



North Coast Regional Water Quality Control Board

August 25, 2023

Organic Grounded Greens, LLC
ATTN: Valerie Lolis-Ramirez
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Loxahatche, FL 33470
organicgroundedgreens@gmail.com

FedEx Tracking No: 7731-8734-0387

Organic Grounded Greens, LLC
Silvia Cristina Xavier
10126 Alta Sierra Drive
PMB 201842
Grass Valley, CA 95949

Certified Mail No: 7021-0950-0001-6500-1513

Burnt Ranch Real Estate Holdings, LLC
David Kaminski
20 E Goeth Street 602
Chicago, Illinois 60610

FedEx Tracking No: 7731-8761-3771

Dear David Kaminski, Burnt Ranch Real Estate Holdings LLC, Valerie Lolis-Ramirez, Silvia Cristina Xavier and Organic Grounded Greens LLC::

**Subject: Notice of Violation, Transmittal of Inspection Report of July 26, 2023
Inspection of Trinity County Assessor's Parcel Number 011-020-014**

File: Cannabis Inspections, Trinity County 2023, CIWQS Place ID

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) 011-020-014 (the Property):

1. State Water Resources Control Board (State Water Board) Cannabis Cultivation Policy Principals and Guidelines for Cannabis Cultivation (Cannabis Policy).

HECTOR BEDOLLA, CHAIR | VALERIE QUINTO, EXECUTIVE OFFICER

2. 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)
3. California Water Code (Water Code) sections 13260, 13264, and 13350
4. The Water Quality Control Plan for the North Coast Region (Basin Plan) section 4.2.1

According to our records, this Property is enrolled for coverage under the Cannabis General Order.

On July 26, 2023, staff of the North Coast Regional Water Quality Control Board (Regional Water Board) inspected the Property and observed site conditions that have resulted in unauthorized discharges of waste to land and threatened discharges of waste to waters of the state. This letter has recommendations to address the violations noticed herein. Within 30 days, please contact staff to discuss your plan to correct the observed violations and implement the recommendations withing the staff inspection report.

Background

The Property is located in the Mill Creek watershed near the community of Burnt Ranch. LandVision records show that the Property was last purchased on September 30, 2016 by Burn Ranch Real Estate Holdings LLC from David Barclay and Glory Jean Ralston.

On July 13, 2020, Organic Grounded Greens, LLC submitted information through the State Water Resources Control Board's (State Water Board's) online portal for discharges of waste associated with cannabis cultivation related activities for the Property identifying Organic Grounded Greens, LLC as operator with Valerie Lolis-Ramirez as an employee, and listed Burnt Ranch Real Estate Holdings, LLC as landowner of the Property with contact David Kaminski. Based on the information submitted by Organic Grounded Greens, LLC, the cannabis cultivation activities are classified as Tier 2 Low Risk. Effective July 13, 2020, the Property is enrolled under the Cannabis General Order with WDID No. 1_53CC428174.

According to the California Secretary of State business search website (found at <https://bizfileonline.sos.ca.gov/search/business>), Organic Grounded Greens, LLC is an active Limited Liability Corporation in good standing, with an initial filing date of September 29, 2019, with individual Agent for Service of Process, Silvia Cristina Xavier. Burnt Ranch Real Estate Holdings, LLC is also active and in good standing, with an initial filing date of January 30, 2020, with agent of Service for Process CT Corporation System and Manager David Kaminski.

On July 26, 2023, during the execution of a criminal search warrant served by the California Department of Fish and Wildlife (CDFW), Regional Water Board staff inspected the Property, accompanied by representatives from CDFW and the State Water Board Division of Water Rights. The purpose of the inspection was to evaluate site development and conditions on the Property, and to identify and assess any

impacts or threatened impacts to the quality and beneficial uses of waters of the state, which include both surface water and groundwater. According to CDFW personnel and our records, required state (Department of Cannabis Control) and local county authorizations for commercial cannabis cultivation are not associated with the Property.

Attached is a copy of the water quality inspection report (Attachment B – July 26, 2023 Water Quality Inspection Report). Please review the inspection report carefully and completely. The inspection report contains recommendations for correcting observed violations.

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 July 26, 2023 inspection report and in this notice, , staff observed violations of the Water Code section 13260 and 13264 and the Basin Plan section 4.2.1 Prohibitions 1 and 2. Staff observed violations of the Cannabis General Order, Attachment A, Section 1, General Requirements and Prohibitions, terms 1, #25- 27, 32, and 37; Section 2 - Requirements Related to Water Diversions and Waste Discharge for Cannabis Cultivation #8, 15, 17, 22, 26, 31, 49-52, 56, 59, 62, 63, and 119.

