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North Coast Regional Water Quality Control Board

August 14, 2023

Lam Andy Chau  
9616 Philta Way  
Elk Grove, Ca 95757

GLS Tracking No.: 559934853

Dear Lam Andy Chau:

**Subject**      **Notice of Violation, Transmittal of Inspection Report of July 13, 2023  
Inspection of Siskiyou County Assessor's Parcel Number 100-061-  
100**

**File:**            Cannabis Inspections, Siskiyou County 2023, CIWQS Place ID 889487

**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 Siskiyou County Assessor's Parcel Number (APN) 100-061-100 (the Property):

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

According to our records, the cannabis cultivation operation located on this Property is not enrolled for coverage under Order No. WQ 2019-0001-DWQ General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities (Cannabis General Order).

On July 13, 2023, staff of the North Coast Regional Water Quality Control Board (Regional Water Board) and the State Water Resources Control Board (State Water Board) (Staff) inspected the Property and observed cannabis cultivation and associated activities with unauthorized discharges of waste to land and threatened discharges of

waste to waters of the state. This letter directs you 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 north of Mount Shasta in the Shasta Vistas subdivision near the crossing of Juniper Road and Proteau Road. The Property is in the Shasta River Hydrologic Area of the Klamath River Hydrologic Unit. LandVision records show that the Property was last purchased on September 30, 2019 by Lam Chau from Linda Coley.

On July 13, 2023, during the execution of a criminal search warrant served by the California Department of Fish and Wildlife (CDFW), Staff inspected the Property, accompanied by personnel from CDFW, California Department of Cannabis Control, California Department of Tax and Fee Administration, California Department of Toxic Substances Control, the Siskiyou County Sheriff's Office, the Siskiyou County Department of Environmental Health, and Siskiyou 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. During the inspection, Staff observed cannabis cultivation operations of sufficient size and scope to require regulatory coverage under the Cannabis General Order. According to CDFW personnel, required state and local authorizations for commercial cannabis cultivation are not associated with the Property. Siskiyou County bans outdoor cannabis cultivation.

Attached is a copy of the water quality inspection report (Attachment B – July 13, 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 13, 2023 inspection report, Staff observed large-scale cannabis cultivation and associated activities conducted in a manner that has resulted in numerous unauthorized discharges of waste to land and threats of waste discharge to groundwater, without first obtaining regulatory coverage for associated waste discharges, in violation of Water Code section 13260. These Property conditions also violate the Cannabis Policy.

During the inspection, Staff observed Property conditions of concern, which include:

1. Active cannabis cultivation activities, greenhouse infrastructure, and materials.
2. Improper storage, handling and containment of fertilizers, including next to water tanks, resulting in threats of discharges to land.
3. Inactive outdoor cultivation areas with potting soils uncontained.
4. Improper storage, containment and disposal of cultivation related plastic refuse.
5. Disturbed soil areas throughout the Property.

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.

As document in the inspection report, Staff observed feed tanks with stained ground indicating discharge of nutrient rich water to land, threatening the quality of waters of the state in violation of Water Code section 13264.

### **Legal Requirements**

Please note that Siskiyou County bans outdoor cannabis cultivation. With respect to state water quality permits, 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 areas including sediment, irrigation runoff, fertilizers, pesticides/herbicides, petroleum, agricultural related chemicals, cultivation related waste, and refuse. Threats of waste discharge may be from irrigation runoff, over fertilization, pond failure, road construction, grading activities, domestic and cultivation related waste, refuse placement, etc. All commercial cannabis cultivators must obtain coverage under the Cannabis General Order, including for both indoor and outdoor cultivation.

Cultivation activities on the Property requires conformance with the Cannabis Policy and enrollment in under the [Cannabis General Order](#). For more information, please visit our

website at:

([https://www.waterboards.ca.gov/northcoast/water\\_issues/programs/cannabis/](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 and how the Property will be restored in compliance with the Policy.

### **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.

### **Inspection Report Recommendations**

As mentioned above, the July 13, 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](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 – July 13, 2023 Water Quality Inspection Report

cc:

**North Coast Regional Water Quality Control Board**

[Northcoast.Cannabis@waterboards.ca.gov](mailto:Northcoast.Cannabis@waterboards.ca.gov)

Claudia Villacorta, [Claudia.Villacorta@waterboards.ca.gov](mailto:Claudia.Villacorta@waterboards.ca.gov)

Kason Grady, [Kason.Grady@waterboards.ca.gov](mailto:Kason.Grady@waterboards.ca.gov)

Jeremiah Puget, [Jeremiah.Puget@waterboards.ca.gov](mailto:Jeremiah.Puget@waterboards.ca.gov)

