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North Coast Regional Water Quality Control Board

March 3, 2022

Humboldt Agriculture & Development LLC

Denislav Ivanov

Certified Mail No. 7021 0950 0001 6499 6049

1632 Broadway #179

Eureka, CA 95501

[Denislav8844@gmail.com](mailto:Denislav8844@gmail.com)

SEVA LLC

Certified Mail No. 7021 0950 0001 6499 6056

Attn: Sergey Vasilev

329 Rose Petal Court

Henderson, NV 89012

[cyndi.owens@icloud.com](mailto:cyndi.owens@icloud.com)

Dear Denislav Ivanov and Sergey Vasilev:

Subject: **Notice of Violation, Transmittal of Inspection Report for February 1, 2022 Inspection of Humboldt County Assessor's Parcel No. 217-401-023, and Directive to Respond within 30 days**

File: Cannabis Program Inspections, Humboldt County, February 1, 2022, CIWQS Place ID 859376

**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: 217-401-023 (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
3. California Water Code (Water Code) Section 13260

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

On February 1, 2022, North Coast Regional Water Quality Control Board (Regional Water Board) staff inspected the Property and noted developed cultivation areas but not active cultivation. 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**

On June 26, 2019, SEVA, 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 for APN 217-401-023, and listed, SEVA, LLC as landowner of the Property. Based on the information submitted by Applicant, the cannabis cultivation activities are classified as Tier 2 High Risk. Effective June 26, 2019, the Property was enrolled into State Cannabis Order No. WQ 2019-0001-DWQ, WDID 1\_12CC418525.

LandVision records show that the Property was sold to Humboldt Agriculture & Development LLC, by Seva LLC, on December 12, 2019; the previous sale was in 2014.

As of the date of this letter, no request to transfer the responsibility for State Cannabis Order enrollment to a new discharger has been received.

The California Secretary of State lists Humboldt Agriculture & Development LLC as registered on August 21, 2019, active status, with Dean Holter as Agent for Service of Process in the state of California.

On February 1, 2022, staff from the Regional Water Board, accompanied by staff of CDFW, landowner and operator Dani Ivanov, and representatives of Green Roads Consulting and Whitchurch Engineering, inspected the Property. The purpose of the inspection was to evaluate onsite development and conditions, especially associated with a recent pond berm failure, and to identify and assess any impacts or threatened impacts to the quality and beneficial uses of waters of the state.

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.

## **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 1, 2022 inspection report, Regional Water Board staff observed violations of the Basin Plan. In addition, staff observed violations of the Cannabis General Order Attachment A, Section 1 - General Requirements and Prohibitions Nos. 26, 32, and 37 and Section 2 - Requirements Related to Water Diversions and Waste Discharge for Cannabis Cultivation Nos. 76, 82, 86, and 117. Staff observed these violations at Property locations identified in the inspection report as the failing Pond 2 (WQ1), the cultivation area CA2 (WQ2), and the unmapped watercourse (WQ3).

## **Cleanup and Restoration of Failing Pond**

The failing Pond 2 at WQ1 is of immediate concern to water quality due to the potential for sediment delivery to watercourses. It is imperative that all feasible measures to prevent and minimize sediment delivery continue to be implemented, that monitoring and reporting to the Regional Water Board continue, and that full cleanup and restoration is accomplished once an adequate plan is submitted, all necessary regulatory permits and approvals are obtained, and site conditions and seasonal limitation allow the work to occur.

## **Change of Discharger under the Cannabis General Order Enrollment**

The Cannabis General Order Provision C.2.p, the Regional Water Board requires you to report to the Regional Water Board of a change in ownership, facility operator, and Discharger.

**Within 30 days of the date of this letter you must** modify the enrollment under the Cannabis General Order, representative of the new ownership, facility operator, and Discharger.

- a. To modify enrollment, you must handwrite in your selection on the enclosed Application Summary (Attachment C) and sign and date next to the handwritten change.
- b. Submit a copy of the edited summary to [NorthCoast.Cannabis@waterboards.ca.gov](mailto:NorthCoast.Cannabis@waterboards.ca.gov).