During the inspection, staff observed Property conditions of concern to water quality, including:

1. Improper storage, handling and containment of fertilizers, resulting in threats of discharges to land and threats of discharges to surface waters via stormwater runoff.
2. Improper storage, containment and disposal of cultivation related plastic refuse.
3. Disturbed soil areas throughout the Property without adequate stabilization.
4. Steep, poorly maintained roads causing concentration of stormwater runoff, erosion, transport and delivery of sediment to waters of the state with threats to surface water habitat and water quality.
5. Undersized stream crossings that pose a threat of sediment delivery to surface waters.
6. An onstream pond constructed in an area that can impact waters of the state.

These Property conditions of concern lacked measures to prevent discharge and the threat of discharge of waste to waters of the state, in violation of Water Code section 13260, the Basin Plan section 4.2.1 Prohibition 2, the Cannabis Policy and the terms of your enrollment under the Cannabis General Order.

As document in the inspection report, staff observed evidence of actual sediment discharge to a blue line stream at Point Feature 15, in violation of Water Code 13264, 13350, and the Basin Plan section 4.2.1 Prohibition 1.

Pursuant to the Cannabis General Order, all enrollees must submit a Site Management Plan within 90 days of enrollment. As of the date of this letter, no SMP has been submitted. Additionally, and the deadline for submitting your SMP has passed.

Legal Requirements

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

As documented in the inspection report, the features at Point Features 1, 2, 3, and 14, Line Feature 9 and Polygon Feature 5 are located in surface waters and must be remediated to comply with the Basin Plan and the Water Code, 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.

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

August 25, 2023

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 July 26, 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 – July 26, 2023 Water Quality Inspection Report

Cc: **North Coast Regional Water Quality Control Board**
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Department of Cannabis Control

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

Attachment A – Regulatory Citations

Table 1 Regulatory Citations

Regulatory Section	Citation
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)	<p>“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).”</p>
California Water Code Section 13264(a)	<p>“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.”</p>
California Water Code Section 13265(a)	<p>“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.”</p>
California Water Code Section 13350(a)	<p>“A person who (1) violates a cease and desist order or cleanup and abatement order hereafter issued, reissued, or amended by a regional board or the state board, or (2) in violation of a waste discharge requirement, waiver condition, certification, or other order or prohibition issued, reissued, or amended by a regional board or the state board, discharges waste, or causes or permits waste to be deposited where it is discharged, into the waters of the state, or (3) causes or permits any oil or any residuary product of petroleum to be deposited in or on any of the waters of the state, except in accordance with waste discharge requirements or other actions or provisions of this division, shall be liable civilly, and remedies may be proposed, in accordance with subdivision (d) or (e).”</p>

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>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</p>
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.”
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”

Regulatory Section	Citation
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).
State Cannabis Order Attachment A, Section 1 - General Requirements and Prohibitions #1	<p>Prior to commencing any cannabis cultivation activities, including cannabis cultivation land development or alteration, the cannabis cultivator shall comply with all applicable federal, state, and local laws, regulations, and permitting requirements, as applicable, including but not limited to the following:</p> <ul style="list-style-type: none"> • The Clean Water Act (CWA) as implemented through permits, enforcement orders, and self-implementing requirements. When needed per the requirements of the CWA, the cannabis cultivator shall obtain a CWA section 404 (33 U.S.C. § 1344) permit from the United States Army Corps of Engineers (Army Corps) and a CWA section 401 (33 U.S.C. § 1341) water quality certification from the State Water Board or the Regional Water Board with jurisdiction. If the CWA permit cannot be obtained, the cannabis cultivator shall contact the appropriate Regional Water Board or State Water Board prior to commencing any cultivation activities. The Regional Water Board or State Water Board will determine if the cannabis cultivation activity and discharge is covered by the Requirements in the Policy and Cannabis General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities (Cannabis Cultivation General Order). • The California Water Code as implemented through applicable water quality control plans (often referred to as Basin Plans), waste discharge requirements (WDRs) or waivers of WDRs, enforcement orders, and self-implementing requirements issued by the State Water Resources Control Board (State Water Board) or Regional Water Quality Control Boards (Regional Water Boards). • All applicable state, city, county, or local regulations, ordinances, or license requirements including, but not limited to those for cannabis cultivation, grading, construction, and building. • All applicable requirements of the California Department of Fish and Wildlife (CDFW). • All applicable requirements of the California Department of Forestry and Fire Protection (CAL FIRE), including the Board of Forestry. • California Environmental Quality Act and the National Environmental Policy Act.