Adona White, [Adona.White@waterboards.ca.gov](mailto:Adona.White@waterboards.ca.gov)

**State Water Resources Control board Office of Enforcement**

Jordan Zakaria, [Jordan.Zakaria@waterboards.ca.gov](mailto:Jordan.Zakaria@waterboards.ca.gov)

Micheal Buckman, [Micheal.Buckman@waterboards.ca.gov](mailto:Micheal.Buckman@waterboards.ca.gov)

**California Department of Fish and Wildlife**

Brian Boyd, [Brian.Boyd@wildlife.ca.gov](mailto:Brian.Boyd@wildlife.ca.gov)

Joseph Laugesen, [Joseph.Laugesen@wildlife.ca.gov](mailto:Joseph.Laugesen@wildlife.ca.gov)

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

Tobi Freeny, [Tobi.Freeny@wildlife.ca.gov](mailto:Tobi.Freeny@wildlife.ca.gov)

**Department of Cannabis Control**

Jon Silva, [Jon.Silva@waterboards.ca.gov](mailto:Jon.Silva@waterboards.ca.gov)

**California Department of Toxic Substances Control**

Faith Friend, [Faith.Freind@dtsc.ca.gov](mailto:Faith.Freind@dtsc.ca.gov)

**California Department of Tax and Fee Administration**

Tom Schmidt, Tom [Schmidt@cdtfa.ca.gov](mailto:Schmidt@cdtfa.ca.gov)

**Siskiyou County Sheriff's Office**

Cory Persing, [Cory.Persing@siskiyousheriff.org](mailto:Cory.Persing@siskiyousheriff.org)

**Siskiyou County Code Enforcement**

Shaun Williamson, [planning@co.siskiyou.ca.us](mailto:planning@co.siskiyou.ca.us)

**Siskiyou County Environmental Health**  
Shannon Vanella, [EHPermitTech@co.siskiyou.ca.us](mailto:EHPermitTech@co.siskiyou.ca.us)

**Siskiyou County District Attorney's Office**  
Martha Aker, [maker@siskiyouda.org](mailto:maker@siskiyouda.org)

**CalEPA**  
Hasti Javid, [Hasti.Javid@calepa.ca.gov](mailto:Hasti.Javid@calepa.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>

<b>Regulatory Section</b>	<b>Citation</b>
Cannabis Policy and General Order No. WQ 2019-0001-DWQ	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> 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> )

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

**Cannabis Water Quality Inspection Report  
Lam Chau Property, Siskiyou County APN 100-061-100, WDID No. 1\_47MJ000371**

	Inspection Details
Inspection Date & Time	July 13, 2023, 10:30 to 11:12
Address/Location	unknown address, Eagle Road, Montague, CA (41.584046, -122.341365)
County	Siskiyou
Assessor's Parcel Number (APN)	100-061-100
Watershed	Shasta HA/Klamath HU
Property Owner's Legal Name and Company	Lam Andy Chau
Mailing Address	9616 Philta Way Elk Grove, CA 95757
Agency Responsible for Warrant	California Department of Fish and Wildlife (CDFW)
Person Responsible for Warrant	Joseph Laugesen
Warrant Date	July 13, 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, California Department of Cannabis Control, California Department of Tax and Fee Administration, California Department of Toxic Substances Control, the Siskiyou County Sheriff's Office, the Siskiyou County Department of Environmental Health, and Siskiyou County Code Enforcement.

Author of Report	Adona White
CIWQS WDID and Place ID	WDID No 1_47MJ000371., CIWQS Place ID 889487
Permit Status/Waiver	unpermitted

### Inspection Observations

The inspection map is shown in Figure 2 and includes the locations referenced at the following features of concern to water quality.

Point Location 1: Fertilizers in a shipping storage container.

Point Location 2: Feed tanks with stained ground indicating discharge of nutrient rich water to land from the feed tanks, posing a threat to ground water.

Point Location 3: Water storage tanks and feed tanks with uncontained fertilizers.

Point Location 4: Uncovered potting soil pile on ground.

Polygon Location 5: Active greenhouse cultivation area.

Polygon Location 6: Inactive outdoor cultivation area with planter boxes failing and spilling potting soil on ground.

Polygon Location 7: Active greenhouse cultivation area.

Point Location 8: Domicile building.

These features pose threats to water quality. The sandy soils are highly porous and waste discharges to land pose threats of contamination to groundwater quality and can become mobilized during precipitation events and at times of increased surface water flow and runoff.