### **Disturbed Area Stabilization Plan**

Sergey Vasilev in his application for enrollment under the Cannabis General Order, on June 26, 2019, indicated that a portion of the disturbed area was located within the required setbacks from surface waters, and self-certified the site as a Tier 2 High Risk site.

During the February 1, 2022, inspection, staff observed and documented cultivation areas, water storage facilities, and associated land disturbances within and adjacent to surface waters. The Tier 2 High Risk level of the enrollment is appropriate for the observed site conditions.

For the purposes of the Cannabis General Order, land disturbance is defined as including all activities whatsoever associated with developing or modifying land for cannabis cultivation, related activities, or access. Land disturbance activities include, but are not limited to, construction of roads, buildings, water storage areas, excavation, grading, and site clearing. Disturbed land includes cultivation areas, storage areas where soil or soil amendments (e.g., potting soil, compost, or biosolids) are located. All access roads and water crossings that have not been designed, constructed, and maintained consistent with the Handbook for Forest, Ranch, and Rural Roads and Attachment A of the Cannabis General Order, are considered disturbed areas, as well.

Note that the High Risk designation is considered to be a temporary condition, with the requirement that enrollees of High Risk sites will take steps to develop and implement Disturbed Area Stabilization Plans (DASP) to stabilize the disturbed area and cease all cannabis cultivation-related activities located within the riparian setback. Once the riparian setback area is stabilized and the Regional Water Board approves the work, you can request to reclassify the site as either low or moderate risk, depending upon the site conditions, allowing a lower annual fee to be assessed. Your High-Risk designation is therefore temporary until you reconfigure your operations to comply with the riparian setback requirements, per an approved plan.

As of the date of this letter, a DASP has not been submitted for approval by the Regional Water Board. As per the recommendations in the inspection report, remediation of areas associated with locations WQ1 and WQ2 should be included in the DASP.

Depending on the scope of the work proposed under the DASP, a Water Quality Certification may be required. An approved Water Quality Certification is required in addition to general enrollment prior to performing instream work under the Cannabis General Order. The application for Water Quality Certification for dredged or fill impacts to waters of the state for cannabis cultivation-related projects may be found here:

[https://www.waterboards.ca.gov/northcoast/water\\_issues/programs/cannabis/pdf/200204/RB1\\_Cannabis\\_WQC\\_401\\_App.pdf](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 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.

### **Inspection Report Recommendations**

As mentioned above, the February 1, 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](mailto: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](mailto: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  
Supervisor Northern Cannabis Unit

Attachments: Attachment A - Regulatory Citations  
Attachment B – Facilities Inspection Report

Enclosures: Enclosure 1 – General Cannabis Order Application Summary

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)

**Division of Water Rights**  
Taro Murano, [Taro.Murano@waterboards.ca.gov](mailto:Taro.Murano@waterboards.ca.gov)

**Department of Fish and Wildlife**  
Jonathan Hollis, [Jonathan.Hollis@wildlife.ca.gov](mailto:Jonathan.Hollis@wildlife.ca.gov)  
Ryan Bourque, [Ryan.Bourque@wildlife.ca.gov](mailto:Ryan.Bourque@wildlife.ca.gov)  
Cheri Sanville, [Cheri.Sanville@wildlife.ca.gov](mailto:Cheri.Sanville@wildlife.ca.gov)

**County Planning and Permitting**  
[PlanningBuilding@co.humboldt.ca.us](mailto:PlanningBuilding@co.humboldt.ca.us)

**Green Road Consulting**  
Steve Brightenstein, [Steve@greenroadconsulting.com](mailto:Steve@greenroadconsulting.com)

**Whitchurch Engineering**  
Derek Long, [dcl@whitchurchengineering.com](mailto:dcl@whitchurchengineering.com)  
Nicholas Notthoff, [ntn@whitchurchengineering.com](mailto:ntn@whitchurchengineering.com)

## 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.”
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 style="padding-left: 40px;">(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 style="padding-left: 40px;">(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)	“A person who fails to furnish a report or pay a fee under <u>Section 13260</u> when so requested by a regional board is guilty of a misdemeanor and may be liable civilly in accordance with subdivision (b).”
California Water Code Section 13264 (a)	“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.”