Regulatory Section	Citation
State Cannabis Order Attachment A, Section 1 - General Requirements and Prohibitions #25	Cannabis cultivators shall not discharge waste in a manner that creates or threatens to create a condition of pollution or nuisance, as defined by Water Code section 13050.
State Cannabis Order Attachment A, Section 1 - General Requirements and Prohibitions #26	Except as allowed and authorized in this Policy, cannabis cultivators shall not discharge: • irrigation runoff, tailwater, sediment, plant waste, or chemicals to surface water or via surface runoff; • waste classified as hazardous (California Code of Regulations, title 23, section 2521(a)) or defined as a designated waste (Water Code section 13173); or • waste in violation of, or in a manner inconsistent with, the appropriate Water Quality Control Plan(s).
State Cannabis Order Attachment A, Section 1 - General Requirements and Prohibitions #27	Unless authorized by separate waste discharge requirements, the Cannabis Cultivation General Order, or a CWA section 404/401 permit, the following discharges are prohibited: • any waste that could affect the quality of the waters of the state; or • wastewater from cannabis manufacturing activities defined in Business and Professions Code section 26100, indoor grow operations, or other industrial wastewater to an onsite wastewater treatment system (e.g., septic tank and associated disposal facilities), to surface water, or to land.
State Cannabis Order Attachment A, Section 1 - General Requirements and Prohibitions #32	Tier 1 or 2 cannabis cultivators with any portion of the disturbed areas existing within the setbacks shall submit a Disturbed Area Stabilization Plan to the Regional Water Board Executive Officer. The Disturbed Area Stabilization Plan shall be approved by the applicable Regional Water Board Executive Officer prior to the cannabis cultivator initiating any land stabilization activities. This requirement does not apply to disturbed areas resulting from activities authorized under 404/401 CWA permits, a CDFW LSA Agreement, coverage under the Cannabis Cultivation General Order water quality certification, or site-specific WDRs issued by the Regional Water Board.

Regulatory Section	Citation		
<p>State Cannabis Order Attachment A, Section 1 - General Requirements and Prohibitions #37</p>	<p>Cannabis cultivators shall comply with the minimum riparian setbacks described below for all land disturbance, cannabis cultivation activities, and facilities (e.g., material or vehicle storage, petroleum powered pump locations, off-stream water storage areas, and chemical toilet placement). The riparian setbacks shall be measured from the waterbody’s bankfull stage (high flow water levels that occur every 1.5 to 2 years) or from the top edge of the waterbody bank in incised channels, whichever is more conservative. Riparian setbacks for springheads shall be measured from the springhead in all directions (circular buffer). Riparian setbacks for wetlands shall be measured from the edge of wetland as delineated by a Qualified Professional with experience implementing the Corps of Engineers Wetlands Delineation Manual (with regional supplements). The Regional Water Board Executive Officer may require additional riparian setbacks or additional requirements, as needed, to meet the performance requirement of protecting surface water from discharges that threaten water quality. If the cannabis cultivation site cannot be managed to protect water quality, the Executive Officer of the applicable Regional Water Board may revoke authorization for cannabis cultivation activities at the cannabis cultivation site.</p> <p>Minimum Riparian Setbacks^{1, 2}:</p>		
	<p>Common Name</p>	<p>Watercourse Class³</p>	<p>Distance</p>
	<p>Perennial watercourses, waterbodies (e.g. lakes, ponds), or springs⁴</p>	<p>I</p>	<p>150 ft.</p>
	<p>Intermittent watercourses or wetlands</p>	<p>II</p>	<p>100 ft.</p>
	<p>Ephemeral watercourses</p>	<p>III</p>	<p>50 ft.</p>
	<p>Man-made irrigation canals, water supply reservoirs, or hydroelectric canals that support native aquatic species</p>	<p>IV</p>	<p>Established Riparian Vegetation Zone</p>
	<p>All other man-made irrigation canals, water supply reservoirs, or hydroelectric canals</p>	<p>IV</p>	<p>N/A</p>