### Inspection Recommendations

1. Cease unauthorized cannabis cultivation.
2. Cleanup fertilizer containers and feed tanks and prevent further discharge of feed water to land in a manner that threatened water quality.
3. Remove cultivation infrastructure and properly dispose of waste including but not limited to trash, fertilizer, pesticide and petroleum containers, plastic tarps and sheeting at a legal facility.

4. Properly dispose of all pesticides and fertilizers at a legal disposal facility.
5. Cleanup potting soil and properly contain and cover or remove and dispose of at a legal disposal facility.
6. Cleanup and remediate the Property to ensure that during rain events and at times of elevated surface water flow additional discharges and threats of discharges of fertilizers, petroleum, chemicals and other deleterious materials are prevented.
7. 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.

### 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

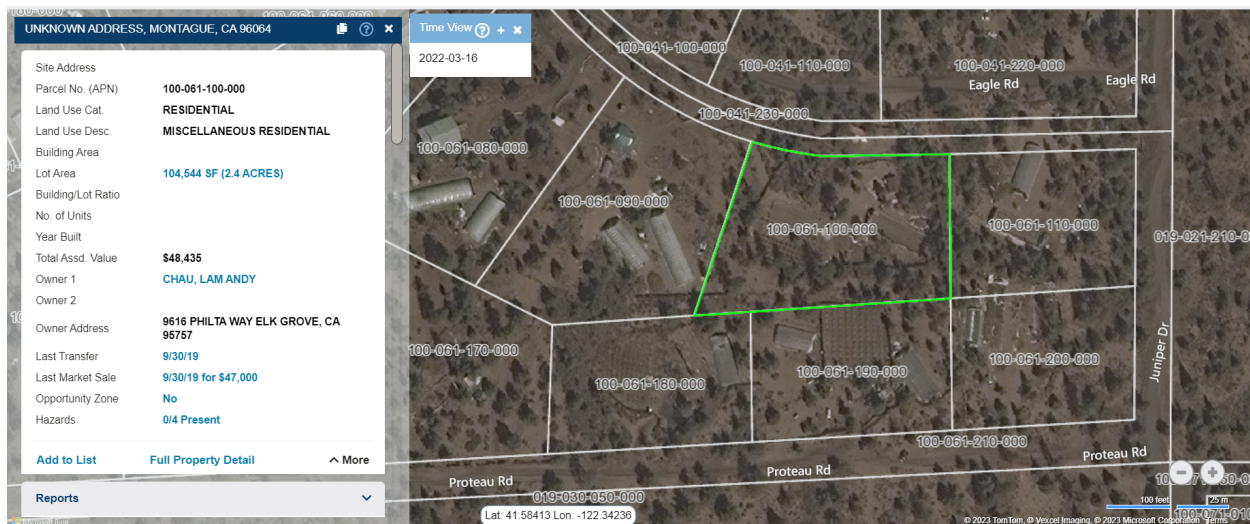


Figure 1. Property map and ownership information.



Figure 2. Inspection map.

### Inspection Photographs

All photographs taken by Adona White on July 13, 2023



*Figure 3. Point Location 1 is fertilizer stored in a shipping container.*



*Figure 4. Feed tanks are located at Point Location 2. I observed stained ground indicating discharge of nutrient rich water to land from the feed tanks, posing a threat to groundwater.*



*Figure 5. Water tanks and plastic refuse at Point Location 3.*



*Figure 6. Feed tanks and fertilizers at Point Location 3.*



*Figure 7. Potting soil pile on ground at Location 4.*



*Figure 8. Potting soil pile on native sand soil at Location 4.*



*Figure 9. Polygon Location 5 is a greenhouse cultivation area.*



*Figure 10. Polygon 7 is an active greenhouse cultivation area.*




*Figure 11. Polygon 6 is inactive outdoor cultivation area.*



*Figure 12. Building at Point Location 8.*

**-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: 7/13/23 Inspector: Adona White  
Owner: \_\_\_\_\_ Operator: \_\_\_\_\_  
Address: \_\_\_\_\_ APN: 100-061-100

**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 type="checkbox"/>	<input type="checkbox"/>	Sediment (roads or disturbed area)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Refuse, debris, or household waste
<input type="checkbox"/>	<input type="checkbox"/>	Wastewater
<input type="checkbox"/>	<input type="checkbox"/>	Fertilizers and/or pesticides
<input type="checkbox"/>	<input type="checkbox"/>	Soils and/or potting material
<input type="checkbox"/>	<input type="checkbox"/>	Petroleum
<input type="checkbox"/>	<input checked="" 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) 576-1612 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: [Signature] Date: 7/13/23  
Delivery Method of Notice: left onsite

Figure 13. Field notice I left on site with case agent.