



North Coast Regional Water Quality Control Board

July 12, 2022

David Valentino Glover
PO Box 1464
Redway, CA 95560

Certified Mail 7021 0950 0001 6499 7954

Dear David Glover:

**Subject: Notice of Violation, Transmittal of Inspection Report for June 6, 2022
Inspection of Humboldt County Assessor's Parcel 222-081-004**

File: Cannabis Program Inspections, Humboldt County 2022, CIWQS Place ID
882093

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 (APN) 222-081-004 (the Property):

1. Water Quality Control Plan for the North Coast Region (Basin Plan) Section 4.2.1
2. 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 June 6, 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 Staff to discuss your plan to correct the observed violations.

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

Background

The Property is located in the Connick Creek watershed, tributary to South Fork Eel near the town of Garberville, CA. LandVision records show that the Property was purchased by David Valentino Glover on February 22, 2016, from Jacob and Jesse Jeffries, who purchased the Property on June 27, 2007.

According to review by Staff on July 4, 2022, of aerial imagery available from Google Earth and Land Vision, between July 14, 2006 and May 24, 2009, the residential area was cleared of trees and the house and detached garage were constructed. As of the May 24, 2010 imagery, a road toward the spring diversion is visible. As of the August 23, 2012 imagery, the driveway was paved. Between the June 9, 2015 and the April 25, 2018 imagery, the barn was constructed.

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

On June 6, 2022, during the execution of a criminal search warrant served by the Humboldt County Sheriff's Office (HCSO), Staff inspected the Property, accompanied by personnel from the California Department of Fish and Wildlife (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 HCSO 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 – June 6, 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 June 6, 2022 inspection report, at WQ1, Staff observed a violation of the of the Basin Plan Section 4.2.1 Prohibition 2 for the threatened discharge of sediment to a watercourse with the onstream landing, located at WQ1, and

used for water diversion and storage for cannabis cultivation and associated activities. Additionally, this violation also violates the Cannabis Policy.

Cannabis Cultivation Waste Discharge Requirements Regulatory Program

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/

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 June 6, 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

Attachments: Attachment A – Regulatory Citations
 Attachment B – June 6, 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

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

Department of Fish and Wildlife

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

Warden Brendan Lynch, Brendan.Lynch@wildlife.ca.gov

Kalyn Bocast, Kalyn.Bocast@waterboards.ca.gov

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

Humboldt County Sheriff's Office

Sergeant Conan Moore, CMoore@co.humboldt.ca.gov

Deputy Shane Steel, SSteele@co.humboldt.ca.us

Department of Cannabis Control

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

Attachment A – Regulatory Citations

| Regulatory Section | Citation |
|---|--|
| <p>Cannabis Policy and Cannabis General Order</p> | <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_attachment_a.pdf</p> <p>and</p> <p>https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2019/wqo2019_0001_dwq.pdf</p> |
| <p>Basin Plan Section 4.2.1, Prohibition 1</p> | <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:</p> <p>https://www.waterboards.ca.gov/northcoast/water_issues/programs/basin_plan/</p> |
| <p>Basin Plan Section 4.2.1, Prohibition 2</p> | <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> |

FACILITIES INSPECTION REPORT

| | | |
|----------------------------|-------------------------------|-------------------------|
| Region/Office: 1 | Status: Performed | Reg. Measure ID: 448407 |
| Program Type: IRRICANNABIS | WDID: | Order Number: |
| Scheduled Insp. Date: | Actual Insp. Date: 06/06/2022 | |

Discharger Information

| | | |
|-----------------------------------|--|--------------|
| Party ID: 634218 | Discharger Organization Name: David Glover | David Glover |
| Address: Po Box 1464 | City, State, Zip: Redway, CA 95560 | |
| Discharger Contact Person: | Discharger Contact Phone: | |
| Discharger Contact Email Address: | | |

Facility Information

| | | |
|----------------------------------|---|---|
| Place ID 882093 | Facility Name: David Glover Property | |
| Address: 3500 Old Briceland Road | City, State, Zip: Garberville, CA 95542 | |
| County: Humboldt | Latitude: 40.09098 | Longitude: -123.84528 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 (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 |
|--------------|------------------------|-----------------|------|--|
| 1105903 | Basin Plan Prohibition | 06/06/2022 | B | Water Quality Control Plan for the North Coast Region (Basin Plan) Section 4.2.1 Prohibition 2 for threatened discharge of sediment to a watercourse at WQ1 |
| 1105906 | Other Codes | 06/06/2022 | B | Cannabis cultivation operations of sufficient size and scope requiring conformance with State Water Resources Control Board (State Water Board) Cannabis Cultivation Policy Principals and Guidelines for Cannabis Cultivation (Cannabis Policy) |
| | | | | |
| | | | | |

INSPECTION SUMMARY (REQUIRED) (500 character limit)

Humboldt County Sheriff's Office Warrant, Inspected with Kalya Bocast of CDFW. Property Overview: sophisticated indoor cannabis cultivation operation at a residential property, powered by diesel generators buried in shipping container, fuel storage, and active surface water diversion to storage for cannabis cultivation activities. At WQ1 I observed an onstream landing that could erode and discharge sediment to a watercourse being used for water storage associated with the water diversion.