Regulatory Section	Citation
	<p>¹ A Regional Water Board may adopt site-specific WDRs or an enforcement order for a cannabis cultivator with requirements that are inconsistent with the setbacks in this table if the Executive Officer determines that the site-specific WDRs or enforcement order contains sufficient requirements to be protective of water quality.</p> <p>² Cannabis cultivators enrolled in a Regional Water Board order adopting WDRs or a waiver of WDRs for cannabis cultivation activities prior to October 17, 2017, may retain reduced setbacks applicable under that Regional Water Board order unless the Regional Water Board's Executive Officer determines that the reduced setbacks applicable under that order are not protective of water quality.</p> <p>³ Except where more restrictive, the stream class designations are equivalent to the Forest Practice Rules Water Course and Lake Protection Zone definitions (California Code of Regulations, title 14, Chapter 4. Forest Practice Rules, Subchapters 4, 5, and 6 Forest District Rules, Article 6 Water Course and Lake Protection).</p> <p>⁴ Spring riparian setbacks default to the applicable watercourse riparian setback 150 feet downstream and/or upstream of the spring's confluence with the watercourse or 150 feet downstream of the point where the spring forms a watercourse with defined bed and banks.</p>
<p>State Cannabis Order Attachment A, Section 2 - Requirements Related to Water Diversions and Waste Discharge for Cannabis Cultivation #8</p>	<p>The cannabis cultivator shall use appropriate erosion control measures to minimize erosion of disturbed areas, potting soil, or bulk soil amendments to prevent discharges of waste. Fill soil shall not be placed where it may discharge into surface water. If used, weed-free straw mulch shall be applied at a rate of two tons per acre of exposed soils and, if warranted by site conditions, shall be secured to the ground.</p>

Regulatory Section	Citation
State Cannabis Order Attachment A, Section 2 - Requirements Related to Water Diversions and Waste Discharge for Cannabis 011-020-014Cultivation #15	Access roads shall be constructed consistent with the requirements of California Code of Regulations Title 14, Chapter 4. The Road Handbook describes how to implement the regulations and is available at http://www.pacificwatershed.com/PWA-publications-library . Existing access roads shall be upgraded to comply with the Road Handbook.
State Cannabis Order Attachment A, Section 2 - Requirements Related to Water Diversions and Waste Discharge for Cannabis Cultivation #17	Cannabis cultivators shall ensure that all access roads are hydrologically disconnected to receiving waters to the extent possible by installing disconnecting drainage features, increasing the frequency of (inside) ditch drain relief as needed, constructing out-sloped roads, constructing energy dissipating structures, avoiding concentrating flows in unstable areas, and performing inspection and maintenance as needed to optimize the access road performance.
State Cannabis Order Attachment A, Section 2 - Requirements Related to Water Diversions and Waste Discharge for Cannabis Cultivation #22	Cannabis cultivators shall ensure that access road surfacing, especially within a segment leading to a waterbody, is sufficient to minimize sediment delivery to the wetland or waterbody and maximize access road integrity. Road surfacing may include pavement, chip-seal, lignin, rock, or other material appropriate for timing and nature of use. All access roads that will be used for winter or wet weather hauling/traffic shall be surfaced. Steeper access road grades require higher quality rock (e.g., crushed angular versus river-run) to remain in place. The use of asphalt grindings is prohibited.
State Cannabis Order Attachment A, Section 2 - Requirements Related to Water Diversions and Waste Discharge for Cannabis Cultivation #26	Cannabis cultivators shall ensure that access roads are not allowed to develop or show evidence of significant surface rutting or gulying. Cannabis cultivators shall use water bars and rolling dips as designed by a Qualified Professional to minimize access road surface erosion and dissipate runoff.

Regulatory Section	Citation
<p>State Cannabis Order Attachment A, Section 2 - Requirements Related to Water Diversions and Waste Discharge for Cannabis Cultivation #31</p>	<p>Cannabis cultivators shall ensure that all permanent watercourse crossings that are constructed or reconstructed are capable of accommodating the estimated 100-year flood flow, including debris and sediment loads. Watercourse crossings shall be designed and sized by a Qualified Professional.</p>
<p>State Cannabis Order Attachment A, Section 2 - Requirements Related to Water Diversions and Waste Discharge for Cannabis Cultivation #49</p>	<p>Cannabis cultivators shall ensure that all access road watercourse crossing structures allow for the unrestricted passage of water and shall be designed to accommodate the estimated 100-year flood flow and associated debris (based upon an assessment of the streams potential to generate debris during high flow events). Watercourse crossings shall be designed and sized by a Qualified Professional. Consult CAL FIRE 100-year Watercourse Crossings document for examples and design calculations, available at: http://calfire.ca.gov/resource_mgt/downloads/100%20yr%20revised%208-08-17%20(final-a).pdf</p>
<p>State Cannabis Order Attachment A, Section 2 - Requirements Related to Water Diversions and Waste Discharge for Cannabis Cultivation #50</p>	<p>Cannabis cultivators shall ensure that watercourse crossings allow migration of aquatic life during all life stages supported or potentially supported by that stream reach. Design measures shall be incorporated to ensure water depth and velocity does not inhibit migration of aquatic life. Any access road crossing structure on watercourses that support fish shall be constructed for the unrestricted passage of fish at all life stages, and should use the following design guidelines: • CDFW’s Culvert Criteria for Fish Passage; • CDFW’s Salmonid Stream Habitat Restoration Manual, Volume 2, Part IX: Fish Passage Evaluation at Stream Crossings; and • National Marine Fisheries Service, Southwest Region Guidelines for Salmonid Passage at Stream Crossings.</p>

