



North Coast Regional Water Quality Control Board

July 7, 2023

Jason Anderson
PO Box 442
Laytonville, CA 95454

Certified Mail No.: 7021-0950-0001-6500-1162

Dear Jason Anderson:

Subject **Notice of Violation, Transmittal of Inspection Report of June 7, 2023
Inspection of Mendocino County Assessor's Parcel Number 012-620-61-00**

File: Cannabis Program Inspections, Mendocino County 2023, CIWQS Place -
ID 888720

THIS LETTER HAS RECOMMENDATIONS 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 (APN) 012-620-61-00 (the Property):

1. Water Quality Control Plan for the North Coast Region (Basin Plan) Section 4.2.1, Prohibition 1 and Prohibition 2;
2. California Water Code (Water Code) Sections 13260 and 13264;
3. Federal Clean Water Act Section 301; and
4. State Water Resources Control Board (State Water Board) Cannabis Cultivation Policy Principals and Guidelines for Cannabis Cultivation (Cannabis Policy).

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).

On June 7, 2023, North Coast Regional Water Quality Control Board (Regional Water Board) staff (Staff) inspected the Property and observed greenhouse cannabis

HECTOR BEDOLLA, CHAIR | VALERIE QUINTO, EXECUTIVE OFFICER

cultivation with associated actual and threatened discharges of waste. This letter directs you to address the violations noticed herein. Within 30 days, please contact our Staff to discuss your plan to correct the observed violations.

Background

The Property is located in the Twin Rocks Creek watershed, tributary to Rattlesnake Creek, tributary to South Fork Eel River north of the town of Laytonville, CA. LandVision records show that the Property was purchased on June 27, 2019, by Jason Anderson from Erin Gamble.

On June 7, 2023, during the execution of a criminal search warrant served by the California Department of Fish and Wildlife (CDFW), Staff inspected the Property, accompanied by personnel from CDFW and personnel from various law enforcement agencies. 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, 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 – June 7, 2023 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 instream work and projects/activities that result in discharges of waste to receiving waters.

Relevant Requirements

During the inspection, 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 June 7, 2023 inspection report, Staff observed violations of the of the Basin Plan Section 4.2.1 Prohibition 1 at locations X2, Sed Del and X7 for the actual discharge of sediment to a watercourse, and Prohibition 2 at locations X1, CA1, Slide, X2, X3, CA3, Diversion Creek, Graded, Sed Del, X4, X6 and X7 for threatened discharge of sediment to watercourse. Based on observations detailed in the inspection report of large-scale cannabis cultivation and associated activities, without first obtaining regulatory coverage for associated waste discharges, in violation of Water Code section 13260. Further, Staff observed violations of the California Water Code section 13264 for unauthorized discharges of waste to waters of the state at locations X1, CA1, Slide, X2, X3, CA3, Diversion Creek, Graded, Sed Del, X4, X6, X7, Pump and Pump 2, and

Federal Clean Water Act for the unauthorized discharges to waters of the United States at X1, X2 and X7. These site conditions also violate the Cannabis Policy.

Legal Requirements

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.

Cultivation activities on the Property requires 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/)

As documented in the inspection report, the site conditions observed on the Property are do not meet the requirements of the Cannabis Policy. Please provide a written response supporting documentation, including photos if relevant, explaining and how the Property will be restored in compliance with the Policy.

As documented in the inspection report, there are numerous existing stream crossings that must be upgraded or decommissioned to comply with the Basin Plan, which will require a water quality certification prior to conducting instream work.

The [application for the water quality certification](#) for cannabis cultivation-related projects is available here:

(https://www.waterboards.ca.gov/northcoast/water_issues/programs/cannabis/pdf/200204/RB1_Cannabis_WQC_401_App.pdf)

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. Administrative civil liabilities may be assessed on a daily basis in the amount up to \$10,000 for each day the violation occurs and \$10/gallon beyond the first 1,000 gallons not cleaned up for actual discharges to waters of the United States without a permit pursuant to Water Code section 13385.

Inspection Report Recommendations

As mentioned above, the June 7, 2023 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 our Staff, Adona White, 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 our Staff Adona White by email at Adona.White@waterboards.ca.gov or by phone at 707-576-2672.