<b>Regulatory Section</b>	<b>Citation</b>
California Water Code Section 13265(a)	"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."
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 <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> and <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>

**FACILITIES INSPECTION REPORT**

Region/Office: 1	Status: Performed	Reg. Measure ID: 432073
Program Type: IRRICANNABIS	WDID: 1_12CC418525	Order Number: 2019-0001-DWQ
Scheduled Insp. Date:	Actual Insp. Date: 02/01/2022	

**Discharger Information**

Party ID: 599472	Discharger Organization Name: SEVA, LLC	
Address: 329 Rose Petal Court	City, State, Zip: Henderson, NV 89012	
Discharger Contact Person: Sergey Vasliev	Discharger	707-472-8993
	Contact Phone:	
Discharger Contact Email Address: cyndi.owens@icloud.com		

**Facility Information**

Place ID 859376	Facility Name: Seva, LLC	
Address: Sunset Ridge Road	City, State, Zip: Blocksburg, CA 95514	
County: Humboldt	Latitude: 40.296792	Longitude: -123.69692 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: B Type compliance inspection

**VIOLATIONS**Were Violations noted during this inspection?  Yes  No

Violation ID	Violation Type	Occurrence Date	Rank	Description
1100576	Order Conditions	02/01/2022	B	State Water Resources Control Board Order WQ 2019-0001-DWQ General Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities (Cannabis General Order), various provisions
1100577	Basin Plan Prohibition	02/01/2022	B	Water Quality Control Plan for the North Coast Region (Basin Plan) Section 4.2.1 for threatened discharge of sediment to a watercourse at WQ1

**INSPECTION SUMMARY (REQUIRED) (500 character limit)**

Recommendations:

Enrollment: Update Discharger, Submit Disturbed Area Stabilization Plan (DASP), update SMP.  
 WQ1: Monitor & report; implement interim measures to minimize discharges from Pond 1. In DASP, propose plan for pond removal, stabilization & restoration of topography & hydrology, and revegetation. Include an assessment of direct and indirect impacts to watercourses, potential wetlands, slope stability, & riparian areas.  
 WQ2/WQ3: Connect seep to watercourse by hand, restore setbacks.

**GENERAL NOTES (OPTIONAL) (2000 character limit)**

APN 217-408-023 is enrolled under the Cannabis General Order by Vasilev/SEVA. According to Denislav Ivanov, he is owner as of 2019, and has not cultivated due to a revoked County interim permit. After reports of a failing pond, I did a consent inspection with new owner, his consultants, and CDFW staff.

See Figure 3 for locations discussed.

WQ1: Pond 2 appears to be constructed in/near a larger unstable area. Upslope, a watercourse enters the pond at the southwest margin and the pond is located within the setback of the watercourse downslope. An older stock pond, expanded between 2014 and 2015, the pond had a berm failure visible in 2019 imagery, and by early 2022, it had a significant berm failure with downslope sediment transport to ~180 feet downslope of the top of berm. The runout was in a meadow slope north of the pond, away from the watercourse or infrastructure.

The pond area was mulched with straw and fiber rolls installed. To reduce the water level in the pond, the discharger installed a siphon and was releasing water to a thickly vegetated area located at the head of a Class III watercourse; the release appeared to be the best available option and in a location and manner protective of water quality.

Recent updates from consultants suggest that SHN is contracted for a geologic assessment and site monitoring, Whitchurch did a topographic survey for grading plan, and Green Roads evaluated site hydrology and developed a timeline for pond remediation. These emergency and planning efforts, in combination with lack of rain, appear to be favorable to reduce risk of catastrophic failure of the pond. DASP to include remediation.

WQ2: Portions of CA2 are within 50' of a cut bank seep, which appears hydrologically connected to Pond 1. Instead, it should be connected to an unmapped spring/watercourse channel at location WQ3, which should get a 100' setback. The topography is favorable to use handwork to connect the flow from the seep to the channel head.

