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## North Coast Regional Water Quality Control Board

September 28, 2023

Chris Nevarez  
494 Maple Lane  
Garberville, CA 95542

Certified No: 7021-0950-0001-6500-1643

Chris Nevarez  
PO BOX 654  
Miranda, CA 95553  
[tremedo6911@gmail.com](mailto:tremedo6911@gmail.com)

Certified No: 7021-0950-0001-6500-1650

Yvonne Marie DeMarce  
531 Francesco Pl  
Fortuna, CA 95540

Certified No: 7021-0950-0001-6500-1667

Dear Chris Nevarez and Yvonne DeMarce:

**Subject: Notice of Violation, Transmittal of Inspection Report of August 17, 2023 Inspection of Humboldt County Assessor's Parcel Number 211-373-032**

**File:** Cannabis Inspections, Humboldt County 2023, CIWQS Place ID 851920, WDID No. 1\_12CC403532.

### **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 Humboldt County Assessor's Parcel Number (APN) 211-373-032 (the Property):

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

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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. Water Quality Control Plan for the North Coast Region (Basin Plan) section 4.2.1

On August 17, 2023, staff of the North Coast Regional Water Quality Control Board (Regional Water Board) inspected the Property. According to our records, at the time of the inspection, this Property was enrolled for coverage under the Cannabis General Order.

During the August 17, 2023 inspection of the Property, staff 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 off of Dyerville road in Meyers Flat, in the Sonoma Creek drainage of the Middle Mainstem Eel River. LandVision records show that the Property was last purchased on April 26, 2011, by Yvonne Marie Demarce from RLF Redwood Properties LLC.

On October 19, 2018, Chris Nevarez 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, Yavonne DeMarce identified as the Property owner. Based on the information submitted by Chris Nevarez, the cannabis cultivation activities were classified as Tier 1 Moderate Risk. Effective October 19, 2018, the Property was enrolled under the Cannabis General Order with WDID No. 1\_12CC403532. Based on data submitted in the 2019 annual report updating tier level, the enrollment was update to Tier 2 Moderate Risk, effective February 27, 2020.

Pursuant to the Order requirements, on September 23, 2020, Mother Earth Engineering submitted a Site Management Plan and an Erosion and Sediment Control Plan on behalf of Yvonne Nevarez and Fruit of the Bloom LLC.

According to the California Secretary of State website, Fruit of the Bloom LLC registered as an LLC on October 30, 2018, with LEGALZOOM.COM, INC as the Agent for Service of Process. Yvonne Nevarez is identified as a manager or member in a January 30, 2023 statement of filing. On September 1, 2023, LEGALZOOM.COM, INC resigned as Agent for Service of Process.

On August 17, 2023, during the execution of a criminal search warrant served by the Humboldt County Sheriff's Office, Regional Water Board staff inspected the Property, accompanied by representatives from the California Department of Fish and Wildlife (CDFW) and the Humboldt County Code Enforcement. 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 Humboldt County Sheriff's Office personnel, 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 – August 17, 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 August 17, 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 Prohibition 2. During the inspection, staff observed Property conditions of concern to water quality, including:

1. Improper storage, handling and containment of fertilizers and petroleum, 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. The Property contains at least 3,900 feet of steep, unsurfaced, recently widened road used to access cultivation areas. Recent equipment work to widen and grade the roads resulted in extensive fresh disturbance, without stabilization.
5. A road crossing of a Class III watercourse without a conveyance for surface waters.
6. A road crossing of a wetland area and recent spreading of road-related earthen spoils over a wetland area, with discharge of sediment to waters of the state with threats to surface water habitat and water quality.

7. Side cast spoils on steep slopes from construction of cultivation flats.
8. Numerous locations of burned plastic tarps associated with cannabis cultivation.
9. Unstabilized potting soil that can be transported with concentrated stormwater runoff.
10. Inadequate containment and handling of domestic trash and human waste.

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 (see Table 1).