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 Jeremiah.Puget@waterboards.ca.gov or by phone at 707-576-2835. 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,

Jeremiah Puget
Senior Environmental Scientist
Enforcement Unit

Attachments: Attachment A – Regulatory Citations
Attachment B – June 7, 2023 Property Inspection Report

Certified Mail – Return Receipt requested

cc: North Coast Regional Water Quality Control Board

Northcoast.Cannabis@waterboards.ca.gov

Claudia Villacorta, Claudia.Villacorta@waterboards.ca.gov

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

Adona White, Adona.White@waterboards.ca.gov

Division of Water Rights

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

Stormer Feiler, Stormer.Feiler@waterboards.ca.gov

Department of Fish and Wildlife

Scott Bauer, Scott.Bauer@wildlife.ca.gov

Lieutenant Douglas Willson, Douglas.Willson@wildlife.ca.gov

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

Daniel Harrington, Daniel.Harrington@wildlife.ca.gov

Warden Justin Rhoades, Justin.Rhoades@wildlife.ca.gov

Department of Cannabis Control

Erin Wonder, Erin.Wonder@cannabis.ca.gov

Attachment A – Regulatory Citations

Table 1 Regulatory Citations

Regulatory Section	Citation
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.” Available at: (https://www.waterboards.ca.gov/northcoast/water_issues/programs/basin_plan/)
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	“(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: (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. (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.”
California Water Code Section 13261(a)	“A person who fails to furnish a report or pay a fee under Section 13260 when so requested by a regional board is guilty of a misdemeanor and may be liable civilly in accordance with subdivision (b).”
California Water Code Section 13264(a)	“No person shall initiate any new discharge of waste or make any material changes in any discharge, or initiate a discharge to, make any material changes in a discharge to, or construct, an injection well, prior to the filing of the report required by Section 13260 and no person shall take any of these actions after filing the report but before whichever of the following occurs first: (3) The issuance of waste discharge requirements pursuant to Section 13263. (2) The expiration of 140 days after compliance with Section 13260 if the waste to be discharged does not create or threaten to create a condition of pollution or nuisance and any of the following applies:... (3) The issuance of a waiver pursuant to Section 13269.”

Regulatory Section	Citation
California Water Code Section 13265(a)	“Any person discharging waste in violation of Section 13264, after such violation has been called to his attention in writing by the regional board, is guilty of a misdemeanor and may be liable civilly in accordance with subdivision (b). Each day of such discharge shall constitute a separate offense.”
Federal Clean Water Act Section 301 (a):	Section 301(a) provides that subject to certain exceptions, “the discharge of any pollutant by any person shall be unlawful.” 33 U.S.C. § 1311(a). One of the exceptions allowed for under the Clean Water Act is the discharge from a dredge and fill activity under the auspices of § 404 and 401 of the Clean Water Act. 33 U.S.C. § 1342. The Clean Water Act prohibits the discharge of any pollutant from a point source into waters of the United States without a section 404 dredge and fill permit and a section 401 state water quality certification.
Federal Clean Water Act Section 401	Section 401 (a)(1) “Any applicant for a Federal license or permit to conduct any activity including, but not limited to, the construction or operation of facilities, which may result in any discharge into the navigable waters, shall provide the licensing or permitting agency a certification from the State in which the discharge originates”
Federal Clean Water Act Section 404	Section 404(a) provides, in relevant part, “The Secretary may issue permits...for the discharge of dredged or fill material into the navigable waters...” The Code of Federal Regulations defines the term “dredged material” as material that is excavated or dredged from waters of the United States. 33 C.F.R. § 323.2(c). The term “discharge or dredged material” mean any addition of dredge material into the waters of the United States. 33 C.F.R. § 323.2(d)(1). The Code of Federal Regulations defines “fill material” as material placed in waters of the United States that has the effect of replacing any potion of a water of the United States with dry land or changing the bottom elevation of any potion of a water of the United States. 33 C.F.R. § 323.2(e)(1). The term “discharge of fill material” means the additional of fill material into waters of the United States. 33 C.F.R. § 323.2(f).