GENERAL NOTES (OPTIONAL) (2000 character limit)

See Figure 2 of Inspection Map and Photo Appendix for locations discussed below.

Property is developed with clearing, grading, a detached garage, a house, and a barn.

The indoor cultivation operation included cultivation in a two story barn building with, according to law enforcement (LE) personnel, had 60 lights on each top and bottom floors.

The indoor cultivation is powered by diesel generator housed in a buried shipping container. According to LE personnel who entered the space, the floor of the container had fuel residue and a sump pump with an outlet to a corrugated metal pipe (CMP). I observed the CMP outlet located at the outboard edge of the landing, where fill is placed on top of logs and slash, over the steep hillside, appearing to be potentially unstable. When I explored swale below the developed area, I did not observe a watercourse channel.

We observed twenty-six 5,000 gallon tanks in four rows, located on the ridge just off on Old Briceland Road, at WP763. We followed the line from the tanks back down to the pump located at WP760, where it pumps up from the tank, also located at WP760, that is filled by the cistern diversion at WP759.

Recommendations:

1. Submit to Regional Water Board, an assessment and treatment plan for the roads and onstream landing located at WQ1 (WP760) to ensure that sediment is prevented from entering watercourse.
2. Assess property for fuel spills, in consultation with the Humboldt County Hazardous Materials unit.
3. Move potting soil away from where it could enter a waterway & either properly dispose of or properly cover and contain soil.
4. Work with CDFW and the Division of Water Rights to ensure authorization of surface water diversion, storage, and use.
5. Enroll in Cannabis General Order for cultivation activities and comply with requirements or stop cultivation, cleanup Property, and submit photographic proof to Regional Water Board.

For Internal Use (Optional)

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

Inspection Maps

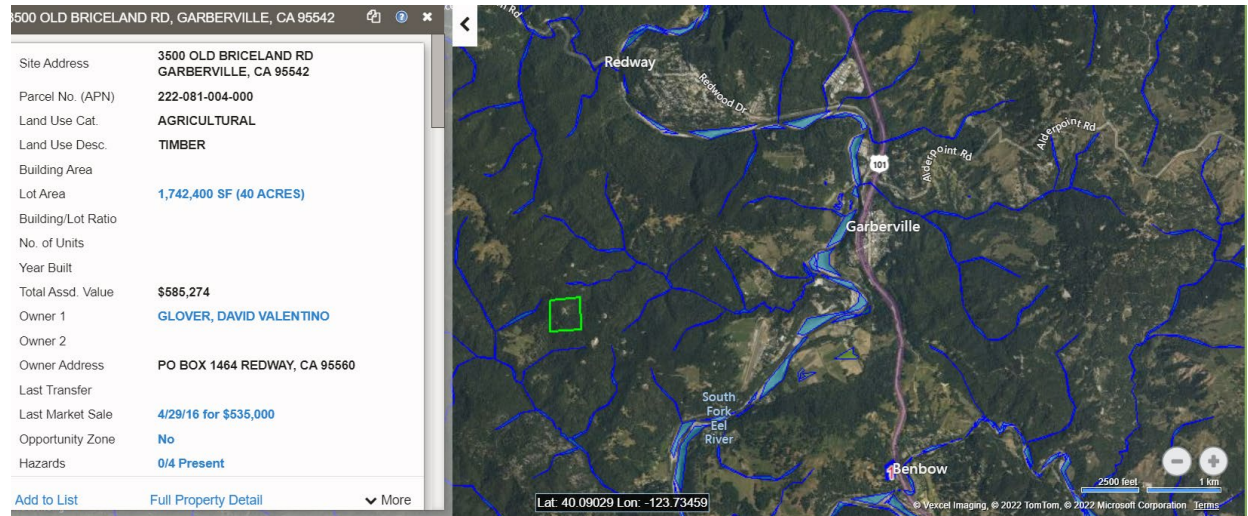


Figure 1. Location Map and current ownership information of Humboldt County APN 222-081-004 (the Property).

