
North Coast Regional Water Quality Control Board

June 17, 2022

Purple Star Md Collective / 820 McNab LLC
Attn: Gus Murad
2524 Mission Street
San Francisco, CA 94110
Gusmurad1@yahoo.com

Dear Gus Murad:

Subject: Notice of Violation, Denial of Disturbed Area Stabilization Plan, and Transmittal of May 19, 2022, Inspection Report

File: Program Inspections, Mendocino County, Purple Star Md Collective, APN 047-170-37, WDID 1_23CC419519

On March 16, 2019, the North Coast Regional Water Quality Control Board (Regional Water Board) issued a Notice of Applicability to Purple Star Md Collective (hereafter the Discharger) to enroll Mendocino County Assessor's Parcel Number 047-170-37 (the Property) in the *Waiver of Waste Discharge Requirements and General Water Quality Certification for Discharges of Waste Resulting from Cannabis Cultivation and Associated Activities or Operations with Similar Environmental Effects In the North Coast Region* (Regional Cannabis Order) with an effective date of May 15, 2017.

On March 24, 2020, the Regional Water Board issued a Notice of Applicability to the Discharger to enroll the Property in the *General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities* (Cannabis General Order) with an effective date of July 1, 2019. The Cannabis General Order requires that the Discharger submit a Disturbed Area Stabilization Plan (DASP) to the Regional Water Board Executive Officer for approval to stabilize any disturbed area within the minimum setback area for waters of the state.

On September 27, 2019, the Discharger submitted a DASP prepared by Environmental Pollution Solutions, LLC to the Regional Water Board. The DASP proposes to retain the cultivation area, and to place gravel on exposed soils including the cultivation area entrance and exit. While the access road is considered stabilized, the expansion of the access road into a gravel parking area in the riparian setbacks to McNab Creek is not compliant with the Regional Cannabis Order or Cannabis General Order.

On May 19, 2022, Regional Water Board staff Kate Hawken and David Kuszmar (Staff) inspected the Property along with consultant Estelle Clifton. Staff identified a small shed, outdoor cannabis plants, tractor attachments, and a gravel parking lot within the

riparian setbacks to McNab Creek. See Attachment A – Inspection Report, and Attachment B – Inspection Photo Log, for more information. These features represent ongoing impacts to riparian habitat, threats to water quality, and a violation of section A of the Cannabis General Order, which requires compliance with the Cannabis Cultivation Policy – Principles and Guidelines for Cannabis Cultivation (Cannabis Policy). Term No. 37 of Section 1 – General Requirements and Prohibitions of Attachment A to the Cannabis Policy requires compliance with minimum riparian setbacks based on the classification of surface waters (watercourses, springs, and wetlands). See Cannabis Policy here:

https://www.waterboards.ca.gov/water_issues/programs/cannabis/docs/policy/final_cannabis_policy_with_attach_a.pdf#page=40

While the DASP includes erosion control measures to mitigate some water quality impacts of the cultivation area and related infrastructure to McNab Creek, it does not include a proposal or timeline to remove structures and equipment within the setbacks, or to vegetate the riparian setback area with native plants to comply with the riparian setback requirements of the Cannabis General Order and Cannabis Policy. An acceptable DASP for this Property must propose removal of the small shed, tractor attachments, outdoor cannabis plants in the setbacks, and gravel placed beyond the extent of the pre-existing road; and vegetation of the riparian buffer area in a manner that complies with the Cannabis Policy. The three greenhouses are grandfathered under the Regional Cannabis Order riparian setback of 100-feet and Staff field measurements confirm compliance with that setback distance. Items placed around the greenhouses in the riparian buffer zone including outdoor cannabis plants, a small shed, and miscellaneous equipment need to be removed. All future cannabis related disturbances including site expansion or equipment staging must meet the Cannabis Policy riparian setback requirement of 150-feet from McNab Creek and any other applicable setback requirements from any other surface waters, including wetlands.

This letter serves as notification that the DASP submitted for the Property has been determined incomplete and your plan is denied. Based on the contents of your plan, the Regional Water Board has determined the proposed activity will not comply with the Cannabis General Order.

As the project currently stands, the Regional Water Board cannot approve the project, and the information outlined below must be submitted prior to approval. No work may be conducted until the project is approved.

Additional Information Required:

- Proposal and timeline to remove cannabis cultivation related infrastructure including a small shed, outdoor cannabis plants, staged equipment, and placed gravel from the riparian setback to McNab Creek
- Proposal and timeline to vegetate the riparian setback area with native plant species, barring the preexisting stretch of stabilized road.

If compliance with the riparian setbacks cannot be achieved by November 15, 2022, i.e. stabilization work will continue into the winter period or will continue the following year, please include a time schedule and scope of work for approval by the Regional Water

Board Executive Officer and use in preparing an enforcement order.

Please submit the revised DASP with this additional information within 45 days via email to northcoast.cannabis@waterboards.ca.gov.

Restoration work may also trigger permitting requirements from the California Department of Fish and Wildlife, and the Mendocino County Planning and Building Department. Please keep permitting requirements in mind when proposing a timeline for work completion.

If you have any questions, please contact Kate Hawken by phone at (707) 445-6127 or by email at Katherine.Hawken@waterboards.ca.gov.