As documented in the inspection report, staff observed evidence of actual sediment discharge to waters of the state at Point 17 and Polygon 18, in violation of Water Code 13264 and 13350.

*Table 1. Table of Cannabis General Order requirement violations observed during the inspection.*

<b>Cannabis General Order, Attachment A Section and Term No.</b>	<b>Locations</b>
Section 1, Term #1	Polygons 6, 11, 16, and 20
Section 1, Term #14	Points 1-5, 7-10, 12-14, 16, 17, 19 and 21; Lines 10 and 15 and Polygons 6, 11, 16 and 20
Section 1, Term #25	Points 13 and 17 and Polygon 18
Section 1, Term #26	Points 13 and 17 and Polygon 18
Section 1, Term #27	Points 13 and 17 and Polygon 18
Section 2, Term #4	Points 4, 8, 13, 14, 15, 17, 19 and Polygon 18
Section 2, Term #8	Points 4, 5, 8 and 14; Line 15 and Polygon 11, 19, 20
Section 2, Term #15	Points 4, 13, 17 and 19; Lines 10 and 15 and Polygon 18
Section 2, Term #17	Points 13 and 17 and Lines 10 and 15
Section 2, Term #18	Lines 10 and 15
Section 2, Term #22	Points 13 and 17 and Lines 10 and 15

Section 2, Term #26	Lines 10 and 15
Section 2, Term #29	Point 17
Section 2, Term #32	Point 4 and 19 and Polygon 18
Section 2, Term #38	Point 17 and Polygon 18
Section 2, Term #40	Point 17 and Polygon 18
Section 2, Term #41	Point 17 and Polygon 18
Section 2, Term #52	Point 17
Section 2, Term #58	Point 8
Section 2, Term #59	Points 8 and 14; Line 15 and Polygons 11 and 20
Section 2, Term #60	Points 4, 8 and Polygon 19
Section 2, Term #61	Points 8 and 14; Line 15 and Polygons 11 and 20
Section 2, Term #62	Point 8, 12, 14, and 16; Line 15; and Polygons 6, 11 and 20
Section 2, Term #103	Points 2 and 9
Section 2, Term #108	Points 1 and 2
Section 2, Term #113	Points 2, 8, 9, and 14; Line 15; and Polygons 11 and 20
Section 2, Term #117	Points 1 and 2
Section 2, Term #119	Points 3, 5, 7, 8, 9, 12, and 16; Line 15; and Polygon 6, 11, 20
Section 2, Term #120	Point 14; Line 15; and Polygon 6, 11, 20
Section 2, Term #124	Point 5
Section 2, Term #131	Point 4, 8, 14 and 19 and Polygons 6, 18,

## **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/](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 13 and 17 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 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 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 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 August 17, 2023 inspection report provides recommendations to correct the alleged violations, as well as to address features and conditions that threaten to impact water quality.

Following the inspection, on September 6, Chris Nevarez submitted a request for termination of coverage under the Cannabis General Order, stating that cultivation ceased on August 17, 2023. With this submission, Chris Nevarez certified that there is no bare soil present on the Property and that there is no potential for waste discharges from the disturbed area in violation of the Basin Plan or the Cannabis General Order.

Staff have not received evidence of stabilization of the Property conditions documented in the attached inspection report.

**Within 30 days of this letter**, please provide our staff, Adona White, evidence of implementation of the 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](mailto: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](mailto: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 – August 17, 2023 Water Quality Inspection Report

**Cc: North Coast Regional Water Quality Control Board**

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**Humboldt County**

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**Department of Cannabis Control**

Erin Wonder, [Erin.Wonder@cannabis.ca.gov](mailto:Erin.Wonder@cannabis.ca.gov)

Attachment A – Regulatory Citations

Table 2 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
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.”
Cannabis Policy and General Order No. WQ 2019-0001-DWQ	<p>State Water Resources Control Board <a href="#">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>Available at:  <a href="https://www.waterboards.ca.gov/water_issues/programs/cannabis/docs/policy/final_cannabis_policy_with_attach_a.pdf">https://www.waterboards.ca.gov/water_issues/programs/cannabis/docs/policy/final_cannabis_policy_with_attach_a.pdf</a> and  <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>
Cannabis General Order Attachment A, Section 1 - General Requirements and Prohibitions, Term #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"> <li>• 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).</li> <li>• 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).</li> <li>• 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.</li> </ul>