Regulatory Section	Citation
State Cannabis Order Attachment A, Section 2 - Requirements Related to Water Diversions and Waste Discharge for Cannabis Cultivation #51	Cannabis cultivators shall conduct regular inspection and maintenance of stream crossings to ensure crossings are not blocked by debris. Refer to California Board of Forestry Technical Rule No. 5 available at: http://www.calforests.org/wp-content/uploads/2013/10/Adopted-TRA5.pdf .
State Cannabis Order Attachment A, Section 2 - Requirements Related to Water Diversions and Waste Discharge for Cannabis Cultivation #56	Cannabis cultivators shall ensure that culverts used at watercourse crossings are: 1) installed parallel to the watercourse alignment to the extent possible, 2) of sufficient length to extend beyond stabilized fill/sidecast material, and 3) embedded or installed at the same level and gradient of the streambed in which they are being placed to prevent erosion.
State Cannabis Order Attachment A, Section 2 - Requirements Related to Water Diversions and Waste Discharge for Cannabis Cultivation #59	Cannabis cultivators shall store erodible soil, soil amendments, and spoil piles to prevent sediment discharges in storm water. Storage practices may include use of tarps, upslope land contouring to divert surface flow around the material, or use of sediment control devices (e.g., silt fences, straw wattles, etc.).
State Cannabis Order Attachment A, Section 2 - Requirements Related to Water Diversions and Waste Discharge for Cannabis Cultivation #62	Cannabis cultivators shall haul away and properly dispose of excess soil and other debris as needed to prevent discharge to waters of the state.

Regulatory Section	Citation
State Cannabis Order Attachment A, Section 2 - Requirements Related to Water Diversions and Waste Discharge for Cannabis Cultivation #63	Cannabis cultivators shall not disturb aquatic or riparian habitat, such as pools, spawning sites, large wood, or shading vegetation unless authorized under a CWA section 404 permit, CWA section 401 certification, Regional Water Board WDRs (when applicable), or a CDFW LSA Agreement.
State Cannabis Order Attachment A, Section 2 - Requirements Related to Water Diversions and Waste Discharge for Cannabis Cultivation #119	Cannabis cultivators shall contain and regularly remove all debris and trash associated with cannabis cultivation activities from the cannabis cultivation site. Cannabis cultivators shall only dispose of debris and trash at an authorized landfill or other disposal site in compliance with state and local laws, ordinances, and regulations. Cannabis cultivators shall not allow litter, plastic, or similar debris to enter the riparian setback or waters of the state. Cannabis plant material may be disposed of onsite in compliance with any applicable CDFA license conditions.

**North Coast Regional Water Quality Control Board
Attachment B**

Cannabis Water Quality Inspection Report

Burnt Ranch Real Estate Holdings LLC Property, Trinity County APN 011-020-014

	Inspection Details
Inspection Date & Time	July 26, 2023; 11:06
Address/Location	951 FS Road, Burnt Ranch, CA (40.75225, -123.47978)
County	Trinity
Assessor's Parcel Number (APN)	TRI 011-020-014
Watershed	Mill Creek, Lower Trinity HA, Trinity River HU
Property Owner's Legal Name and Company	Burnt Ranch Real Estate Holdings LLC, David Kaminski
Mailing Address	20 E Goeth Street 602, Chicago, Illinois 60610
Agency Responsible for Warrant	California Department of Fish and Wildlife (CDFW)
Person Responsible for Warrant	Warden Brendan Lynch
Warrant Date	July 26, 2023
Warrant Type	Criminal Search
Lead Inspector Name	Adona White, PE, Water Resources Control Engineer
Office/Regional Board	North Coast Regional Water Quality Control Board
Other Personnel Onsite	Representatives from CDFW and State Water Resources Control Board Division of Water Rights
Author of Report	Adona White
CIWQS Identifiers	Place ID 867882, WDID NO 1_53CC428174

Inspection Observations

The Property burned during the Monument Fire in August of 2021. The access road through the Property is located next to a Class II watercourse that is shown as a solid blue line on USGS maps.