For Internal Use (Optional)

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

Ivanov Property Inspection Report Map and Photo Appendix  
 Inspection ID 46683891

Inspection Maps

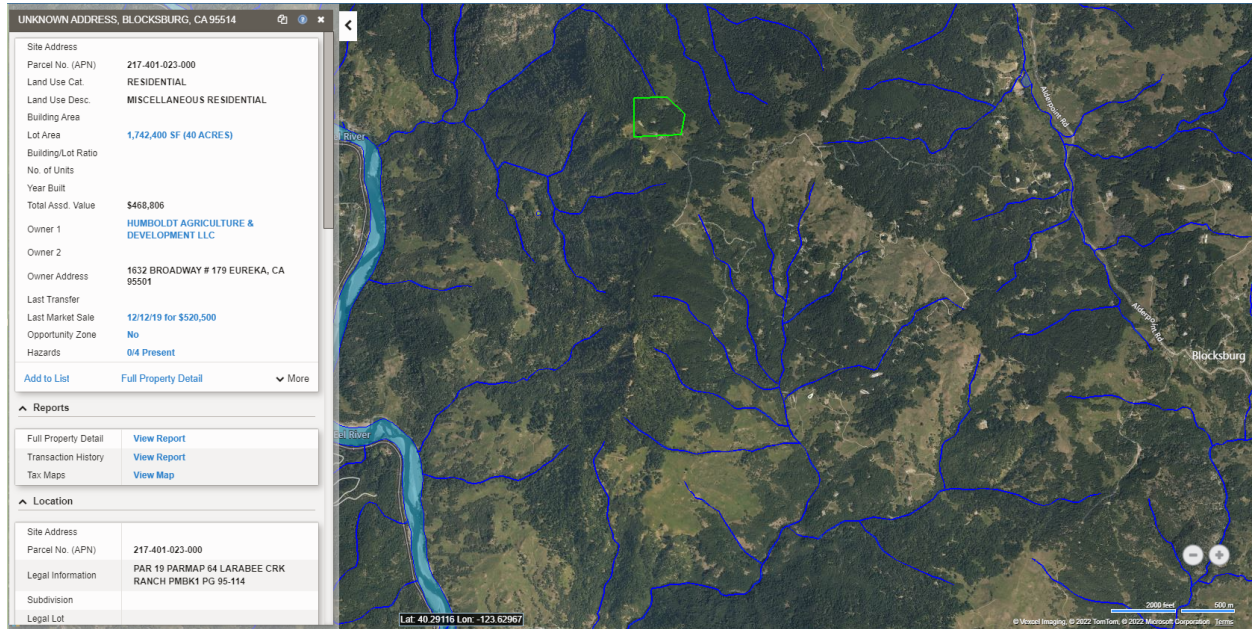


Figure 1. General parcel location map and current ownership, Humboldt APN 217-401-023.