Regulatory Section	Citation
Cannabis Policy and General Order No. WQ 2019-0001-DWQ	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 Available at: (https://www.waterboards.ca.gov/water_issues/programs/cannabis/docs/policy/final_cannabis_policy_with_attach_a.pdf)_and (https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2019/wqo2019_0001_dwq.pdf)

FACILITIES INSPECTION REPORT

Region/Office: 1	Status: Performed	Reg. Measure ID: 452978
Program Type: IRRICANNABIS	WDID: 1_23MJ000313	Order Number:
Scheduled Insp. Date:	Actual Insp. Date: 06/07/2023	

Discharger Information

Party ID: 639944	Discharger Organization Name: Anderson		
Address: Po Box 442 -	City, State, Zip: Laytonville, CA 95454		
Discharger Contact Person:	Jason Anderson	Discharger Contact Phone:	
Discharger Contact Email Address:			

Facility Information

Place ID 888720	Facility Name: Anderson Property		
Address: 59701 Bell Springs Road	City, State, Zip: Laytonville, CA 95454		
County: Mendocino	Latitude: 39.84217911	Longitude: -123.5373867	Method:

Lead Inspector Information

Lead Inspector Party ID: 526285	Lead Inspector Name: Adona White		
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: Complaint inspection

VIOLATIONS

Were Violations noted during this inspection? Yes No

Violation ID	Violation Type	Occurrence Date	Rank	Description
1118333	Basin Plan Prohibition	06/07/2023	B	Water Quality Control Plan for the North Coast Region (Basin Plan) Section 4.2.1, Prohibition 1 and Prohibition 2
1118334	Other Codes	06/07/2023	B	California Water Code (Water Code) Sections 13260 and 13264
1118335	Unauthorized Discharge	06/07/2023	B	Federal Clean Water Act Section 301
1118336	Other Codes	06/07/2023	B	State Water Resources Control Board (State Water Board) Cannabis Cultivation Policy Principals and Guidelines for Cannabis Cultivation (Cannabis Policy)

Showing the first 4 of 4 violations

INSPECTION SUMMARY (REQUIRED) (500 character limit)

Recommendations:

1. Cease unauthorized cultivation. Remove cultivation infrastructure & associated refuse and potting soil.
2. Remove petroleum & waste from within 150 feet of watercourses.
3. Hire a qualified profession to prepare a property-wide cleanup and restoration plan for developed features including graded flats, roads, and stream crossings including an assessment of impacts and a workplan to remediate impacts to water quality.

GENERAL NOTES (OPTIONAL) (2000 character limit)

I observed the following threats to water quality:

Class III stream crossing X1 (39.838125, -123.535522) is an earthen ford. Road sediment delivery. Fill from CA2 greenhouse pad is placed at downstream end of stream crossing. CA1 is three greenhouses totaling ~5000 sq ft.

CA2 (39.838217, -123.534526) greenhouses.

Shed (39.838537, -123.534275) with fertilizers & pesticides.

Slide (39.838589, -123.534256). Low slope access road built across a blue line watercourse (X2). Slopes below road to watercourse have failed, are overly steepened, devoid of vegetation, and a chronic source of sediment to stream.

X2 (39.839423, -123.534125) The culvert is an 8-foot diameter fabricated culvert with seam in the middle. A water diversion Pump (39.839226, -123.534303) was at the outlet of X2 on the stream bank. I observed a sheen on the water associated with the petroleum pollution.

X3 (39.838269, -123.532296) is a crossing of 24 in diameter and is undersized compared the Class II stream.

CA3 (39.838869, -123.532306). Greenhouse on a cultivation flat constructed with cut and fill. Within the greenhouse, I observed standing surface water and a trench constructed to divert surface water down the access road to the Class II watercourse at X3.

Diversion Creek (39.838250, -123.531973). Upslope of CA3, a watercourse is diverted from its natural flow path to the Class II watercourse to go around CA3.

Graded (39.838255, -123.531678). A cleared graded area is extends from stream bank and is a sediment source.

Sed Del (39.837680, -123.531813) to blue line stream from road runoff.

Pump 2 (39.837661, -123.531629) located on stream gravels.

CA5 (39.837534, -123.533843) built near swale.

X4 (39.837228, -123.534511) and X6 (39.837167, -123.535020) are undersized culverts with road sediment delivery.

X7 is an earthen ford on a blue line stream with much debris in watercourse, and rutted mud tracks from crossing.