Sincerely,

Kason Grady, P.E.
Cannabis & Enforcement Division Chief

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Attachments: Attachment A – Inspection Report
Attachment B – Inspection Photo Log

cc: Estelle Clifton, estelle@cliftonenvironmental.net

Department of Fish and Wildlife

Northern Region - Coastal, R1LSAEureka@wildlife.ca.gov

Division of Water Quality

Kevin Porzio, Kevin.Porzio@waterboards.ca.gov

North Coast Regional Water Board

Northcoast.cannabis@waterboards.ca.gov

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

David Kuszmar, David.Kuszmar@waterboards.ca.gov

Mendocino County Cannabis Program

Kristin Nevedal, nevedalk@mendocinocounty.org

FACILITIES INSPECTION REPORT

Region/Office: 1	Status: Performed	Reg. Measure ID: 432603
Program Type: IRRICANNABIS	WDID: 1_23CC419519	Order Number: 2019-0001-DWQ
Scheduled Insp. Date:	Actual Insp. Date: 05/19/2022	

Discharger Information

Party ID: 617800	Discharger Organization Name: Purple Star Md Collective		
Address: 2524 Mission Street	City, State, Zip: San Francisco, CA 94110		
Discharger Contact Person: Gus Murad	Discharger Contact Phone: 415-314-8157		

Facility Information

Place ID: 842174	Facility Name: Purple Star		
Address: 820 Mcnab Ranch Road	City, State, Zip: Ukiah, CA 95482		
County: Mendocino	Latitude: 39.038291	Longitude: -123.14864	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: B Type compliance inspection

VIOLATIONS

Were Violations noted during this inspection? Yes No

Violation ID	Violation Type	Occurrence Date	Rank	Description
1105510	Order Conditions	05/19/2022	B	Staff identified a small shed, outdoor cannabis plants, tractor attachments, and a gravel parking lot within the riparian setbacks to McNab Creek. Staff determined the disturbed area stabilization plan is noncompliant with the Cannabis General Order.

INSPECTION SUMMARY (REQUIRED) (500 character limit)

Attendance

Kate Hawken and David Kuszmar - Regional Water Board; Estelle Clifton - Clifton Environmental, consultant to owner Gus Murad

Observations

Cultivation Area (Photos 1-3): I observed three greenhouses with cannabis plants on gravel flooring, cannabis plants in pots outside of the greenhouses, a pole barn, and a small shed. Estelle said the greenhouses have

GENERAL NOTES (OPTIONAL) (2000 character limit)

Observations

drains underneath that discharge to a wastewater holding tank in the pole barn. Estelle said the wastewater is trucked to a composting facility for disposal. I observed a gravel road in the riparian setbacks to McNab Creek leading to the Cultivation Area. I observed a gravel parking lot expanded from the road, and tractor attachments staged in the grass near McNab Creek.

Water Source: Estelle said the Cultivation Area irrigation water originates from a diversion in the Russian River that is stored in Gus' onstream pond. Estelle said the domestic residence, workers' bathroom, and Nursery/Processing Area water originates from an onsite well.

Nursery/Processing Area (Photos 4-5): I observed a building with a permanent roof and concrete flooring used for cannabis cultivation nursery and processing activities. I observed a wastewater holding tank connected to the building, a stack of pallets, a propane tank, pots, and other related equipment staged outside of the building near a drainage channel.

Recommendations

1. Submit a revised Disturbed Area Stabilization Plan with a schedule to remove the small shed, tractor attachments, outdoor cannabis plants, and parking lot gravel from the riparian setbacks to McNab Creek by the onset of the winter period November 15, 2022. Include a planting plan to decommission the gravel parking lot, and to establish a riparian buffer with native plant species.
2. Submit the building permit, valid certificate of occupancy for indoor cannabis cultivation, and a description of the wastewater disposal method, to qualify the Nursery/Processing Area for the indoor cannabis cultivation exemption under the Cannabis General Order.
3. Remove unnecessary equipment from outside of the Nursery/Processing building along the drainage channel to prevent potential discharge to waters of the state.
4. Coordinate a follow-up inspection with Regional Water Board staff during the 2022-2023 winter period to confirm watercourse classifications.

For Internal Use (Optional)

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

Attachment B

Purple Star Md Collective Inspection Photo Log
Photos taken May 19, 2022, by Kate Hawken



Photo 1 – Cultivation Area: Greenhouse with cannabis plants in pots and raised beds. Greenhouse has gravel flooring with drains underneath that discharge to a wastewater holding tank in an adjacent pole barn.



Photo 2 – Cultivation Area: Cannabis plants in pots outside of greenhouse. These pots were measured to be within the riparian setback to McNab Creek.

Attachment B



Photo 3 – Cultivation Area: Tractor attachments staged in riparian setback to McNab Creek. View of small shed and expanded gravel parking lot in riparian setback to McNab Creek. View of pole barn with wastewater holding tank behind small shed.



Photo 4 – Nursery/ Processing Area: Building with permanent roof and flooring used for cannabis cultivation nursery and processing activities.

Attachment B



Photo 5 – Nursery/Processing Area: Side of building with propane tank, wastewater holding tank, stack of pallets, and other related equipment staged near a drainage channel.