



North Coast Regional Water Quality Control Board

August 25, 2022

Jeremy Ruskin
24300 Foothill Blvd
Covelo, CA 95428

Certified Mail 7021 0950 0001 6499 8500

Dear Jeremy Ruskin:

Subject: Notice of Violation, Transmittal of Inspection Report for August 5, 2022, Inspection of Mendocino County Assessor's Parcel No. 031-040-44-00

File: Cannabis Program Inspections, Mendocino County, August 5, 2022, CIWQS Place ID 882724

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 Mendocino County Assessor's Parcel Number 031-040-44-00 (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. Within 30 days, please contact Regional Water Board staff to discuss your plan to correct the observed violations.

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

Background

LandVision records show that the Property is owned by Jeremy Ruskin. The Property was last transferred March 23, 2017, and the last market sale was June 11, 2010.

According to aerial imagery review by Regional Water Board staff on August 19, 2022, the property is mostly forested and is bordered by the North Fork Eel River to the east. Imagery dated June 16, 2010, shows a clearing on the west side of the property with a road cutting through the middle, and a small pond in the southwest corner. Imagery dated June 8, 2020, shows eight greenhouses in the clearing on the west side.

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

Mendocino County
Cannabis Program, cannabisprogram@mendocinocounty.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: 448842 |
| Program Type: IRRICANNABIS | WDID: | Order Number: |
| Scheduled Insp. Date: | Actual Insp. Date: 08/05/2022 | |

Discharger Information

| | | |
|-----------------------------------|--|--|
| Party ID: 634804 | Discharger Organization Name: Ruskin, Jeremy | |
| Address: 24300 Foothill Boulevard | City, State, Zip: Covelo, CA 95428 | |
| Discharger Contact Person: | Discharger Contact Phone: | |
| Discharger Contact Email Address: | | |

Facility Information

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|--------------------------|------------------------------------|------------|---------|
| Place ID 882724 | Facility Name: Jeremy Ruskin | | |
| Address: 95615 Mina Road | City, State, Zip: Covelo, CA 95428 | | |
| County: Mendocino | 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 |
|--------------|----------------|-----------------|------|---|
| 1107305 | Other Codes | 08/05/2022 | B | Water Code 13260 for cannabis cultivation of sufficient size without appropriate regulatory coverage. |
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INSPECTION SUMMARY (REQUIRED) (500 character limit)

Observations

I observed an active, outdoor cannabis cultivation area with water storage tanks, mixing tanks, and fertilizer containers (Photo 1). I observed plastic fertilizer containers on the ashes of a burn pile containing plastics and metals (Photo 2). I observed a pile of dried cannabis plant waste in the head of a Class III watercourse (Photo 3). Nearby, I observed an uncapped well surrounded by rubber tires (Photo 4).

GENERAL NOTES (OPTIONAL) (2000 character limit)

Recommendations

1. 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.
2. Contain and properly dispose of potting soil, cultivation-related waste, and domestic waste to prevent spillage and transport into receiving waters. Do not burn plastic or metal waste.
3. Do not place cultivation related materials or waste within or near watercourses. Relocate pile of plant waste at least 50 feet away from the Class III watercourse.
4. Cover well to prevent contamination of groundwater.

For Internal Use (Optional)

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

Ruskin Inspection Photo Log
Attachment C
Photos taken by Kate Hawken on August 5, 2022



Photo 1: Cultivation area with cannabis plants in hoop houses, water storage tanks, mixing tanks, and fertilizer containers



Photo 2: Plastic fertilizer containers on ashes of burn pile containing plastics and metals



Photo 3: Dried cannabis plant waste piled in the head of a Class III watercourse



Photo 4: Well in stack of tires with duct tape partially covering top