Regulatory Section	Citation
	<ul style="list-style-type: none"> <li>• All applicable requirements of the California Department of Fish and Wildlife (CDFW).</li> <li>• All applicable requirements of the California Department of Forestry and Fire Protection (CAL FIRE), including the Board of Forestry.</li> <li>• California Environmental Quality Act and the National Environmental Policy Act.</li> </ul>
Cannabis General Order Attachment A, Section 1 - Term #14	The cannabis cultivator shall comply with all water quality objectives/standards, policies, and implementation plans adopted or approved pursuant to the Porter-Cologne Water Quality Control Act (California Water Code section 13000, et seq.) or CWA section 303 (33 U.S.C. § 1313).
Cannabis General Order Attachment A, Section 1, Term #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.
Cannabis General Order Attachment A, Section 1, Term #26	<p>Except as allowed and authorized in this Policy, cannabis cultivators shall not discharge:</p> <ul style="list-style-type: none"> <li>• irrigation runoff, tailwater, sediment, plant waste, or chemicals to surface water or via surface runoff;</li> <li>• waste classified as hazardous (California Code of Regulations, title 23, section 2521(a)) or defined as a designated waste (Water Code section 13173); or</li> <li>• waste in violation of, or in a manner inconsistent with, the appropriate Water Quality Control Plan(s).</li> </ul>
Cannabis General Order Attachment A, Section 1, Term #27	<p>Unless authorized by separate waste discharge requirements, the Cannabis Cultivation General Order, or a CWA section 404/401 permit, the following discharges are prohibited:</p> <ul style="list-style-type: none"> <li>• any waste that could affect the quality of the waters of the state; or</li> <li>• 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.</li> </ul>

Regulatory Section	Citation
Cannabis General Order Attachment A, Section 2 - Requirements Related to Water Diversions and Waste Discharge for Cannabis Cultivation, Term #4	Cannabis cultivation land development and access road construction shall be designed by Qualified Professionals. Cannabis cultivators shall conduct all construction or land development activities to minimize grading, soil disturbance, and disturbance to aquatic and terrestrial habitat.
Cannabis General Order Attachment A, Section 2, Term #8	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.
Cannabis General Order Attachment A, Section 2, Term #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 <a href="http://www.pacificwatershed.com/PWA-publications-library">http://www.pacificwatershed.com/PWA-publications-library</a> . Existing access roads shall be upgraded to comply with the Road Handbook.
Cannabis General Order Attachment A, Section 2, Term #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.
Cannabis General Order Attachment A, Section 2, Term #18	New access road alignments should be constructed with grades (slopes) of 3- to 8-percent, or less, wherever possible. Forest access roads should generally be kept below 12-percent except for short pitches of 500 feet or less where road slopes may go up to 20-percent. These steeper access road slopes should be paved or rock surfaced and equipped with adequate drainage. Existing access roads that do not comply with these limits shall be inspected by a Qualified Professional to determine if improvements are needed.

