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## North Coast Regional Water Quality Control Board

August 24, 2023

Darlene Lo  
2701 Harden Ave  
Corning, CA 96021

GLS Tracking Number: 560005045

Dear Darlene Lo:

**Subject: Notice of Violation, Transmittal of Inspection Report for August 2, 2023, Inspection of Trinity County Assessor's Parcel Number 019-490-030, and Requirement to Respond within 30 days**

**File:** Cannabis Program Inspections, Trinity County, August 2, 2023, CIWQS Place ID 873629

### **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 019-490-030 (the Property):

1. State Water Resources Control Board (State Water Board) *Cannabis Cultivation Policy Principals and Guidelines for Cannabis Cultivation* (Cannabis Policy)
2. California Water Code (Water Code) Section 13260 and 13264(a)

According to our records, the cannabis cultivation operation located on this Property is not enrolled for coverage under the State Water Resources Control Board 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 August 2, 2023, North Coast Regional Water Quality Control Board (Regional Water Board) staff inspected the Property and observed cannabis cultivation in raised beds. Within 30 days, please contact Regional Water Board staff to discuss your plan to correct the observed violations.

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HECTOR BEDOLLA, CHAIR | VALERIE QUINTO, EXECUTIVE OFFICER

## **Background**

LandVision records show the Property is owned by Darlene Lo with the last transfer occurring July 21, 2023.

On August 2, 2023, staff from the Regional Water Board, accompanied by staff of the California Department of Fish and Wildlife, and personnel of various law enforcement agencies, 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 – Inspection Report and Attachment C – Inspection Photo Log). 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 August 2, 2023, inspection report, Regional Water Board staff observed violations of the State Water Board Cannabis Policy, and of the California Water Code section 13260 and 13264(a).

## **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 require conformance with the Cannabis Policy and enrollment 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/))

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

As documented in the inspection report, there is one dirt ford stream crossing that needs to be upgraded, which will require a water quality certification prior to conducting work in surface waters. 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](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 Water Code 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 gallon, but not both, pursuant to Water Code section 13350.

### Inspection Report Recommendations

As mentioned above, the August 2, 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 Regional Water Board staff Kate Hawken 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 Kate Hawken by email at [Katherine.Hawken@waterboards.ca.gov](mailto:Katherine.Hawken@waterboards.ca.gov) or by phone at 707-445-6127.

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.

Please contact Kate Hawken by email at [Katherine.Hawken@waterboards.ca.gov](mailto:Katherine.Hawken@waterboards.ca.gov) or by phone at 707-445-6127 within 30 days of the date of this letter. You may also contact me at [Mona.Dougherty@waterboards.ca.gov](mailto:Mona.Dougherty@waterboards.ca.gov). 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, P.E.  
Senior Water Resource Control Engineer

Attachments:        Attachment A - Regulatory Citations  
                         Attachment B – Inspection Report  
                         Attachment C – Inspection Photo Log

**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)  
Mona Dougherty, [Mona.Dougherty@waterboards.ca.gov](mailto:Mona.Dougherty@waterboards.ca.gov)

**California Department of Fish and Wildlife**

Ashley Worth, [Ashley.Worth@wildlife.ca.gov](mailto:Ashley.Worth@wildlife.ca.gov)

Jennifer VanDyke, [Jennifer.Vandyke@Wildlife.ca.gov](mailto:Jennifer.Vandyke@Wildlife.ca.gov)

Travis Jarrett, [Travis.Jarrett@wildlife.ca.gov](mailto:Travis.Jarrett@wildlife.ca.gov)

## Attachment A – 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 style="padding-left: 40px;">(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 style="padding-left: 40px;">(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>
Cannabis Policy and General Order No. WQ 2019-0001-DWQ	<p><a href="#">State Water Resources Control Board Cannabis Cultivation Policy</a> and <a href="#">General Waste Discharge Requirements Order No. WQ 2019-0001-DWQ for Discharges of Waste Associated with Cannabis Cultivation Activities</a></p> <p>(<a href="https://www.waterboards.ca.gov/water_issues/programs/cannabis/docs/policy/final_cannabis_policy_with_at_tach_a.pdf">https://www.waterboards.ca.gov/water_issues/programs/cannabis/docs/policy/final_cannabis_policy_with_at_tach_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>