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

June 7, 2023 Anderson Inspection Report
Map and Photo Appendix
CIWQS Inspection ID 52033254

Inspection Maps

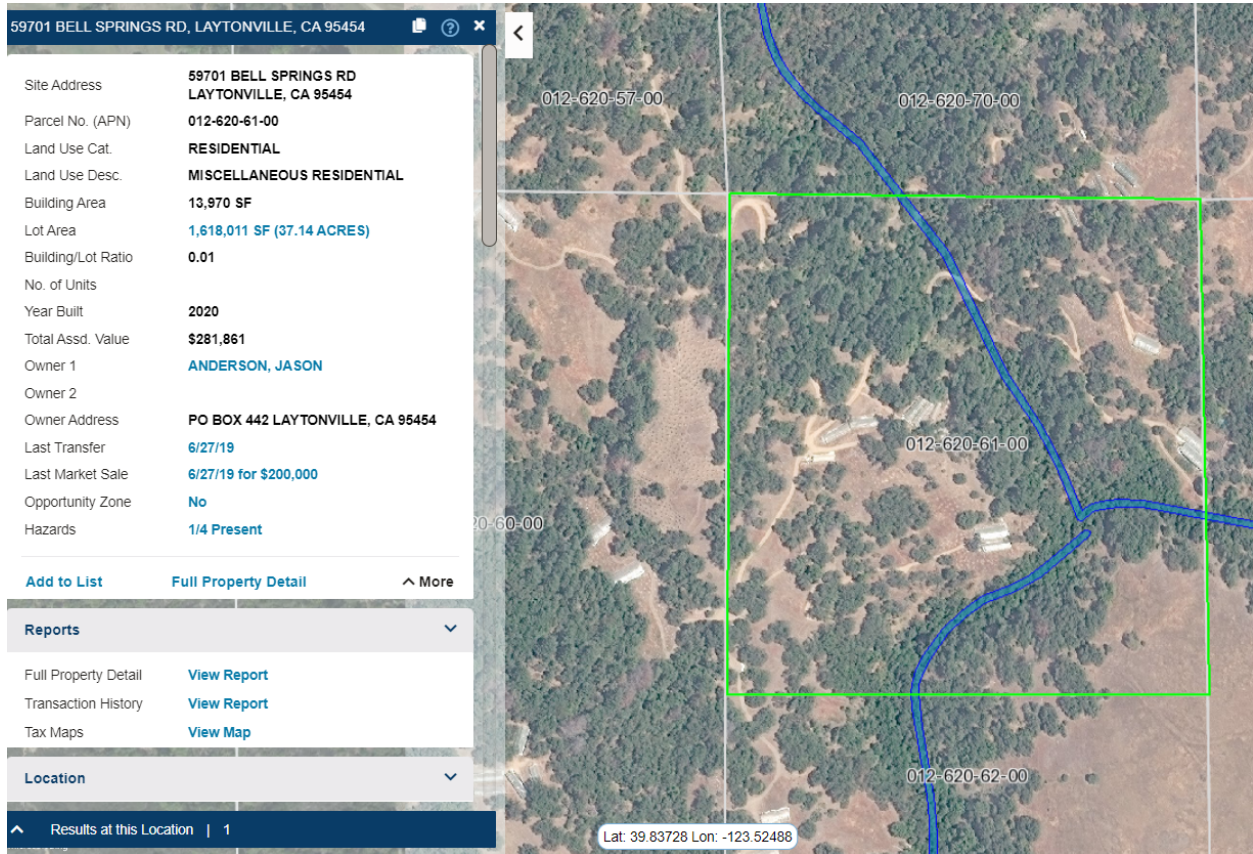


Figure 1. Parcel map and ownership information.



Figure 2. Inspection points on aerial imagery.