Regulatory Section	Citation
Cannabis General Order Attachment A, Section 2, Term #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.
Cannabis General Order Attachment A, Section 2, Term #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.
Cannabis General Order Attachment A, Section 2, Term #29	Sediment control devices (e.g., check dams, sand/gravel bag barriers, etc.) shall be used when it is not practical to disperse storm water before discharge to a waterbody. Where potential discharge to a wetland or waterbody exists (e.g., within 200 feet of a waterbody) access road surface drainage shall be filtered through vegetation, slash, other appropriate material, or settled into a depression with an outlet with adequate drainage. Sediment basins shall be engineered and properly sized to allow sediment settling, spillway stability, and maintenance activities
Cannabis General Order Attachment A, Section 2, Term #32	Cannabis cultivators shall limit disturbance to existing grades and vegetation to the actual site of the cleanup or remediation and any necessary access routes.
Cannabis General Order Attachment A, Section 2, Term #38	Cannabis cultivators shall obtain all applicable permits and approvals prior to doing any work in or around waterbodies or within the riparian setbacks. Permits may include section 404/401 CWA permits, Regional Water Board WDRs (when applicable), and a CDFW LSA Agreement.
Cannabis General Order Attachment A, Section 2, Term #40	Cannabis cultivators shall avoid or minimize use of heavy equipment <sup>14</sup> in a watercourse. If use is unavoidable, heavy equipment may only travel or work in a waterbody with a rocky or cobbled channel. Wood, rubber, or clean native rock temporary work pads shall be used on the channel bottom prior to use of heavy equipment to protect channel bed and preserve channel morphology. Temporary work pads and other channel protection shall be removed as soon as possible once the use of heavy equipment is complete.

Regulatory Section	Citation
Cannabis General Order Attachment A, Section 2, Term #41	Cannabis cultivators shall avoid or minimize work in or near a stream, creek, river, lake, pond, or other waterbody. If work in a waterbody cannot be avoided, activities and associated workspace shall be isolated from flowing water by directing the water around the work site. If water is present, then the cannabis cultivator shall develop a site-specific plan prepared by a Qualified Professional. The plan shall consider partial or full stream diversion and dewatering. The plan shall consider the use of coffer dams upstream and downstream of the work site and the diversion of all flow from upstream of the upstream dam to downstream of the downstream dam, through a suitably sized pipe with intake screens that protect and prevent impacts to fish and wildlife. Cannabis cultivation activities and associated work shall be performed outside the waterbody from the top of the bank to the maximum extent possible.
Cannabis General Order Attachment A, Section 2, Term #52	Cannabis cultivators shall only use rock fords for temporary seasonal crossings on small watercourses where aquatic life passage is not required during the time period of use. Rock fords shall be oriented perpendicular to the flow of the watercourse and designed to maintain the range of surface flows that occur in the watercourse. When constructed, rock shall be sized to withstand the range of flow events that occur at the crossing and rock shall be maintained at the rock ford to completely cover the channel bed and bank surfaces to minimize soil compaction, rutting, and erosion. Rock must extend on either side of the ford up to the break in slope. The use of rock fords as watercourse crossings for all-weather access roads is prohibited.
Cannabis General Order Attachment A, Section 2, Term #58	Cannabis cultivators shall separate large organic material (e.g., roots, woody debris, etc.) from soil materials. Cannabis cultivators shall either place the large organic material in long-term, upland storage sites, or properly dispose of these materials offsite
Cannabis General Order Attachment A, Section 2, Term #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.).
Cannabis General Order Attachment A, Section 2, Term #60	Cannabis cultivators shall contour and stabilize stored spoils to mimic natural slope contours and drainage patterns (as appropriate) to reduce the potential for fill saturation and slope failure.