The Property is enrolled under the Cannabis General Order Tier 2 Low Risk.

The inspection maps are shown in Figures 2 and 3, labeled with the locations described at the following features of concern to water quality.

Point Feature 1: Watercourse crossing with recent work on the inlet. 15" corrugated metal pipe (CMP) in a 24" channel.

Point Feature 2: Watercourse crossing with 36" CMP. Appears undersized with perched outlet. Hydrologically connected road surface. Threatened discharge of sediment.

Point Feature 3: Unauthorized surface water diversion with point of diversion is two ½" poly line in Class II watercourse which, according to onsite representatives of the Division of Water Rights, were diverting 3.2 gallons per minute to totes, with one ¾" line out.

Polygon Feature 7: Wetland, saturated soils on the surface. Surface channels through area. Biotic crust present in some areas. Areas with moist soil within 2" of the surface.

Polygon Feature 5: Small pond, full of water. Small channel entering from wetland area described as Polygon Feature 7. Landforms suggest that the wetland drained to a watercourse within a topographic swale but that the pond captures the flow and diverts water via the pond outlet away from the natural channel. Unauthorized dredge and fill in surface waters.

Line Feature 9: Outlet of excavated pond drains to a ditch, runs along the road and delivers flow back into the natural channel at a stream crossing. The crossing lacks a conveyance structure. Below the crossing, the watercourse is in a topographic swale with a well-defined channel, flowing surface water, and Class II habitat. Actual and threatened discharge of sediment.

Point Feature 7: Soil and trash pit in channel downstream of pond outlet. Threatened discharge of waste.

Point Feature 10: A travel trailer is used as a residence for onsite worker. The trailer is located next to the Class II watercourse associated with Line Feature 9. Fertilizers are stored under the trailer and petroleum containers stored behind it, within 15 feet of the stream bank downstream of the crossing. Threatened discharge of waste.

Line Feature 13: Same Class II watercourse but downstream approximately 265 feet.

Polygon 12: Cultivation area. Greenhouses. Feed tanks and fertilizer. Burnt plastic at outboard edge of fill of cultivation flat. Discharge of waste to land.

Point Feature 14: A watercourse crossing of the same aforementioned Class II watercourse is located downstream and is comprised of two 24" CMPs. Threatened discharge of sediment.

Point Feature 15: Erosional void and rubble on bank of blue line Class II stream. Actual and threatened discharge.

These features pose threats to the quality of waters of the state with the threatened and actual discharges to surface waters. Waste discharges to land pose threats of contamination to surface and groundwater quality and can become mobilized during precipitation events and at times of increased surface water flow and runoff.

Inspection Recommendations

1. Cease land disposal of refuse and domestic waste.
2. Properly dispose of waste including but not limited to trash, fertilizer, pesticide and petroleum containers, plastic tarps and sheeting at a legal facility.
3. Remove all fertilizer, petroleum, potting soil, and other cultivation-related materials from within 100 feet of the Class II watercourse between the pond and the trailer, along the Line Feature 9.
4. Cleanup fertilizer containers and feed tanks and prevent further discharge of feed water to land in a manner that threatens water quality.
5. Handle domestic waste in a manner that is protective of water quality and in conformance with the State Water Board Onsite Waste Treatment Policy.
7. Cleanup potting soil and properly locate and stabilize or remove and dispose of at a legal disposal facility.
8. Hire a qualified professional to assess the Property, including but not limited to the features described in this report, and to develop a treatment plan to guide that the cleanup and remediation of the assessed features and stabilize disturbed areas to ensure they will now longer pose a threat of discharge or impacts to the quality of waters of the state.
9. Develop, submit and implement a Site Management Plan (SMP) for the Property, as required by enrollment under Cannabis General Order.
10. Submit an application for instream work describing plans to upgrade the stream crossings in conformance with enrollment under Cannabis General Order.

