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## North Coast Regional Water Quality Control Board

August 9, 2022

Yue Her  
2145 Ridgewood Drive  
Eureka, CA 95503

Certified Mail 7021 0950 0001 6499 8234

Dear Yue Her:

**Subject:** Notice of Violation and Transmittal of Inspection Report for July 11, 2022, Inspection of Trinity County Assessor's Parcels 020-040-008-000 and 020-500-001-000 and Requirement to Respond within 30 days

**File:** Cannabis Program Inspections, Trinity County, CIWQS Place ID 882294

### **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: 020-040-008-000 and 020-500-001-000 (the Property):

1. State Water Resources Control Board (State Water Board) Cannabis Cultivation Policy Principals and Guidelines for Cannabis Cultivation (Cannabis Policy)
2. Water Quality Control Plan for the North Coast Region (Basin Plan) Section 4.2.1

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

### **Background**

On July 11, 2022, staff from the Regional Water Board, accompanied by staff of the California Department of Fish and Wildlife (CDFW), State Water Board Division of Water Rights, Trinity County Planning and Environmental Health, and Trinity County Sheriff Department 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.

Attached is a copy of the water quality inspection report (Attachment B – Property Inspection Report and Attachment C – Inspection Map and Photolog). 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 instream work and 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 July 11, 2022, inspection report, Regional Water Board staff observed violations of the California Water Code and the Basin Plan. In addition, staff observed violations of the Cannabis Cultivation Policy, Section 1 - General Requirements and Prohibitions Nos. 37, and Section 2 - Requirements Related to Water Diversions and Waste Discharge for Cannabis Cultivation Nos. 3-4, 15-17, 22, 31, 48-51, 53, 56-57, 59, 62, , 123, and 130. Staff observed these violations at Property locations identified in the inspection report as WQ3 through WQ10.

### **Cannabis Cultivation Waste Discharge Requirements Regulatory Program**

The State Water Board adopted the Cannabis Policy and the Cannabis General Order on October 17, 2017, and updates on February 5, 2019, which remain in effect today. The purpose of the Cannabis Policy is to ensure that the discharge of waste and diversion of water associated with cannabis cultivation does not have a negative impact on water quality, aquatic habitat, riparian habitat, wetlands, and springs. The Cannabis Policy applies to cannabis cultivation activities throughout California including, Commercial Recreational, Commercial Medical, and Personal Use Medical. The Policy does not apply to recreational cannabis cultivation for personal use, which is limited to six plants under the Adult Use of Marijuana Act (Proposition 64, approved by California voters in November 2016).

The Cannabis General Order is the statewide water quality permit that implements the Cannabis Policy through the overarching general Waste Discharge Requirements (WDRs) in accordance with the California Water Code and is available for eligible cannabis cultivators to enroll under. The Cannabis General Order regulates waste

discharges from cultivation sites including sediment, irrigation runoff, fertilizers, pesticides/herbicides, petroleum, agricultural related chemicals, cultivation related waste, and refuse. Threats of waste discharge may be from irrigation runoff, over fertilization, pond failure, road construction, grading activities, domestic and cultivation related waste, refuse placement, etc. All commercial cannabis cultivators must obtain coverage under the Cannabis General Order, including for both indoor and outdoor cultivation.

Cannabis cultivation activities require conformance with the Cannabis Policy and enrollment in under the Cannabis General Order. For more information, please visit our website at:

[https://www.waterboards.ca.gov/northcoast/water\\_issues/programs/cannabis/](https://www.waterboards.ca.gov/northcoast/water_issues/programs/cannabis/)

### **Potential Liabilities**

The Regional Water Board is in the process of considering whether the violations of the Water Code and the Basin Plan 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 July 11, 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 Ermias Berhe 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 Ermias Berhe by email at [Ermias.Berhe@Waterboards.ca.gov](mailto:Ermias.Berhe@Waterboards.ca.gov) or by phone at 707-445-6128.

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](mailto: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  
Senior Water Resources Control Engineer

220711\_Yue Her\_NOV

Attachments:            Attachment A - Regulatory Citations  
                                 Attachment B – Facilities Inspection Report  
                                 Attachment C – Inspection Maps and Photolog

Certified Mail – Return Receipt requested

**cc:**    **North Coast Regional Water Quality Control Board**  
[Northcoast.Cannabis@waterboards.ca.gov](mailto:Northcoast.Cannabis@waterboards.ca.gov)  
Claudia Villacorta, [Claudia.Villacorta@waterboards.ca.gov](mailto:Claudia.Villacorta@waterboards.ca.gov)  
Kason Grady, [Kason.Grady@waterboards.ca.gov](mailto:Kason.Grady@waterboards.ca.gov)  
Jeremiah Puget, [Jeremiah.Puget@waterboards.ca.gov](mailto:Jeremiah.Puget@waterboards.ca.gov)  
Ermias Berhe, [Ermias.Berhe@Waterboards.ca.gov](mailto:Ermias.Berhe@Waterboards.ca.gov)