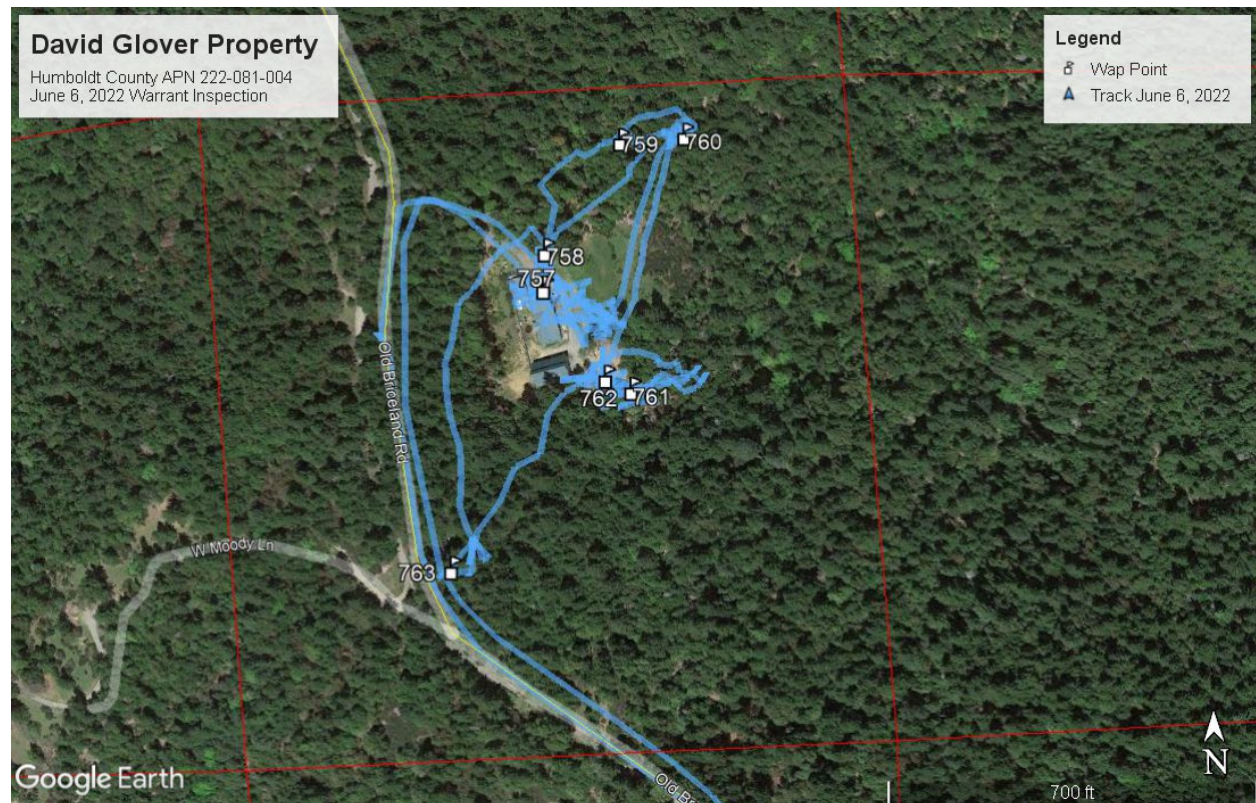


Figure 2. June 2, 2022 Inspection Map of Property conducted associated with criminal search warrant served by the Humboldt County Sheriff's Office. The following features were observed at the locations shown on the map: WP758 - Fuel tank, stain on ground at fuel filter, generator, and soil pile; WP759 - concrete cistern in channel of

watercourse; WP760 - onstream landing with tank and pump; WP762 - Buried metal shipping container housing generator; WP761 - outlet of CMP from buried generator container; and WP763 - tanks.



Figure 3. Terrain of Property, showing graded building landing and roads to onstream landing (shown as WQ1), associated with surface water diversion.

Inspection Photographs:

All photos taken by Adona White on June 6, 2022.



Figure 4. View of access driveway to Property.



Figure 5. View of driveway and shed, with generator in front and fuel in rear.



Figure 6. Generator on trailer by shed.



Figure 9. Potting soil pile located next to shed.



Figure 7. Fuel tank behind shed.



Figure 10. Back side of potting soil pile, located next to shed.



Figure 8. Fuel filter on fuel storage tank with stain on dirt at filter.



Figure 11. Shipping container, located next to garage, and used for storage.



Figure 12. Fertilizer storage in shipping container.



Figure 15. Two story barn used for indoor cultivation.



Figure 13. Fresh harvested cannabis drying in the garage.