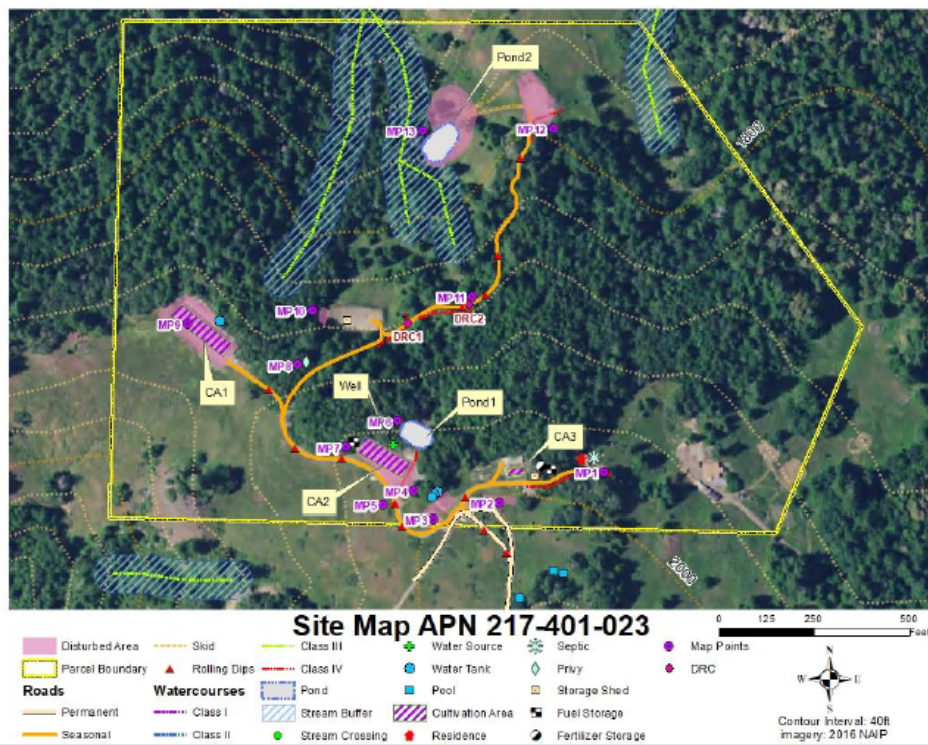


Figure 2. Site map as appears in Site Management Plan for SEVA LLC, as prepared by Green Road Consulting on June 5, 2019.

Ivanof Property Inspection Report Map and Photo Appendix  
Inspection ID 46683891



Figure 3. Inspection Map of February 1, 2022 Inspection

Inspection Photos

All photographs taken by Adona White  
on February 1, 2022

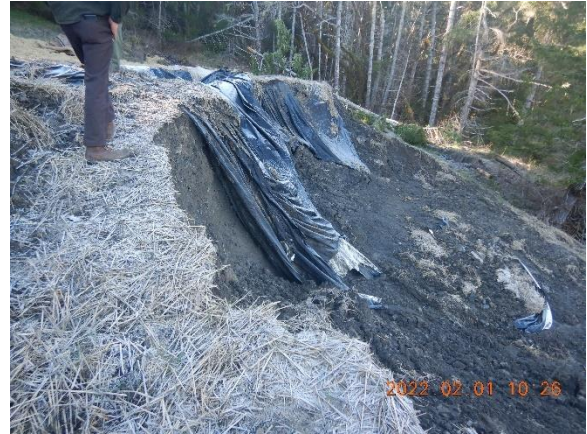
WQ1, Failing Pond 2:



*Figure 4. View of access road to Pond 2.*



*Figure 5. Cutbank between access road and Pond 2.*



*Figure 6. View of current scarp of failed berm.*



*Figure 7. View of remaining berm between failure of Pond 2 interior.*



*Figure 8. View of scarp.*



*Figure 9. Picture of slope below berm.*



*Figure 12. Channel upslope of seepy bank and pond.*



*Figure 10. View of runout from failure.*



*Figure 13. The pond outlet, recently deepened in an emergency effort to lower the overflow.*



*Figure 11. View of pond seep along cut bank.*



*Figure 14. Outlet channel entering forested area.*



*Figure 15. The pond was actively being pumped out in an emergency effort to drain the pond. The discharge went through thick vegetation and connected to a well-defined channel just downslope.*



*Figure 16. Channel head below pond, receiving pumped pond water.*



*Figure 17. Water running in receiving watercourse.*



*Figure 18. Slope at toe, eastern side of recent berm movement, and jack-strawed trees.*



*Figure 19. Saturated soil release from area of recent vertical displacement.*

WQ2, Cut bank Seep, CA2:



*Figure 20. Picture of empty greenhouse with sheeted floor at CA2.*



*Figure 21. Picture of greenhouse, cut bank, and drainage ditch. Seep warrants a 50' setback.*



*Figure 24. Pond 1.*

WQ3, Unmapped Class II watercourse:



*Figure 22. Picture of cut bank with coyote brush, where seep emerges at WQ2.*



*Figure 25. Channel head at WQ3 that is associated with a spring and Class II watercourse; feature warrants a 100' setback.*



*Figure 23. Picture of slope below WQ2 and adjacent to Pond 1.*



*Figure 26. Picture of channel associated with WQ3.*