Regulatory Section	Citation
Cannabis General Order Attachment A, Section 2, Term #61	<p>For soil disposal sites cannabis cultivators shall:</p> <ul style="list-style-type: none"> <li>• revegetate soil disposal sites with a mix of native plant species,</li> <li>• cover the seeded and planted areas with mulched straw at a rate of two tons per acre, and</li> <li>• apply non-synthetic netting or similar erosion control fabric (e.g., jute) on slopes greater than 2:1 if the site is erodible.</li> </ul>
Cannabis General Order Attachment A, Section 2, Term #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.
Cannabis General Order Attachment A, Section 2, Term #103	Cannabis cultivators shall not mix, prepare, over apply, or dispose of agricultural chemicals/products (e.g., fertilizers, pesticides, and other chemicals as defined in the applicable water quality control plan) in any location where they could enter the riparian setback or waters of the state. The use of agricultural chemicals inconsistently with product labeling, storage instructions, or DPR requirements for pesticide applications <sup>26</sup> is prohibited. Disposal of unused product and containers shall be consistent with labels.
Cannabis General Order Attachment A, Section 2, Term #108	Cannabis cultivators shall only keep hazardous materials in their original containers with labels intact, and shall store hazardous materials to prevent exposure to sunlight, excessive heat, and precipitation. Cannabis cultivators shall provide secondary containment for hazardous materials to prevent possible exposure to the environment. Disposal of unused hazardous materials and containers shall be consistent with the label.
Cannabis General Order Attachment A, Section 2, Term #113	Cannabis cultivators shall ensure that potting soil or soil amendments, when not in use, are placed and stored with covers, when needed, to protect from rainfall and erosion, to prevent discharge to waters of the state, and to minimize leaching of waste constituents into groundwater.
Cannabis General Order Attachment A, Section 2, Term #117	Cannabis cultivators shall store petroleum, petroleum products, and similar fluids in a manner that provides chemical compatibility, provides secondary containment, and protection from accidental ignition, the sun, wind, and rain.

<b>Regulatory Section</b>	<b>Citation</b>
Cannabis General Order Attachment A, Section 2, Term #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.
Cannabis General Order Attachment A, Section 2, Term #120	Cannabis cultivators shall only dispose or reuse spent growth medium (e.g., soil and other organic media) in a manner that prevents discharge of soil and residual nutrients and chemicals to the riparian setback or waters of the state. Spent growth medium shall be covered with plastic sheeting or stored in water tight dumpsters prior to proper disposal or reuse. Spent growth medium should be disposed of at an authorized landfill or other disposal site in compliance with state and local laws, ordinances, and regulations. Proper reuse of spent growth medium may include incorporation into garden beds or spreading on a stable surface and revegetating the surface with native plants. Cannabis cultivators shall use erosion control techniques, as needed, for any reused or stored spent growth medium to prevent polluted runoff.
Cannabis General Order Attachment A, Section 2, Term #124	Cannabis cultivators shall not dispose of domestic wastewater unless it meets applicable local agency and/or Regional Water Board requirements. Cannabis cultivators shall ensure that human or animal waste is disposed of properly. Cannabis cultivators shall ensure onsite wastewater treatment systems (e.g., septic system) are permitted by the local agency or applicable Regional Water Board.
Cannabis General Order Attachment A, Section 2, Term #131	Cannabis cultivators shall stabilize all disturbed areas and construction entrances and exits to control erosion and sediment discharges from land disturbance.

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

**Cannabis Water Quality Inspection Report  
Yvonne DeMarce and Chris Navarez Property**

	<b>Inspection Details</b>
<b>Inspection Date &amp; Time</b>	August 17, 2023, 08:20
<b>Property Address &amp; Coordinates</b>	Unknown Address, Dyerville Rd, Meyers Flat, CA 95554 40.28504, -123.77942
<b>County</b>	Humboldt
<b>Assessor's Parcel Number (APN)</b>	HUM 211-373-032
<b>Watershed</b>	Sonoma Creek, Mainstem Eel River
<b>Property Owner's Legal Name and Mailing Address</b>	Yvonne DeMarce 531 Francesco Place Fortuna, CA 95541
<b>Cultivator's Legal Name &amp; Mailing Address</b>	Chris Navarez P.O. Box 654 Miranda, Ca 95553
<b>Agency &amp; Person Responsible for Warrant</b>	Humboldt County Sheriff's Office, Deputy Chad Crotty
<b>Warrant Date &amp; Type</b>	August 17, 2023, Criminal Search
<b>Lead Inspector Name</b>	Adona White, PE, Water Resources Control Engineer
<b>Office/Regional Board</b>	North Coast Regional Water Quality Control Board
<b>Other Personnel Onsite</b>	Representatives from California Department of Fish and Wildlife and Humboldt County Code Enforcement
<b>Author of Report</b>	Adona White
<b>CIWQS Identifiers</b>	1_12CC403532
<b>Permit Status/Waiver</b>	Enrolled in Cannabis General Order Tier 2, Moderate Risk

## Inspection Observations

The inspection maps shown in Figures 3 and 4 include the locations referenced at the following features that relevant in evaluating threats to water quality.