Figure 16. Two story barn used for indoor cultivation.



Figure 14. Fresh harvested cannabis in the detached garage.



Figure 17. Indoor cultivation on ground floor of barn.



Figure 18. Area around buildings is cleared



Figure 21. Buried shipping container is accessed from above via trap door.



Figure 19. Active burn pile.



Figure 22. Buried shipping container is accessed from above via trap door.

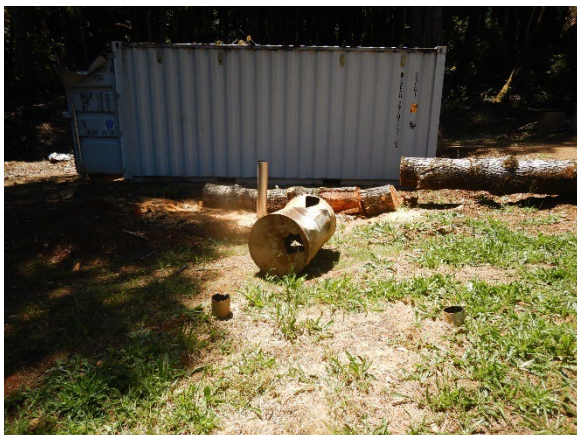


Figure 20. Vent pipes from buried shipping container.



Figure 23. Via into buried shipping container.



Figure 24. View of generator.



Figure 25. Via into buried container.



Figure 26. View of slash at outboard edge of landing near shipping container.



Figure 27. View of outlet of corrugated metal pipe, which extends from within the buried shipping container to the outboard edge of the landing.



Figure 28. View of outlet of corrugated metal pipe and slash at the outboard edge of the landing.



Figure 29. View of slash and logs buried by fill at outboard edge of landing.



Figure 30. View of slash and logs buried by fill at outboard edge of landing.



Figure 33. Slope is overly steep.



Figure 31. View of slash and logs buried by fill at outboard edge of landing, with concrete chunks.



Figure 34. Steep slope below fill.

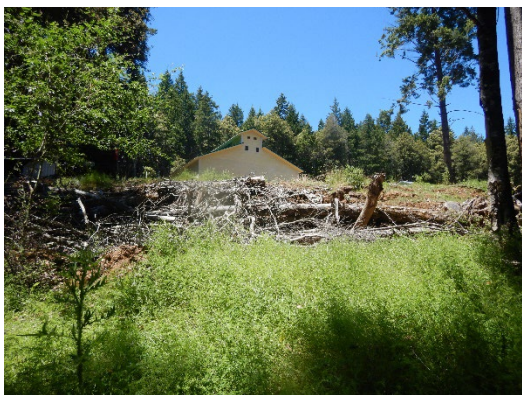


Figure 32. View of slash and logs buried by fill at outboard edge of landing.



Figure 35. Steep slope below fill.



Figure 36. Steep slope below development.



Figure 37. Steep slope below development.



Figure 38. Water lines followed from house to tanks.



Figure 39. Tanks.



Figure 40. Tanks.



Figure 41. Tanks.



Figure 42. Tanks.



Figure 45. Watercourse channel upstream of diversion



Figure 43. Tag associated with tanks, which have rainwater catchment tops, made by Humboldt Rotational Molding.



Figure 46. Cistern at point of diversion, looking upstream. Note water in channel.

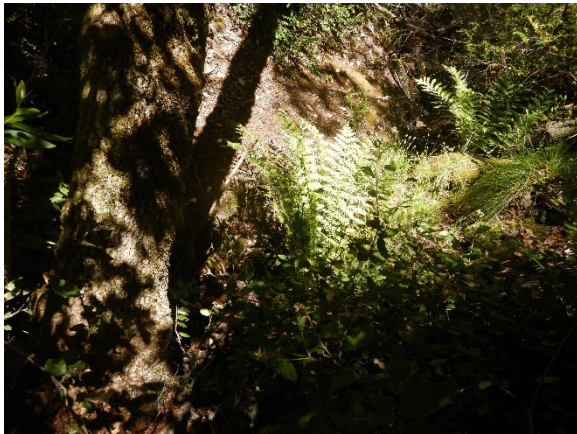


Figure 44. Watercourse channel upstream of point of diversion.



Figure 47. Interior of cistern at point of diversion.



Figure 48. Watercourse channel, looking upstream at point of diversion. Note dry channel.



Figure 50. View of tank, onstream landing, and access road to diversion from below the house.



Figure 49. Downstream of point of diversion, the diversion line goes into a tank, located on an onstream landing.



Figure 51. View of landing and pump on right, and watercourse channel on left of photo.