



North Coast Regional Water Quality Control Board

March 16, 2022

Szagora LLC
Attention: Ted Nash
2480 Crystal Ship Court
Henderson, NV, 89052

Certified Mail No. 7021 0950 0001 6499 6995

Toshko Toshkov
4515 S Durango Drive APT 1120
Las Vegas, NV 89147
ttoshe@yahoo.com

Certified Mail No. 7021 0950 0001 6499 7008

Rudy Chacon
PO Box 2541
San Pedro, CA, 90731

Certified Mail No. 7021 0950 0001 6499 7015

Dear Mr. Toshkov and Mr. Chacon:

Subject: **Notice of Violation, Violation for Failure to Comply with Cleanup and Abatement Order No. R1-2021-0031 (CAO) Required Action Nos. 1 and 4**

File: Cannabis Enforcement, Humboldt County, 2020, APN 208-054-003-000, Szagora LLC, CIWQS Place ID No. 830016

The purpose of this letter is to notify you that Szagora LLC, Toshko Toshkov, and Rudy Chacon (collectively, Dischargers) are in violation of the above-referenced CAO Required Action No. 1, for failure to submit a complete and acceptable Cleanup, Restoration, and Monitoring Plan (CRMP) by July 1, 2021, and Required Action No. 4, for failure to implement an approved CRMP by October 15, 2021. Additionally, the Dischargers are in violation of water code section 13261 for failing to obtain regulatory coverage for water quality threats associated with commercial cannabis cultivation and associated site development.

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

Background

On October 19, 2020, North Coast Regional Water Quality Control Board (Regional Water Board) staff (Staff) sent to you a water code 13260 Directive to Obtain Regulatory Coverage for Cannabis Cultivation on Humboldt County Assessor's Parcel No. 208-054-003-000 (the Property).

On June 2, 2021 the Executive Officer of the Regional Water Board issued the subject CAO to the Dischargers. The CAO pertains to the threatened discharge of earthen waste to unnamed tributaries to the Mad River associated with roads hydrologically connected to surface waters and undersized, misaligned and failed stream crossings.

Required Action No. 1 of the CAO requires the Dischargers to submit a proposed CRMP by July 1, 2021, that is acceptable to the Regional Water Board or its delegated officer. The CRMP shall include, but not be limited to:

- a. An assessment of any direct and indirect impacts to any waters of the state on the Property, including, but not limited to, rivers, streams, seeps, springs, bogs, and wetlands, caused by the roads and facilities used for cannabis cultivation on the Property; and identify controllable sediment sources requiring restoration. The assessment shall be completed by an appropriately qualified professional, and must at a minimum address surface water hydrology, bed and bank stability, riparian and aquatic habitat and loss thereof, channel slope stability, encroaching reservoirs, active or potential erosion and sedimentation sites, stability of graded and disturbed features, culverts, and other stream crossings, as well as roads and all disturbed areas on the Property. The assessment shall include aerial photographs and/or satellite images, photographs, topographic maps, or drawings, etc., of existing Property conditions, and include a detailed map of features accurately depicting the Property's topography, all graded surfaces, all waters of the state and waters of the United States, drainages, and stream crossings, instream structures, and the functional status of these features. Assessment findings shall serve as the basis for the CRMP;
- b. A proposal to restore beneficial uses of any waters of the state on the Property that were adversely impacted by the roads and facilities used for cannabis cultivation on the Property, including the Mad River, and its unnamed tributaries, and any springs, seeps, bogs, or wetlands; and
- c. An implementation schedule that includes a time schedule for submitting permit applications to all applicable local, state, and federal agencies necessary and, detailed project milestones to fulfill the requirements of this Order once those permits are obtained and a deadline for having fully implemented and completed the CRMP.

The Regional Water Board has not received any submittals from the Dischargers or their agents.

Required Action No. 4 of the CAO requires the Dischargers to implement an approved CRMP by October 15, 2021.

Future Enforcement

Submittal of the CRMP is required pursuant to Water Code section 13267. Failure to submit reports required under Water Code section 13267 is a misdemeanor and may result in administrative civil liability from the Regional Water Board in an amount up to one thousand dollars (\$1,000) per day, or civil liability imposed by the superior court in an amount up to five thousand dollars (\$5,000) per day. As of March 15, 2022, you have been in violation of CAO Required Action No. 1 since July 1, 2021, a total of 257 days, and face potential administrative civil liability of up to \$257,000.

Implementation of the cleanup and restoration activities described in an approved CRMP is required pursuant to Water Code section 13304. Your failure to obtain such approval and to complete implementation of an approved CRMP may result in administrative civil liability from the Regional Water Board in an amount up to five thousand dollars (\$5,000) per day or civil liability imposed by the superior court in an amount up to fifteen thousand dollars (\$15,000) per day. As of March 15, 2022, you have been in violation of CAO Required Actions No. 4 since October 15, 2021, a total of 151 days, and face potential administrative civil liability of up to \$755,000.

Obtaining regulatory coverage for commercial cannabis cultivation is required pursuant to Water Code section 13260. Please note that failure to submit reports or pay a fee required under Water Code section 13260 is a misdemeanor and may result in administrative civil liability from the Regional Water Board in an amount up to one thousand dollars (\$1,000) per day, or civil liability imposed by the superior court in an amount up to five thousand dollars (\$5,000) per day. As of March 15, 2022, you have been in violation of Water Code section 13261 since December 12, 2020, a total of 458 days, and face potential administrative civil liability of up to \$458,000.

Your total potential administrative civil liability thus far is \$1,470,000. To minimize additional potential civil liability, I suggest that you contact Brian Fuller of my staff and submit a CRMP as soon as possible. Brian Fuller can be reached via email at Brian.Fuller@waterboards.ca.gov or by phone at (707) 576-2806.

Sincerely,

Kason Grady
Cannabis and Enforcement Division Supervisor

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Certified Mail – Return Receipt requested

cc: Department of Fish and Wildlife

Ryan Bourque, Ryan.Bourque@wildlife.ca.gov

Warden Eric Agoitia, Eric.Agoitia@Wildlife.ca.gov

Humboldt County Planning and Building Department

Brady Wylie, BWylie@co.humboldt.ca.us

Robert Russell, RRussell@co.humboldt.ca.us

North Coast Regional Water Quality Control Board

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

Brian Fuller, Brian.Fuller@Waterboards.ca.gov

State Water Resources Control Board Office of Enforcement

Andrew Tauriainen, Andrew.Tauriainen@Waterboards.ca.gov

State Water Resources Control Board Division of Water Rights

Taro Murano, Taro.Murano@waterboards.ca.gov