Point 1: Irrigation well located next to the road. I observed a gas generator for pump and gas cans tipped over on ground; a line from the well went to the tanks at Point 2.

Point 2: Water storage tanks located on flat next to access road. Fertilizer containers and a generator on ground. Water on the ground indicates over-filling from the well.

Point 3: Next to access road is an RV, a burn pile, and trash.

Point 4: Fresh sidecast associated with recent roadwork is overly steep.

Point 5: Building used for drying. Trash is located behind the building. An old road goes up past the building and there is freshly disturbed side-cast.

Polygon 6: Cultivation area 1 (CA1). Three greenhouses with active cultivation, two with new plants and one budding. Constructed flat on steep slopes. Cultivation waste over side. A bottle of Avid on the ground. Fertilizer containers strewn and potting soil spread on ground.

Point 7: Burned plastic light deprivation tarp.

Point 8: Spoils from CA1 greenhouse flat was pushed to the far end of the flat with side cast spoils pushed over slope onto slash, burned plastic, wood and cultivation waste.

Point 9: Two 2,500-gallon water storage tanks and a nutrient feed tank are located above the CA1 on steep slopes. High concentration water soluble fertilizer is located on the ground below the tanks and the water lines. There is a threat of water release and threatened discharge of nutrients.

Line 10: Steep road between cultivation areas can concentrate runoff to the greenhouse.

Polygon 11: CA2. Greenhouse with active cultivation, budding. Pile of soil-filled grow bags at edge of slope.

Point 12: Trash and cultivation waste over the side of CA2. South side of cultivation area is very steep.

Point 13: Road stream crossing (X1) of a Class III watercourse has no pipe and poses a threat of sediment discharge to waters of the state.

Point 14: Shed containing stacked bags of fertilizer. Large amount of potting soil is spread at edge of roadway. Pile of earthen spoils located next to a steep road segment.

Line 15: Real steep road with fertilizer, potting soil, and recently disturbed area prone to transport in concentrated runoff, posing a threat of discharge to waters of the state.

Point 16: Trash, burned plastic tarps and trash. Cultivation waste.

Polygon 16: CA3. Cultivation area with two greenhouses.

Point 17: X2. Road crossing with wetland above and below the road.

Polygon 18: Associated with recent road grading, equipment disturbed the wetland area below the road, spreading sidecast earthen spoils over sedges, with actual and threatened discharges to waters of the state.

Point 19: Area of side cast associated with recent road work.

Polygon 20: CA4. Cultivation area with two greenhouses. Burned plastic and more tarps at burn pile. Soil filled grow bags piled at edge of slope.

Point 21: X3. Old road watercourse crossing with a 36" corrugated metal pipe. Looks ok.

Point 22: Field form left in truck.

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. Cleanup fertilizer containers and feed tanks and prevent discharge of feed water to land in a manner that threatens water quality.
4. Handle domestic waste in a manner that is protective of water quality and in conformance with the State Water Board Onsite Waste Treatment Policy.
5. Cleanup potting soil and properly locate and stabilize or remove and dispose of it at a legal disposal facility.
6. Ensure cannabis cultivation activities are in conformance with state and local requirements. If cultivation activities cease, please provide photos and other documentation of removal of related infrastructure, cleanup of materials and stabilization of disturbed areas and roads.

7. 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.
8. Submit an application for instream work describing plans to upgrade the stream crossings at Point 13 and Point 17 in conformance with the Basin Plan and enrollment under Cannabis General Order.
9. Contact me at [Adona.White@waterboards.ca.gov](mailto:Adona.White@waterboards.ca.gov) or 707-576-2672 to discuss your plans to cleanup and remediate the site conditions that threaten water quality.
10. Ensure the Property is cleaned up and winter-ready as soon as possible prior to the onset of winter wet weather with increased threat of impacts to waters of the state. Document efforts and submit evidence of completion of the cleanup.