## FACILITIES INSPECTION REPORT

Region/Office: 1	Status: Performed	Reg. Measure ID: 453962
Program Type: IRRICANNABIS	WDID:	Order Number:
Scheduled Insp. Date:	Actual Insp. Date: 08/02/2023	

### Discharger Information

Party ID: 641082	Discharger Organization Name: Lo, Darlene		
Address: 2701 Harden Avenue	City, State, Zip: Corning, CA 96021		
Discharger Contact Person:	Discharger Contact Phone:		
Discharger Contact Email Address:			

### Facility Information

Place ID 873629	Facility Name: Darlene Lo		
Address: 8667 Rattlesnake Road	City, State, Zip: Hayfork, CA 96041		
County: Trinity	Latitude: 40.40208	Longitude: -123.249276	Method:

### Lead Inspector Information

Lead Inspector Party ID: 569684	Lead Inspector Name: Katherine Hawken		
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
1119461	Other Codes	08/02/2023	B	California Water Code Section 13260 and 13264

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

Observations:  
 I observed access to the property requires driving through Post Creek. I observed cannabis plants in raised beds, with fertilizer containers, in a cultivation area that spanned multiple parcels (Photo 1). I observed restricted use pesticide Abacus (Photo 2). I observed a bare dirt road at the parcel boundary leading to an onstream pond off-parcel (Photo 3). I observed fine sediment from the road discharging to the stream below (Photo 4).

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

Observations continued:  
 I left a field notice on the property with the warrant (Photo 5).

Recommendations:

1. If you and/or your tenant(s) plan to continue commercial cannabis cultivation, enroll for coverage under the State Water Board’s Order WQ 2019-0023-DWQ, General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities.
2. Adhere to the California Department of Pesticide Regulation guidance on appropriate pesticide use for cannabis cultivation.
3. Hydrologically disconnect access road from receiving waters. Improve road surface drainage to minimize sediment delivery. Install water drainage management practices like water bars and rolling dips to dissipate runoff.

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

Darlene Lo Inspection Photo Log  
Photos taken by Kate Hawken on August 2, 2023



*Photo 1 Cannabis plants in raised beds with fertilizer containers.*



*Photo 2 Pesticides including restricted use Abacus.*




*Photo 3 Bare dirt road leading to onstream pond.*



Photo 4 Loose fill from road discharging to stream below.

**-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 CANNABIS CULTIVATION ON THIS PROPERTY.

**I. Inspection Information**

Date: 8/2/23 Inspector: KATH HAWKIN  
 Owner: Mr. Xiang Operator: \_\_\_\_\_  
 Address: \_\_\_\_\_ APN: 019-470-030

**II. California Water Code Violations**

Water Code section 13260. Commercial cannabis cultivation without regulatory coverage, verified through California Integrated Water Quality System (CIWQS) database.

Water Code 13264. Actual discharges of waste without regulatory coverage or material changes to existing authorized waste discharge activities without regulatory coverage. See Box III.

Per California Health and Safety Code 11358(d)(3)(B), violation of Water Code sections 13260 or 13264 while cultivating more than six cannabis plants may subject you to imprisonment. Violation of Water Code sections 13260 or 13264 may also subject you to fines of up to \$1,000/day. See reverse for code text.

**III. Unauthorized or Threatened Discharges to Waters of the State Observed**

Actual Discharge	Threatened Discharge	Brief description and location of actual discharges only:
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Sediment (roads or disturbed area) <u>road runoff</u>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Refuse, debris, or household waste <u>trash in gutter</u>
<input type="checkbox"/>	<input type="checkbox"/>	Wastewater
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Fertilizers and/or pesticides <u>runoff possible</u>
<input type="checkbox"/>	<input type="checkbox"/>	Soils and/or potting material
<input type="checkbox"/>	<input type="checkbox"/>	Petroleum
<input type="checkbox"/>	<input type="checkbox"/>	Other

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 Kath Hawkin at Katharine.Hawkin@waterboards.ca.gov or (707) 445-6127, 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 30 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 may require permits. Failure to obtain applicable permits and comply with applicable requirements may subject you to additional violations and enforcement action.

Inspector Signature: Kath Hawkin Date: 8/2/23  
 Delivery Method of Notice: with warrant

Photo 5 Field notice left on property with warrant.