



North Coast Regional Water Quality Control Board

January 20, 2022

Mr. Kou Xiong
17705 Hawthorne Avenue
Anderson, CA 96007

**VIA FEDEX
NO. 8125 8832 6679**

and

17660 Flowers Lane
Anderson, CA 96007

**VIA FEDEX
NO. 8125 8832 6668**

Ms. Susan Yang Xiong
841 Cook Avenue East
Saint Paul, MN 55106

**VIA FEDEX
NO. 8125 8832 6657**

and

11990 Best Lane
Redding, CA 96003

**VIA FEDEX
NO. 8125 8832 6680**

and

2552 State Highway 273, Apt. D
Anderson, CA 96007

**VIA FEDEX
NO. 8125 8832 6690**

Dear Mr. Kou Xiong and Ms. Susan Yang Xiong:

Subject: Notice of Violation for Failure to Comply with Cleanup and Abatement and Water Code Section 13267 Order No. R1-2021-0040 Required Actions Nos. 1, 4, and 5 for 11 North Meadow Lane, Hayfork, CA 96041, Trinity County Assessor's Parcel Number (APN) 015-420-027-000 (Alternate APN 015-420-27-00)

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

File: Cannabis Program Inspections, Trinity County, 2020, Xiong, CIWQS Place ID 861017

For assistance translating the information in this document to Hmong, please contact Mandy Roman with the Office of Public Participation at (916) 813-8915 or Mandy.Roman@waterboards.ca.gov.

The purpose of this letter is to notify you that, based on information available to the State Water Resources Control Board and the North Coast Regional Water Quality Control Board (Water Boards), Kou Xiong and Susan Yang Xiong are in violation of the following required actions of Cleanup and Abatement and Water Code Section 13267 Order No. R1-2021-0040 (Order):

- Required Action No. 1, for failure to submit a Cleanup, Restoration, and Monitoring Plan (CRMP) by September 17, 2021,
- Required Action No. 4, for failure to implement and complete restoration construction and/or abatement measures from a Cleanup, Restoration, and Monitoring Plan (CRMP) by October 31, 2021, and
- Required Action No. 5, for failure to submit a Completion Report by December 17, 2021.

A. Background

On April 27, 2021, a draft Cleanup and Abatement and Water Code Section 13267 Order R1-2021-00XX (Draft Order) was issued via certified mail to Kou Xiong, Susan Yang Xiong, and Peter Xiong to cleanup and abate the effects of the following discharges from APN 015-420-027-000 in Trinity County (the Site) to waters of the State and to eliminate the threat of future discharges to Barker Creek and its tributaries:

- fill material in a tributary to Barker Creek,
- solid waste,
- petroleum and fertilizer products,
- domestic wastewater, and
- sediment

These discharges occurred without authorization from applicable federal, state, and local agencies, including the Water Boards. The Draft Order was undelivered and unclaimed to the above recipients.

On June 23, 2021, the April 27, 2021 Draft Order was reissued via Federal Express and Golden State Overnight delivery service to Kou Xiong, Susan Yang Xiong, and Peter Xiong. The Draft Order was delivered to Kou Xiong and Susan Yang Xiong (hereinafter collectively referred to as the Dischargers).

On July 23, 2021, 30 days after issuance of the Draft Order, no comments were received from the Dischargers within the comment period and, therefore, the requirements of the Draft Order were not changed prior to the issuance of the final Order.

On August 11, 2021, the Executive Officer of the North Coast Regional Water Quality Control Board (Regional Water Board) issued the final Order to the Dischargers. Actions required in the Order include the development, submission, and implementation of a Cleanup, Restoration, and Monitoring Plan (CRMP) and submission of associated completion and monitoring reports.

Required Actions No. 1.a-e of the Order requires the Dischargers to submit a proposed CRMP by September 17, 2021.

Required Action No. 4 of the Order requires the Dischargers to fully implement and complete all restoration construction and/or abatement measures included in the approved CRMP by October 31, 2021.

Required Action No. 5 of the Order requires the Dischargers to submit a Completion Report for the CRMP for approval by the Regional Water Board or its delegated officer by December 17, 2021.

