicia Garcia Property Inspection Map and Photographs CIWQS Inspection ID 47096964

Maps



Figure 1. Ownership information of Trinity County APN 022-080-025 (the Property) and adjacent parcels. Imagery represents May 20, 2021. Note plastic on greenhouses on Property not visible in the next figure, thus suggesting they were used for cultivation in 2020.



Figure 2. Inspection map, showing locations of GPS Way Points discussed in this inspection report.

Inspection Photographs

All photos taken by Adona White on February 16, 2022



Figure 3. View from eastern Property boundary at WP 692 looking east at pond and water line from adjacent parcel, APN 022-080-034, running to the Property.



Figure 5. Older outdoor cultivation area on the Property, with pond on adjacent parcel in background.



Figure 4. View from eastern Property boundary at WP 692 looking west at Property and waterline from APN 022-080-034 running to the Property, with view of greenhouse frame and cultivation beds in distance.



Figure 6. Greenhouse frames, with algae growth visible in foreground.

Alicia Garcia Property Inspection Map and Photographs
CIWQS Inspection ID 47096964



Figure 7. View from within greenhouse frame of access road running along southern Property boundary and inlet of Culvert 2. Vegetation, location, and hydrology suggest potential associated wetland areas.



Figure 8. Culvert 2 inlet with signs of ponding.



Figure 9. Culvert 1 outlet.



Figure 10. Culvert 1 inlet.



Figure 11. View of site conditions on Property.

Alicia Garcia Property Inspection Map and Photographs
CIWQS Inspection ID 47096964



Figure 12. Recent burn pile.



Figure 14. Location, vegetation, and hydrology suggest possible wetlands.



Figure 13. View of grasslands south of the Property.