



North Coast Regional Water Quality Control Board

August 25, 2022

Kettonpom Properties LLC
156W W 174th St #14E
Bronx, NY 10453

Certified Mail 7021 0950 0001 6499 8470

3400 Cottage Way, Ste G2 #2031
Sacramento, CA 95825

Certified Mail 7021 0950 0001 6499 8494

Dear Kettonpom Properties LLC:

Subject: Notice of Violation, Transmittal of Inspection Report for August 5, 2022, Inspection of Trinity County Assessor's Parcel No. 022-230-006-000

File: Cannabis Program Inspections, Trinity County, August 5, 2022, CIWQS Place ID 882726

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 022-230-006-000 (the Property):

1. State Water Resources Control Board (State Water 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
2. California Water Code (Water Code) Section 13260

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

On August 5, 2022, North Coast Regional Water Quality Control Board (Regional Water Board) staff inspected the Property and observed outdoor cannabis cultivation in hoop houses. Accordingly, this letter directs you to address the violations noticed herein.

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

Within 30 days, please contact Regional Water Board staff to discuss your plan to correct the observed violations.

Background

LandVision records show that the Property was sold by Ted and Charlene Goforth to Kettonpom Properties LLC on January 25, 2021. According to the California Secretary of State Business Search, Kettonpom Properties LLC was initially formed March 30, 2020, and is represented by agent Legalinc Registered Agents, Inc.

According to aerial imagery review by Regional Water Board staff on August 19, 2022, the Property is mostly forested with an access road on the south side of the parcel, and a watercourse along the west side of the parcel. Imagery from June 16, 2010, shows three structures in the southeast corner of the parcel. Imagery from May 16, 2021, shows seven greenhouses in clearings in the southern half of the parcel.

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

On August 5, 2022, during the execution of a search warrant served by the California Department of Fish and Wildlife (CDFW), staff from the Regional Water Board, accompanied by staff of CDFW, the State Water Board Division of Water Rights, 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 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 August 5, 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 August 5, 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 Katherine Hawken 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 Katherine Hawken by email at Katherine.Hawken@waterboards.ca.gov or by phone at 707-445-6127.

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

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Attachments: Attachment A – Regulatory Citations
Attachment B – Inspection Report
Attachment C – Inspection Photo Log

Certified Mail – Return Receipt requested

cc: North Coast Regional Water Quality Control Board
Northcoast.Cannabis@waterboards.ca.gov
Jeremiah Puget, Jeremiah.Puget@waterboards.ca.gov
Kason Grady, Kason.Grady@waterboards.ca.gov

Trinity County

Kristalynne Anderson, kanderson@trinitycounty.org
Sean Connell, sconnell@trinitycounty.org

Division of Water Rights

Anthony Southwood, Anthony.Southwood@waterboards.ca.gov
Mollie Preijers, Mollie.Preijers@waterboards.ca.gov

Department of Fish and Wildlife

David Manthorne, David.Manthorne@wildlife.ca.gov
Joshua Zulliger, Joshua.Zulliger@wildlife.ca.gov

Attachment A – Regulatory Citations

Regulatory Section	Citation
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>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>
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>

FACILITIES INSPECTION REPORT

Region/Office: 1	Status: Performed	Reg. Measure ID: 448843
Program Type: IRRICANNABIS	WDID:	Order Number:
Scheduled Insp. Date:	Actual Insp. Date: 08/05/2022	

Discharger Information

Party ID: 634805	Discharger Organization Name: Kettonpom Properties LLC	
Address: 156w West 174th Street #14e	City, State, Zip: Bronx, NY 10453	
Discharger Contact Person:	Discharger Contact Phone:	
Discharger Contact Email Address:		

Facility Information

Place ID 882726	Facility Name: Kettonpom Properties LLC		
Address: 697 Old Schoolhouse Road	City, State, Zip: Zenia, CA 95595		
County: Trinity	Latitude:	Longitude:	Method:

Lead Inspector Information

Lead Inspector Party ID: 569684	Lead Inspector Name: Katherine Hawken		
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 and State (State Lead)	<input type="checkbox"/> EPA (Regional)

INSPECTION TYPE

Inspection Type: Miscellaneous inspection

VIOLATIONSWere Violations noted during this inspection? Yes No

Violation ID	Violation Type	Occurrence Date	Rank	Description
1107307	Other Codes	08/05/2022	B	Water Code 13260 for cannabis cultivation of sufficient size without appropriate regulatory coverage.

INSPECTION SUMMARY (REQUIRED) (500 character limit)

Observations

On the access road to the cultivation areas, I observed a watercourse crossing underneath a road through a buried culvert (Photo 1). At the first cultivation area I observed cannabis plants in grow bags surrounded by tarps, pots, and plant waste (Photo 2). I also observed cultivation related waste piled in the surrounding woods including large plastic tarps (Photo 3).

GENERAL NOTES (OPTIONAL) (2000 character limit)

Observations cont.

I observed another outdoor cannabis cultivation area; this area had a water storage tank and uncontained potting soil and plant waste near the active hoop house (Photo 4).

Recommendations

1. Regularly clean out culvert with hand tools to prevent blockage and sediment transport to receiving waters.
2. Retain a qualified professional to assess the culvert capacity to convey the 100-year flow event and associated debris.
3. If the owner and/or tenant plan to continue cultivating cannabis, enroll for coverage under the State Water Board's Order WQ 2019-0023-DWQ, General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities.
4. Contain and properly dispose of potting soil and other cultivation-related waste to prevent spillage and transport into receiving waters.

For Internal Use (Optional)

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

Kettonpom Properties LLC Inspection Photo Log
Attachment C
Photos taken by Kate Hawken on August 5, 2022



Photo 1: Buried culvert stream crossing on access road to cultivation areas



Photo 2: Outdoor cannabis cultivation area with plants in grow bags and cultivation related waste



Photo 3: Cultivation related waste piled in woods



Photo 4: Outdoor cannabis cultivation area with plants in a hoop house, a water storage tank, and cultivation related waste