11. Ensure cannabis cultivation activities are in conformance with state and local requirements. If cultivation activities cease, remove related infrastructure and cleanup materials and provide photos.
12. Contact me at Adona.White@waterboards.ca.gov or 707-576-2672 to discuss your plans to cleanup and remediate the site conditions that threaten water quality.

Enforcement Discretion

The observations in this report will be assessed for violations of the California Water Code. The Regional Water Board and the State Water Board reserve the right to take any enforcement action authorized by law.

Inspection Maps

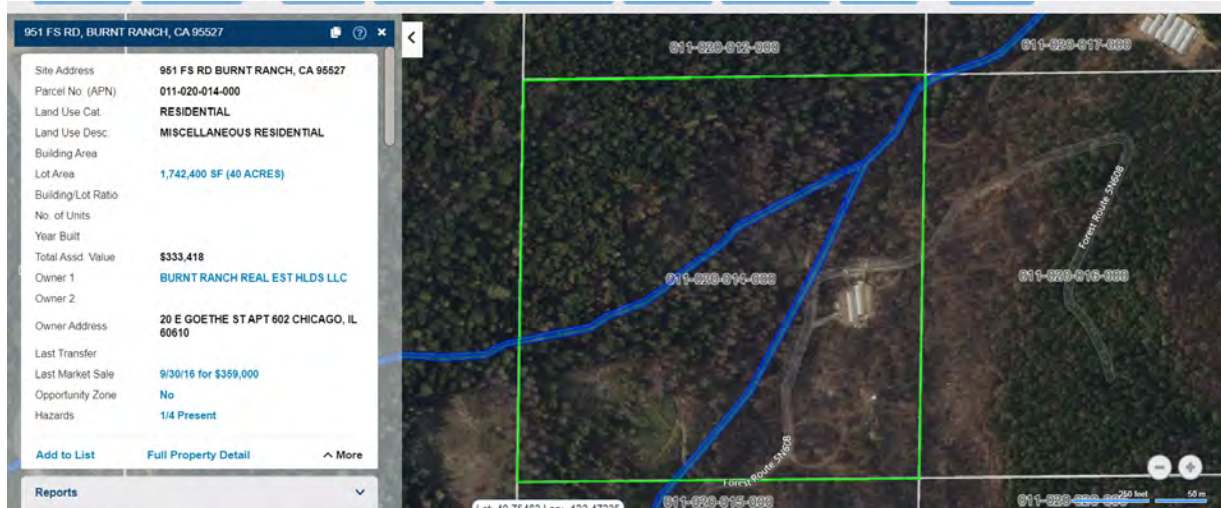


Figure 1. Property map and ownership information.



Figure 2. GPS track of my July 26, 2023 inspection route.



Figure 3. Inspection map with aerial imagery showing the point, line, and polygon feature locations of interest described in the text.



Figure 4 Inspection map with terrain showing features of interest described in the text.

Inspection Photographs

All photographs taken by Adona White on July 26, 2023



Figure 5. Point Feature 1- Recent rock work at inlet of culvert on side tributary along access road used to access cultivation area. The Regional Water Board has no record of application for authorization for instream work.



Figure 6. Point Feature 1 - Watercourse downstream of outlet of culvert.



Figure 7. Point Feature 2 - Road surface next to Class II watercourse at crossing.



Figure 8. Point Feature 2 – Class II watercourse near crossing.



Figure 9. Point Feature 3 - Watercourse upstream of the point of diversion is impacted by sediment delivery associated with the road constructed within the riparian area of the watercourse.



Figure 10. Polygon Feature 7 – An area containing wetlands drains to an excavated pond (Polygon Feature 5) and along a ditch to watercourse (Line Feature 9) near trailer in view (Point Feature 10).



Figure 11. July 17, 2022 aerial imagery of southeast corner of the Property, with inspection track, with approximate area of wetland indicators, excavated pond, and watercourse crossing identified.



Figure 12. August 2, 2023 aerial imagery of southeast corner of the Property.



Figure 13. Polygon Feature 7 - Surface channel flowing through wetland area.



Figure 14. Polygon Feature 7 - Surface channel flowing through wetland area toward pond excavation.



Figure 15. Polygon 7 – moist soil.



Figure 16. Polygon 7 – moist soil.



Figure 17. Polygon Feature 5 – Excavated pond with channel entering from area with wetland indicators (Polygon Feature 7) and outlet to watercourse channel (Line Feature 9).



Figure 18. Polygon Feature 5 – Pond outlet diverts flow from natural flow path to road ditch (Line Feature 9) then rejoins natural watercourse.