**Division of Water Rights**  
Taro Murano, [Taro.Murano@waterboards.ca.gov](mailto:Taro.Murano@waterboards.ca.gov)

**Department of Fish and Wildlife**  
[r1saredding@wildlife.ca.gov](mailto:r1saredding@wildlife.ca.gov)

**County Sheriff's Office**  
Sergeant Nathaniel Trujillo, [ntrujillo@trinitycounty.org](mailto:ntrujillo@trinitycounty.org)

**County Planning and Permitting**

[info.cannabis@trinitycounty.org](mailto:info.cannabis@trinitycounty.org)

**Department of Cannabis Control**  
Erin Wonder, [erin.wonder@cannabis.ca.gov](mailto:erin.wonder@cannabis.ca.gov)

**Attachment A – Regulatory Citations**

<b>Regulatory Section</b>	<b>Citation</b>
Basin Plan Section 4.2.1, Prohibition 1	Prohibits “[t]he discharge of soil, silt, bark, slash, sawdust, or other organic and earthen material from any logging, construction, or associated activity of whatever nature into any stream or watercourse in the basin in quantities deleterious to fish, wildlife, or other beneficial uses.”
Basin Plan Section 4.2.1, Prohibition 2	Prohibits “[t]he placing or disposal of soil, silt, bark, slash, sawdust, or other organic and earthen material from any logging, construction, or associated activity of whatever nature at locations where such material could pass into any stream or watercourse in the basin in quantities which could be deleterious to fish, wildlife, or other beneficial uses.”
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>(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>(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>
California Water Code Section 13261(a)	“A person who fails to furnish a report or pay a fee under <a href="#">Section 13260</a> when so requested by a regional board is guilty of a misdemeanor and may be liable civilly in accordance with subdivision (b).”
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><a href="https://www.waterboards.ca.gov/water_issues/programs/cannabis/docs/policy/final_cannabis_policy_with_attachment_a.pdf">https://www.waterboards.ca.gov/water_issues/programs/cannabis/docs/policy/final_cannabis_policy_with_attachment_a.pdf</a></p> <p>and</p> <p><a href="https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2019/wqo2019_0001_dwq.pdf">https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2019/wqo2019_0001_dwq.pdf</a></p>

Brian Harper Property  
Attachment B

## **Attachment B – Facilities Inspection Report**

## FACILITIES INSPECTION REPORT

Region/Office: 1	Status: Performed	Reg. Measure ID: 448784

### Discharger Information

Party ID: 634727		Discharger Organization Name: Her, Yue	
Address: 2145 Ridgewood Drive		City, State, Zip: Eureka, CA 95503	
Discharger Contact Person:	Yue Her	Discharger Contact Phone:	
Discharger Contact Email Address:			

### Facility Information

Place ID 882656		Facility Name: Her, Yue Property	
Address: 12340 Van Duzen Road		City, State, Zip: Zenia, CA 95595	
County: Trinity	Latitude: 40.29668	Longitude: -123.43538	Method:

### Lead Inspector Information

Lead Inspector Party ID: 591567		Lead Inspector Name: Ermias Berhe	
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

## VIOLATIONS

Were Violations noted during this inspection?  Yes  No

Violation ID	Violation Type	Occurrence Date	Rank	Description
1106917	Basin Plan Prohibition	07/11/2022	B	Water Quality Control Plan for the North Coast Region (Basin Plan) Section 4.2.1 - threatened sediment and waste discharge at WQ4, WQ5, WQ8 and WQ9
1106918	Other Codes	07/11/2022	B	Cannabis Cultivation Policy at WQ4, WQ5, WQ7, WQ8 and WQ9

### INSPECTION SUMMARY (REQUIRED) (500 character limit)

Recommendations:

1. If you intend to continue cannabis cultivation, you need to enroll into the Statewide Cannabis General Order WQ 2019-0001-DWQ at: <https://public2.waterboards.ca.gov/CGO>
2. Properly contain and/or dispose of fertilizers, soils, burned structures and trash.
3. Hire a professional to assess the conditions of the stream crossings and apply for a 401 Water Quality Certification at: North Coast Cannabis Water Quality Certification Application for instream work.

### GENERAL NOTES (OPTIONAL) (2000 character limit)

I observed outdoor cannabis cultivation of sufficient size and scope for coverage under the Cannabis General Order on the central portion of the property at inspection point WQ7. I observed fertilizers at inspection points WQ9 threatening waste delivery to surface water. I observed a burned structure at inspection point WQ5 within riparian setback of a watercourse (inspection point WQ6).

At inspection points WQ1, and WQ2, I observed water storage tanks associated with irrigation of cannabis cultivation. The site uses a ground water well located at inspection WQ3 to irrigate cannabis.

At inspection points WQ4 and WQ9, I observed two culverted stream crossings which are improperly installed and are delivering sediment and waste to waters of the state.