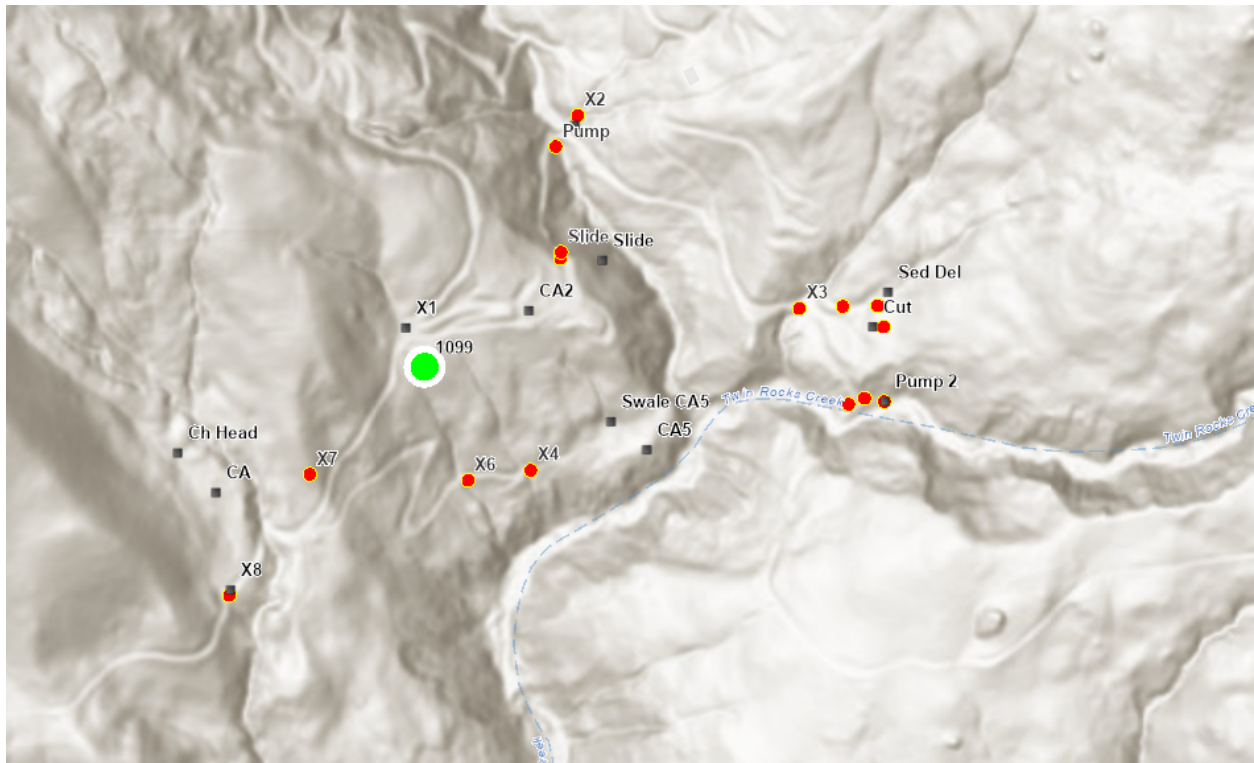


Figure 3. Inspection points on terrain map.