Figure 19. Line Feature 9 – outlet of pond to road ditch.



Figure 20. Line Feature 9 - Ditch from pond outlet.



Figure 21. Polygon 9 – pond outflow ditch travels past travel trailer and returns it into the natural channel at a stream crossing. Fertilizers are stored under the trailer, within 15' of the watercourse crossing.



Figure 22. Line Feature 9 – the petroleum cans at the trailer are located within 15' of the natural stream bank.



Figure 23. Line Feature 9 – watercourse downstream of crossing with surface flow and Class II habitat.



Figure 24. Line Feature 13 – Stream channel conditions downstream by approximately 265 feet.



Figure 25. Line Feature 13 – Stream channel conditions downstream by approximately 265 feet.



Figure 26. Line Feature 13 - Surface flow in watercourse.



Figure 27. Polygon Feature 12 – active greenhouse cultivation on a graded flat constructed with cut and fill.



Figure 28. Polygon Feature 12 – water tank and feed tanks at cultivation area with signs of overflow.



Figure 29. Point Feature 14 – Watercourse crossing comprised of two 24” culverts.



Figure 30. Point Feature 15 – Rubble on the left bank of the blue line watercourse with erosional void (actual discharge) and perched material (threatened discharge).



Figure 31. Point Feature 16 – Channel condition upstream of stream crossing.



Figure 32. Point Feature 16 – inlet to watercourse crossing comprised of a half-filled 36” CMP.



Figure 33. Point Feature 16 - CMP outlet. Threat of sediment delivery from road surface.

-FIELD NOTICE-
WATER QUALITY VIOLATIONS

NORTH COAST REGIONAL WATER QUALITY CONTROL BOARD STAFF HAVE OBSERVED CERTAIN VIOLATIONS OF THE CALIFORNIA WATER CODE RELATED TO WATER QUALITY AND CANNERS CULTIVATION ON THIS PROPERTY.

I. Inspection Information
 Date: 7/26/23 Inspector: Adona White
 Division: Burnt Ranch Real Estate Holdings, LLC Phone: 011-020-014
 Address: 157 P.O. Box Burnt Ranch

B. California Water Code Violations
 Water Code 13285 Commercial canner cultivation with site conditions requiring regulatory coverage for waste discharge or proposed discharge that could affect the quality of the water of the state, with no record of regulatory coverage in CWRQD Water Boards' database. See Section III.
 Water Code 13284 Actual discharge of waste without regulatory coverage or material changes in existing authorized waste discharge activities without regulatory coverage. See Section III.

These violations may subject you to civil or criminal liability. See reverse for code text.

III. Conditions of Discharge or Proposed/Threatened Discharge Affecting Waters of the State (REQ'D)

Actual Discharge	Threatened Discharge	Brief description and location:
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Sediment/Fill
<input type="checkbox"/>	<input type="checkbox"/>	Sand/Pooling Material
<input type="checkbox"/>	<input type="checkbox"/>	Runoff
<input type="checkbox"/>	<input type="checkbox"/>	Fertilizers/Pesticides
<input type="checkbox"/>	<input type="checkbox"/>	Petroleum/Chemicals
<input type="checkbox"/>	<input type="checkbox"/>	Cultivation Waste
<input type="checkbox"/>	<input type="checkbox"/>	Refused/Decru/Human Waste
<input type="checkbox"/>	<input type="checkbox"/>	Other: <u>commercial cultivation</u>

Notes: _____

Unauthorized discharges of waste as defined in Water Code section 13050 may subject you to fines of up to \$5,000/day per violation, pursuant to Water Code section 13350. See reverse for code text.

IV. Actions To Be Taken
 YOU ARE HEREBY PROVIDED NOTICE OF THESE VIOLATIONS AND THE NEED TO RESOLVE THEM.
 Please contact Adona White at adona.white @waterboards.ca.gov or (707) 576-2672 within 72 hours to discuss your intentions to correct these violations.

Please note: The violations outlined in this notice are not a description of all recorded Water Code violations on the property. You will receive a complete Inspection Report and Notice of Violation in approximately 10-15 business days. Additional actions may also be required to address violations documented by other local or state departments/agencies. You must comply with all applicable requirements for cleanup activities which require permits. Failure to obtain applicable permits and comply with applicable requirements may result in additional violations and enforcement action.

Inspector Signature: [Signature] Date: 7/26/23
 Delivery Method of Notice: left onsite

Figure 34. Copy of field form I left onsite with the case agent. I did not receive the requested response.