



North Coast Regional Water Quality Control Board

August 17, 2023

Richard Schumacher
PO Box 1093
Covelo, CA 95428

Certified Mail No. 7021-0950-0001-6500-1285

Dear Richard Schumacher:

Subject: Notice of Violation, Transmittal of Inspection Report for July 21, 2023, Inspection of Mendocino County Assessor's Parcel Nos. 032-580-25-00, 032-580-29-00, and 032-580-30-00, and Requirement to Respond within 30 days

File: Cannabis Program Inspections, Mendocino County, July 21, 2023, CIWQS Place ID 889840

THIS LETTER REQUIRES THAT YOU ACT WITHIN 30 DAYS

This letter is to notify you of observed violations of the requirements listed below, and cited in Attachment A, at the property identified as Mendocino County Assessor's Parcel Number: 032-580-25-00, 032-580-29-00, and 032-580-30-00 (the Property):

1. State Water Resources Control Board Order No. WQ 2019-0001-DWQ *General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities* (Cannabis General Order) and State Water Resources Control Board (State Water Board) *Cannabis Cultivation Policy Principles and Guidelines for Cannabis Cultivation* (Cannabis Policy) various provisions
2. California Water Code (Water Code) Section 13260 and 13264

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

HECTOR BEDOLLA, CHAIR | VALERIE QUINTO, EXECUTIVE OFFICER

for Discharges of Waste Associated with Cannabis Cultivation Activities (Cannabis General Order)

On July 21, 2023, North Coast Regional Water Quality Control Board (Regional Water Board) staff inspected the Property and observed active outdoor cannabis cultivation.

Background

LandVision records show that the Property was sold to Richard Schumacher on February 29, 2008.

On July 21, 2023, staff from the Regional Water Board, accompanied by staff of the Division of Water Rights (DWR), California Department of Fish and Wildlife (CDFW), Department of Cannabis Control (DCC), and personnel of various law enforcement agencies, inspected the Property. The purpose of the inspection was to evaluate onsite development and conditions, and to identify and assess any impacts or threatened impacts to the quality and beneficial uses of waters of the state. During the inspection, staff observed cannabis cultivation operations of sufficient size and scope to require regulatory coverage under the Cannabis General Order.

Attached is a copy of the water quality inspection report (Attachment B – Property Inspection Report). Please review the inspection report carefully and completely. The inspection report contains recommendations for correcting observed violations and advises you of the Regional Water Board permits necessary for instream work and projects/activities that result in discharges of waste to receiving waters.

Relevant Requirements

During the inspection, Regional Water Board staff identified several features and conditions on the Property that represent violations of water quality requirements and regulations. Attachment A – Regulatory Citations, provides references to these, and related, requirements and regulations.

Observed Violations

As documented in the July 21, 2023, inspection report, Regional Water Board staff observed violations of the California Water Code, section 13264 (a). In addition, staff observed violations of the Cannabis General Order Attachment A, Section 1 - General Requirements and Prohibitions Nos.1, 25, 27,37 and Section 2 - Requirements Related to Water Diversions and Waste Discharge for Cannabis Cultivation Nos. 3-4, 7, 15-17, 22, 31, 38, 39, 48- 57, 59-60,62, 65, 67, 73, 105, 117, 119-120, 123-125, and 130. Staff observed these violations at Property locations identified in the inspection report as WQ1 through WQ18.

Legal Requirements

The State Water Board adopted the Cannabis Policy and the Cannabis General Order

on October 17, 2017, and updates on February 5, 2019, which remain in effect today. The purpose of the Cannabis Policy is to ensure that the discharge of waste and diversion of water associated with cannabis cultivation does not have a negative impact on water quality, aquatic habitat, riparian habitat, wetlands, and springs. The Cannabis Policy applies to cannabis cultivation activities throughout California including, Commercial Recreational, Commercial Medical, and Personal Use Medical. The Policy does not apply to recreational cannabis cultivation for personal use, which is limited to six plants under the Adult Use of Marijuana Act (Proposition 64, approved by California voters in November 2016).

The Cannabis General Order is the statewide water quality permit that implements the Cannabis Policy through the overarching general Waste Discharge Requirements (WDRs) in accordance with the California Water Code and is available for eligible cannabis cultivators to enroll under. The Cannabis General Order regulates waste discharges from cultivation sites including sediment, irrigation runoff, fertilizers, pesticides/herbicides, petroleum, agricultural related chemicals, cultivation related waste, and refuse. Threats of waste discharge may be from irrigation runoff, over fertilization, pond failure, road construction, grading activities, domestic and cultivation related waste, refuse placement, etc. All commercial cannabis cultivators must obtain coverage under the Cannabis General Order, including for both indoor and outdoor cultivation.

Cultivation activities on the Property requires conformance with the Cannabis Policy and enrollment in under the Cannabis General Order. For more information, please visit our website at: [Cannabis Cultivation Waste Discharge Regulatory Program](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 site conditions observed on the Property do not meet the requirements of the Cannabis Policy. Please provide a written response supporting documentation, including photos if relevant, explaining how the Property will be restored in compliance with the Policy.