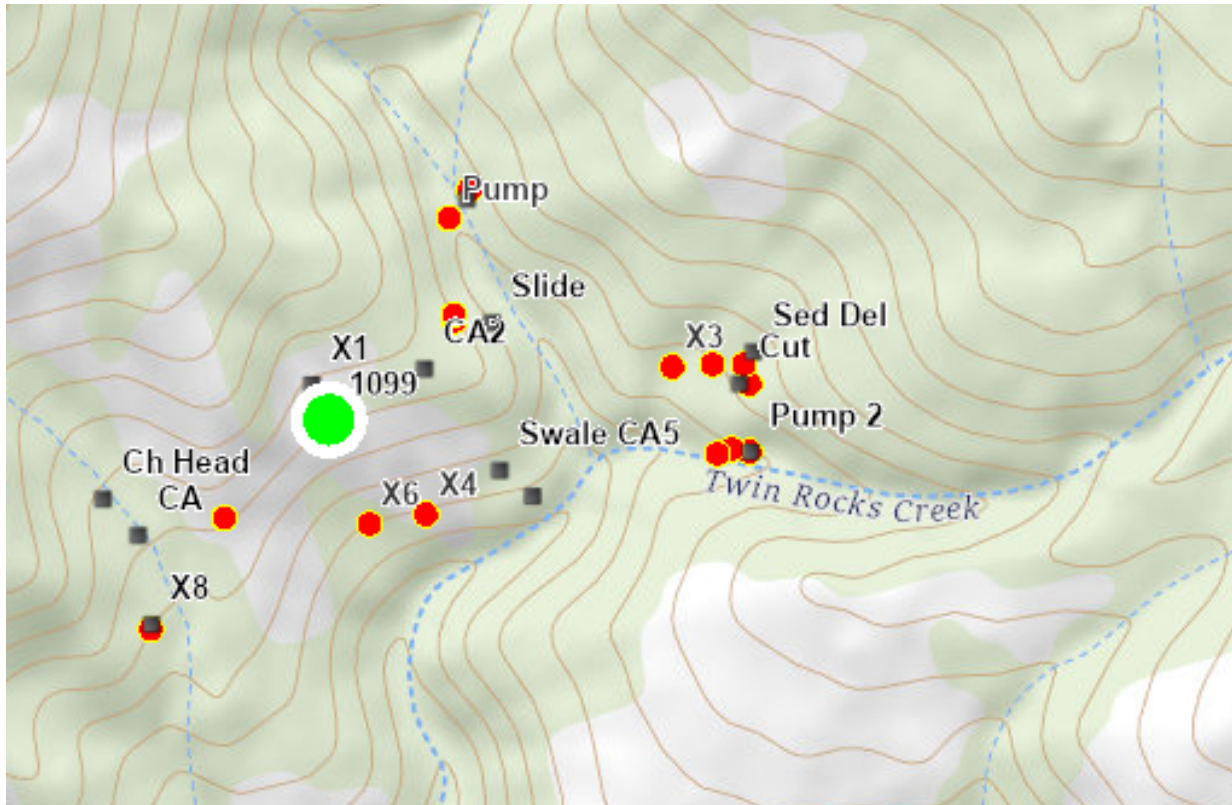


Figure 4. Inspection points on USGS topographic map.

Inspection Photos

All photographs taken by Adona White on June 7, 2023.



Figure 5. Cultivation area CA1 near stream crossing X1. CA1 consists of two greenhouses on graded flats (photo facing NW).



Figure 6. X1 upstream channel.



Figure 7. X1. Road sediment delivery from two upslope road segments. CA1 is cultivation area near X1.



Figure 8. Road runoff flows past greenhouses and delivers to the watercourse downslope of the crossing at X1.



Figure 9. Greenhouse at the downstream end of X1.



Figure 10. Eroded fill slope below X1, with delivery to the class III watercourse.



Figure 11. Watercourse channel downstream of X1, with old grow pots in watercourse.



Figure 12. CA2.



Figure 13. Residence.



Figure 14. High concentration water soluble fertilizer near residence.



Figure 15. Shed storing fertilizers and pesticides.



Figure 16. Contents of shed.



Figure 17. Highly concentrated garden and household fungicide/algacide.



Figure 18. Spectracide Malathion Insect Spray.



Figure 19. Fertilizer on ground outside of shed.



Figure 20. Slide associated with the failed slopes of the access road. Approximately 400 feet of road on the right bank of the watercourse is impacted by unstable slopes leading directly to the blue line watercourse.



Figure 21, Road related slide delivery to the blue line watercourse.



Figure 22. Unstable slope leading directly to watercourse.



Figure 23. Outlet of X2 stream crossing and debris in stream.



Figure 24. The road surface concentrates water and discharges stormwater to the watercourse at the outlet of X2.



Figure 25. View downstream of X2 from road surface, with debris in stream.



Figure 26. Slide located on the right bank upstream of X2 inlet.



Figure 27. X1 looking downstream.



Figure 28. X2 culvert is fabricated from two metal cylinders with a seam in the middle and an opening that is patched with fiberglass.



Figure 29. Diversion line at X2 culvert outlet.



Figure 30. Pump at outlet of X2 culvert.



Figure 31. Watercourse channel upstream of stream crossing X3.



Figure 32. Road over stream crossing X3.



Figure 33. Inlet x3, undersized culvert



Figure 34. Standing water in greenhouse at CA3 with pallets on top.



Figure 35. Trench in CCA3 greenhouse drains seep water from greenhouse to watercourse at X3.



Figure 36. The trench from CA3 leads directly to the watercourse at the upstream end of X3.



Figure 37. Upslope of CA3, the cut bank appears to have failed.



Figure 38. Cut bank failure associated with CA3.



Figure 39. Tanks upslope of CA3.



Figure 40. Graded area next to Class II watercourse has disturbed the stream bank and resulted in sediment delivery to the watercourse.



Figure 41. Graded area on Class II watercourse.



Figure 42. Alteration of stream upslope of CA3, diverts creek to Class II watercourse. Photo is facing south and is downstream of natural channel.



Figure 43. Below CA3, Pump 2 was located on the gravels of a blue-line stream, posing threat of discharge of petroleum products.



Figure 44. Below CA3, a steep road segment is undrained and surface erosion has resulted in sediment transport and delivery to the blue line watercourse.



Figure 45. The sediment deposition path was evident to the edge of the vertical slope above the blue line watercourse.



Figure 46. Concentric scarps associated with cut bank of CA4.



Figure 47. CA4 scarp.



Figure 48. X4 inlet (facing SW). Undersized pipe, road sediment delivery.



Figure 49. outlet of X4 crossing (facing E).



Figure 50. X6. 18 inch culvert perched 20 feet, undersized for channel, with road sediment delivery.