### **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

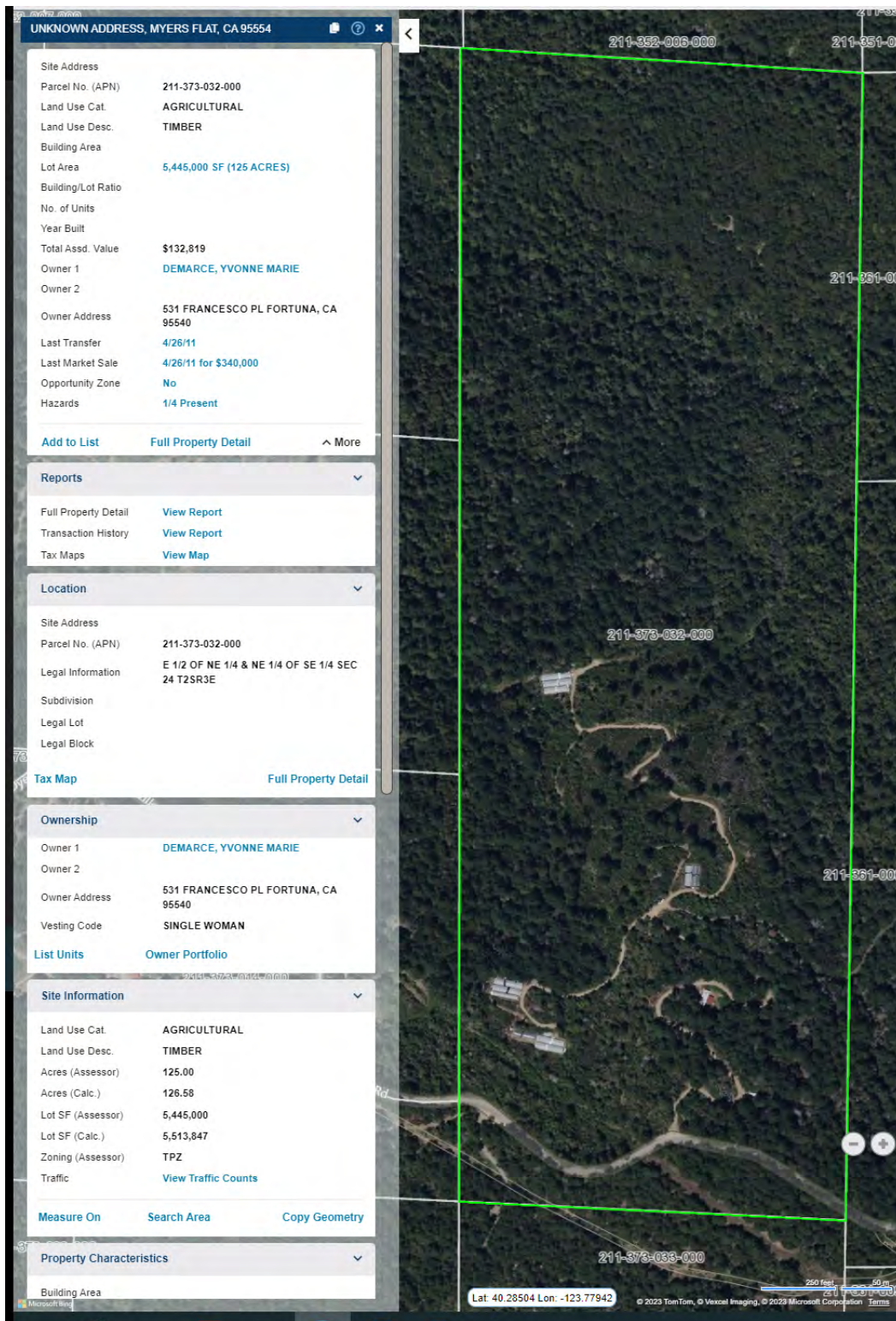


Figure 1. Property map and ownership information.