To date, Water Boards staff has not received the proposed CRMP, any submittals that work associated with the CRMP has been implemented, the report of completion, or any documentation or communications from the Dischargers or their agents confirming that abatement measures at the Site to stop the effects of discharge and threatened discharge of waste have been completed or have even begun.

B. Alleged Violations

The Dischargers are in violation of the Order for the following requirements: 1) Required Action No. 1 for failure to submit a CRMP by September 17, 2021 pursuant to Water Code section 13267; 2) Required Action No. 4 for failure to implement and complete the CRMP by October 31, 2021 pursuant to Water Code section 13304; and 3) Required Action No. 5 for failure to submit a Completion Report for the CRMP for approval by the Regional Water Board or its delegated officer by December 17, 2021, pursuant to Water Code section 13267.

Violations of the requirements imposed under Water Code section 13267 may result in administrative civil liability of up to \$1,000 per day pursuant to Water Code section 13268. Violations of the requirements imposed pursuant to Water Code section 13304 may result in administrative civil liability of up to \$5,000 per day pursuant to Water Code section 13350. In addition, pursuant to Water Code sections 13350 and/or 13385, failure to comply with the issued Order may result in the assessment of an administrative civil liability up to \$10,000 per violation, per day, depending on the violation. Please note that these administrative civil liabilities may be assessed by the Regional Water Board every day that your Site is late in submitting the missing CRMP, Completion Report, and in implementing restoration construction and abatement measures beginning with the date that the violation first occurred.

As of January 20, 2022, you have been in violation of the Order Required Action No. 1 since September 20, 2021, a total of 122 days, and could face potential administrative civil liability of up to \$122,000 pursuant to Water Code section 13268. You have been in violation of the Order Required Action No. 4 since October 31, 2021, a total of 81 days, and could face potential administrative civil liability of up to \$405,000 pursuant to Water Code section 13350. You have been in violation of the Order Required Action No. 5 since December 17, 2021, a total of 34 days, and could face potential administrative civil liability of up to \$34,000 pursuant to Water Code section 13268.

Your combined total potential administrative civil liability could be up to \$561,000. If, in the opinion of the Executive Officer or its delegated officer, you fail to comply with the provisions of the issued Order, the Regional Water Board may refer the matter to the Attorney General for judicial enforcement, issue a complaint for administrative liability, or take other enforcement actions.

C. Response Required

To minimize the ongoing accrual of days of violation for Required Actions Nos. 1, 4, and 5, please submit the CRMP for approval as soon as possible. The Regional Water Board or its delegated officer will consider the timeliness and adequacy of your response in determining our next enforcement steps. It is your responsibility to engage qualified professionals to develop the CRMP. Please note that once you have received approval of the CRMP by the Executive Officer or its delegated officer, you will need to obtain the necessary permits to complete the required scope of work, including Water Quality Certification from the Water Boards for any instream work. The Regional Water Board or its delegated officer will consider the timeliness and adequacy of your response in determining an extended deadline for the Completion Report and Annual Monitoring Reports.

All monitoring reports, technical reports or notices required under the Order shall be submitted to:

Mail:
State Water Resources Control Board
Office of Enforcement
Attn: Pansy Yuen
801 K Street, Suite 2300
Sacramento, CA 95814

Email:
Pansy.Yuen@waterboards.ca.gov

Future correspondence regarding this matter will be sent to you at the above addresses unless an alternative address is provided to the Water Boards. Failure to accept mail from the Water Boards 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.

For any questions on this matter, please contact Ms. Pansy Yuen by phone at (916) 341-5445, or via email at Pansy.Yuen@waterboards.ca.gov.

Sincerely,

 Digitally signed by Kason
Grady
Date: 2022.01.20
14:28:37 -08'00'


Kason Grady
Cannabis and Enforcement Division Supervisor

cc: (via email only)

Department of Fish and Wildlife

Ashley Worth, Ashley.Worth@wildlife.ca.gov

North Coast Regional Water Quality Control Board

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State Water Resources Control Board

Office of Enforcement

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State Water Resources Control Board

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Trinity County

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