Figure 51. X6 inlet.



Figure 52. CA5.



Figure 53. X7. Ford over a blue line Class II watercourse with debris in channel and rutted mud tracks. Presence and use of the crossing result in sediment discharge. View facing SE, from left bank, downstream to left of photo.



Figure 54. X7. Facing west, from right bank, downstream is to the right of photo.

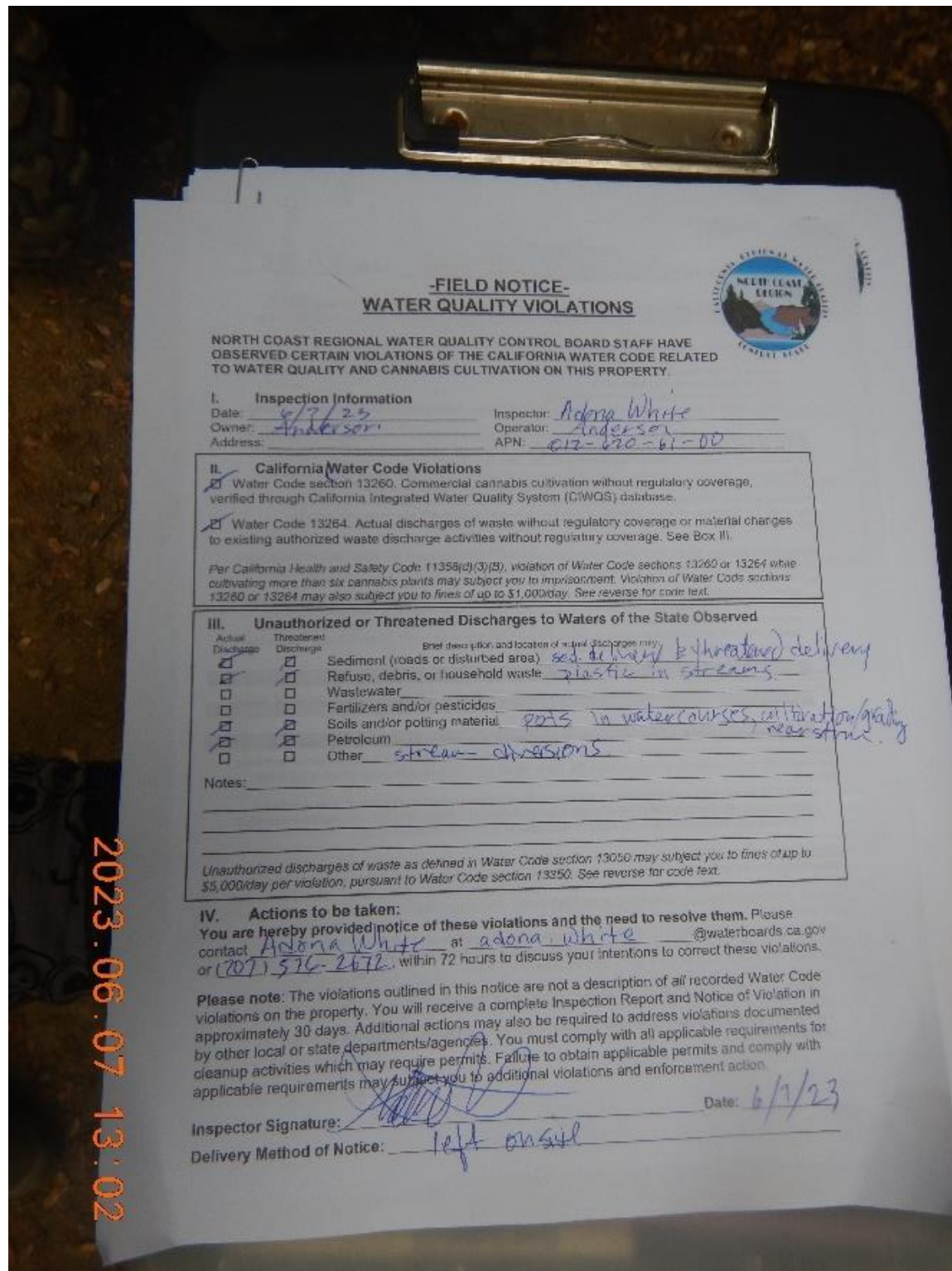


Figure 55. Water Quality Field notice that I left onsite with the case agent, CDFW Warden Justin Rhoads.