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

Attachment C – Inspection Map and Photo Log

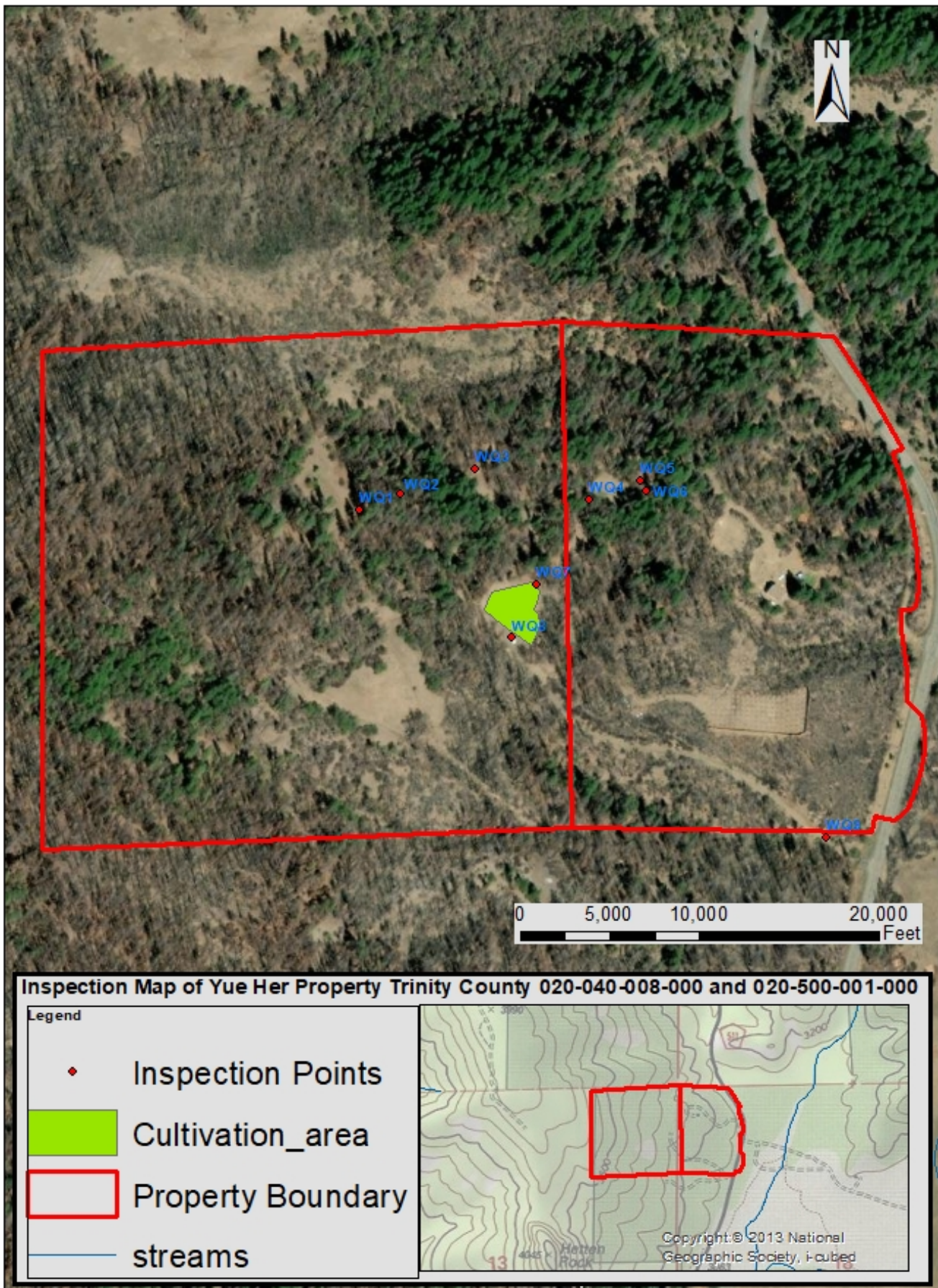


Figure 1 inspection map

*Photo Log of July 11, 2022, Inspection of Yue Her Property, Trinity County APNs 020-040-008-000 and 020-500-001-000. Photos taken by Ermias Berhe unless noted otherwise.*



*Photo 1: water storage tank at inspection point WQ1*



*Photo 2: Water Storage tanks at inspection point WQ2*



*Photo 3: Ground water well at inspection point WQ3*



*Photo 4: Inlet of a culverted stream crossing at inspection point WQ4*



*Photo 5: Outlet of a culverted stream crossing at inspection point WQ4*



*Photo 6: burned structure in the riparian setback of a watercourse at inspection point WQ5*



*Photo 7: A watercourse nearby a burned structure at inspection point WQ6*



*Photo 8: Outdoor cannabis cultivation at inspection point WQ7*



*Photo 9: Improperly placed fertilizer at inspection point WQ8, threatening waste delivery to nearby watercourse downstream.*



*Photo 10: Improperly installed culverted stream crossing at inspection point WQ9, threatening sediment delivery to watercourse downstream.*