



North Coast Regional Water Quality Control Board

August 14, 2023

Marwin Yang
1647 Etna St
Saint Paul, MN 55106

FEDEX Tracking No.: 7730-2348-4416

Dear Marwin Yang:

**Subject Notice of Violation, Transmittal of Inspection Report of July 13, 2023
Inspection of Siskiyou County Assessor's Parcel Number 100-061-
180**

File: Cannabis Inspections, Siskiyou County 2023, CIWQS Place ID 889488

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) 100-061-180 (the Property):

1. California Water Code (Water Code) section 13260
2. California Water Code (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

HECTOR BEDOLLA, CHAIR | VALERIE QUINTO, EXECUTIVE OFFICER

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 December 3, 2018 by Marwin Yang from Tou Xiong.

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 storage and feed tanks, resulting in discharges and threats of discharges to land.
3. Inactive outdoor cultivation areas with potting soils uncontained.
4. 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, at Point Location 2 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/)

As documented in the inspection report, the Property conditions observed on the Property are 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 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 13, 2023 Water Quality Inspection Report

cc:

North Coast Regional Water Quality Control Board

Northcoast.Cannabis@waterboards.ca.gov

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

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

Jeremiah Puget, Jeremiah.Puget@waterboards.ca.gov

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

State Water Resources Control board Office of Enforcement

Jordan Zakaria, Jordan.Zakaria@waterboards.ca.gov

Micheal Buckman, Micheal.Buckman@waterboards.ca.gov

California Department of Fish and Wildlife

Brian Boyd, Brian.Boyd@wildlife.ca.gov

Joseph Laugesen, Joseph.Laugesen@wildlife.ca.gov

Ashley Worth, Ashley.Worth@wildlife.ca.gov

Tobi Freeny, Tobi.Freeny@wildlife.ca.gov

Department of Cannabis Control

Jon Silva, Jon.Silva@waterboards.ca.gov

California Department of Toxic Substances Control

Faith Friend, Faith.Freind@dtsc.ca.gov

California Department of Tax and Fee Administration

Tom Schmidt, Tom Schmidt@cdtfa.ca.gov

Siskiyou County Sheriff's Office

Cory Persing, Cory.Persing@siskiyousheriff.org

Siskiyou County Code Enforcement

Shaun Williamson, planning@co.siskiyou.ca.us

Siskiyou County Environmental Health

Shannon Vanella, EHPermitTech@co.siskiyou.ca.us

Siskiyou County District Attorney's Office

Martha Aker, maker@siskiyouda.org

CalEPA

Hasti Javid, 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>

Regulatory Section	Citation
Cannabis Policy and General Order No. WQ 2019-0001-DWQ	State Water Resources Control Board Cannabis Cultivation Policy and General Waste Discharge Requirements Order No. WQ 2019-0001-DWQ for Discharges of Waste Associated with Cannabis Cultivation Activities Available at: (https://www.waterboards.ca.gov/water_issues/programs/cannabis/docs/policy/final_cannabis_policy_with_attach_a.pdf)_and (https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2019/wqo2019_0001_dwq.pdf)

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

**Cannabis Water Quality Inspection Report
Marwin Yang Property, Siskiyou County APN 100-061-180, WDID No.
1_47MJ000372**

	Inspection Details
Inspection Date & Time	July 13, 2023, 11:22
Address/Location	unknown address, Proteau Rd, Montague, CA 96064 (41.582158, -122.344789)
County	Siskiyou
Assessor's Parcel Number (APN)	100-061-180
Watershed	Shasta HA/Klamath HU
Property Owner's Legal Name and Company	Marwin Yang
Mailing Address	1647 Etna St Saint Paul, MN 55106
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_47MJ000372, CIWQS Place ID 889488
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 threatens 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.
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 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

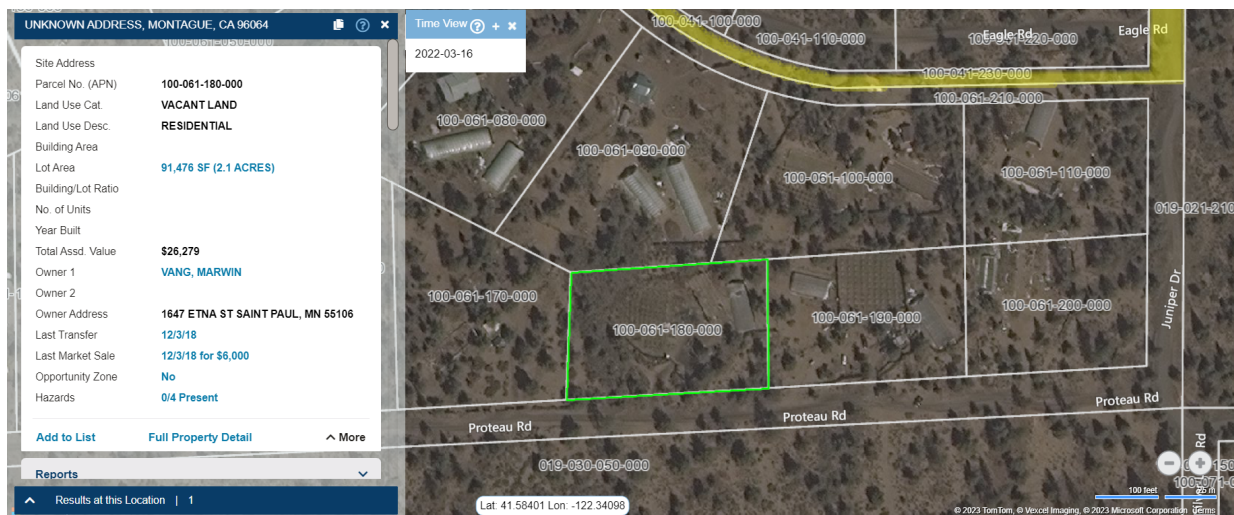


Figure 1. Property map and ownership information.



Figure 2. Inspection map.

Inspection Photographs

All photographs taken by Adona White on July 13, 2023



Figure 3. Point Location 1 is melted water tank



Figure 4. Cultivation-related and household refuse is uncontained at Location 2.



Figure 5. A portopotty is located near the gate at Point Location 3.



Figure 6. Uncontained Sulphur group fungicide at Point Location 5.



Figure 7. Active greenhouse cultivation at Polygon Location 6.



Figure 8. Gas pump located at Point Location 7 does not have containment to prevent drips and spills onto the sandy ground.



Figure 9. Open contain of high concentration water soluble fertilizer next to a feed tank and water line at Point Location 8.



Figure 10. Uncontained and open bag of water soluble sulphate next to the water line at Point Location 8.



Figure 11. Active outdoor cultivation area at Polygon Location 9.



Figure 12. Gopher killer located in outdoor cultivation area at Polygon Location 9.

**-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: Marwin Yang Operator: _____
Address: _____ APN: 100-061-180

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	Best description and location of actual discharges only.
<input type="checkbox"/>	<input type="checkbox"/>	Sediment (roads or disturbed area).
<input type="checkbox"/>	<input 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 checked="" 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) 576-2672, 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: _____ Date: 7/13/23
Delivery Method of Notice: _____

Figure 13. Field notice I left onsite with case agent.