Figure 2. GPS track of Property inspection.



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 August 17, 2023.



Figure 5. Point 1. Well with gas generator and gas cans.



*Figure 6. Point 2. Water tanks with fill line from well. Fertilizer and generators on ground.*



*Figure 7. Point 2. Wet ground indicating overflowing.*



*Figure 8. Point 3. Burn pile, trash, and RV.*



*Figure 9. Point 3. Trash.*



*Figure 10. Point 4. Recent side-cast over steep slope from recent road work.*



*Figure 11. Point 4. Side cast over steep slope.*



*Figure 12. Point 5. Structure.*



*Figure 13. Point 5. Recent ground/soil disturbance.*



*Figure 14. Point 7. Burned plastic light deprivation tarp.*



*Figure 15. Point 8. Spoils from greenhouse flat pushed to back end in a pile with slash and burned plastic and wood, along with cultivation waste.*



*Figure 16. Point 8. Materials discarded over slope.*



*Figure 17. Point 8. Cultivation leaf waste and plastic waste discarded over slope.*



*Figure 18. Point 9. Water storage tanks located on slope.*



*Figure 19. Point 9. Open feed tanks and water lines with fertilizer on steep ground.*



Figure 20. Uncontained fertilizer at Point 9.



Figure 21. Uncontained fertilizer at Point 9.



Figure 22. Uncontained fertilizer at Point 9.



*Figure 23. Point 10. Steep road between cultivation areas.*



*Figure 24. Point 10. Steep road between cultivation areas.*



*Figure 25. Point 12. Cultivation related waste including plastic over slope.*



*Figure 26. Point 12. Cultivation waste over slope.*



*Figure 27. Point 13. Road crossing of small Class III with no conveyance structure.*



*Figure 28. Point 13. Outboard edge of roadway at watercourse.*



*Figure 29. Point 14. Shed with fertilizer and potting soil spread on edge of road.*



*Figure 30. Point 14. Potting soil and spoils at top of steep road segment.*



*Figure 31. Point 14. Potting soil and spoils at top of steep road segment.*



*Figure 32. Point 16. Burn pile with tarp remnants and cultivation waste.*



*Figure 33. Point 17. Road crossing of wetland area.*



*Figure 34. Point 17. Road crossing of wetland area.*



*Figure 35. Point 17. Road crossing of wetland area.*



*Figure 36. Polygon 18. On outboard area of roadway, wetland vegetation, hydrology.*



*Figure 37. Point 19. Area of sidecast.*



*Figure 38. Point 19. Side cast spoils.*



*Figure 39. Point 21. Road at watercourse crossing.*



*Figure 40. Point 21. Upstream of stream crossing.*



*Figure 41. Point 21. Culvert inlet.*



Figure 42. Point 21. Downstream of stream crossing.

**FIELD NOTICE - WATER QUALITY VIOLATIONS**

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

**I. Inspection Information**  
Date: 8/17/23  
Inspector: Adam White  
Operator: Alister  
Address: APN: 441001-041-513-032

**II. California Water Code Violations**  
 Water Code section 13205. Commercial cannabis cultivation without regulatory oversight, notified through California Integrated Water Quality System (CIWQS) software.  
 Water Code 13294. Actual discharges of waste without regulatory coverage or massive changes to existing authorized waste discharge activities without regulatory coverage. See line 18.

**III. Unauthorized or Threatened Discharges to Waters of the State Observed**  
Discharge:  Sediment (muds or disturbed soil)  
 Refuse, debris, or household waste  
 Washwater  
 Fertilizers and/or pesticides  
 Soils and/or peeling material  
 Petroleum  
 Other: CANNABIS CULTIVATION

**IV. Actions to be taken:**  
You are hereby provided notice of these violations and the need to resolve them. Please contact Adam White at adam.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 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 result in additional violations and enforcement action.

Inspector Signature: [Signature] Date: 8/17/23  
Delivery Method of Notice: left on site

Figure 43. Field notice left in truck. I have not received a response, as requested.