As documented in the inspection report, there are numerous existing stream crossings that must be upgraded or decommissioned to comply with the Basin Plan, which will require a water quality certification prior to conducting instream work. The application for the water quality certification for cannabis cultivation-related projects is available at: [North Coast Cannabis Water Quality Certification Application](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 California Water Code warrant further enforcement. We encourage you to take steps to correct the violations as soon as possible, securing any applicable permits from this and other agencies prior to conducting work. Please note that the existing conditions, as

observed and documented in the Inspection Report, may represent continuing violations of the California 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 pursuant to Water Code section 13350.

Inspection Report Recommendations

As mentioned above, the Inspection Report provides recommendations to correct the alleged violations, as well as to address features and conditions that threaten to impact water quality.

Within 30 days of this letter, please advise Regional Water Board staff Ermias Berhe of your intentions, plan, and schedule to implement recommendations in the inspection report. If you have questions about what is required of you to comply with the requirements outlined above, and to advise as to your plan and schedule to correct the alleged violations, please contact Regional Water Board staff Ermias Berhe by email at Ermias.Berhe@Waterboards.ca.gov or by phone at 707-445-6128.

Future correspondence regarding this matter will be sent to you at this address unless an alternative address is provided to the Regional Water Board. Failure to accept mail from the Regional Water Board is not a valid excuse for non-compliance with any future enforcement orders, and a failure to respond or otherwise appear at a future enforcement proceeding could subject you to a default order and the imposition of administrative civil liability.

Please contact Ermias Berhe within 30 days of the date of this letter at Ermias.Berhe@Waterboards.ca.gov or 707-445-6128. You may also contact me at Mona.Dougherty@Waterboards.ca.gov. Additionally, we are available to meet with you if you wish to discuss this letter or our waste discharge regulatory programs in further detail.

Sincerely,

Mona Dougherty, P.E.
Senior Water Resources Control Engineer

Filename 230522_Richard Schumacher_NOV_Report

Attachments: **Attachment A - Regulatory Citations**
 Attachment B - Property Inspection Report

Certified Mail – Return receipt requested

cc: **North Coast Regional Water Quality Control Board**
 Northcoast.Cannabis@waterboards.ca.gov
 Claudia Villacorta, Claudia.Villacorta@waterboards.ca.gov
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Mendocino County Sheriff's Office

Sergeant Clinton Wyant, WyantC@mendocinosheriff.org

Mendocino County Planning and Permitting

General email, cannabisprogram@mendocinocounty.org
Megan Dukett, dukettm@mendocinocounty.org

Department of Cannabis Control

Jaime Masuda, jaime.masuda@cannabis.ca.gov

Attachment A – Regulatory Citations

Regulatory Section	Citation
California Water Code Section 13260	<p>“(a) Each of the following persons shall file with the appropriate regional board a report of the discharge, containing the information that may be required by the regional board:</p> <p>(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 (https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=WAT&division=7.&title=&part=&chapter=4.&article=4).when so requested by a regional board is guilty of a misdemeanor and may be liable civilly in accordance with subdivision (b).”</p>
California Water Code Section 13264(a)	<p>“No person shall initiate any new discharge of waste or make any material changes in any discharge, or initiate a discharge to, make any material changes in a discharge to, or construct, an injection well, prior to the filing of the report required by Section 13260 and no person shall take any of these actions after filing the report but before whichever of the following occurs first: (3) The issuance of waste discharge requirements pursuant to Section 13263. (2) The expiration of 140 days after compliance with Section 13260 if the waste to be discharged does not create or threaten to create a condition of pollution or nuisance and any of the following applies... (3) The issuance of a waiver pursuant to Section 13269.”</p>
Cannabis Policy and General Order No. WQ 2019-0001-DWQ	<p>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 Cannabis Cultivation Policy https://www.waterboards.ca.gov/water_issues/programs/cannabis/docs/policy/final_cannabis_policy_with_attachment_a.pdf) and Cannabis General Order WQ 2019-0001-DWQ https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2019/wqo2019_0001_dwq.pdf)</p>

Attachment B – Inspection Report



North Coast Regional Water Quality Control Board

TO: Mona Dougherty

FROM: Ermias Berhe

DATE: August 17, 2023

Inspection Report for July 21, 2023, Warrant Inspection of Mendocino County Assessor's Parcel Numbers 032-580-25-00, 032-580-29-00, and 032-580-30-00

File: Cannabis Program Inspections, Mendocino County, Richard Schumacher Property, CIWQS Place ID 889840

Property Information

County: Mendocino

APNs: 032-580-25-00, 032-580-29-00, and 032-580-30-00

Owner: Richard Schumacher

Size: 50 Acres

Watershed: Eel River Hydrologic Unit, Middle Fork Eel River Hydrologic Area, Round Valley Hydrologic Subarea; Cal Water No. 1111.720302; HUC-12 180101040303

Clean Water Act Section 303(d) Listings: Eel River HU, Middle Fork HA, Round Valley HAS is listed for Sediment/Siltation, Temperature, and Aluminum Pollutants Category 5, in the 2020-2022 Integrated Report approved by the U.S. EPA on May 11, 2022.

TMDLs: The Middle Fork Eel River is listed in the North Coast TMDL Projects for Sediment and Temperature Pollutants. Technical TMDLs for Sediment and Temperature were established by US EPA in December 2003.

July 21, 2023, Inspection Report

Mendocino County APNs 032-580-25-00, 032-580-29-00, and 032-580-30-00

Regulatory Status with the Regional Water Board

There is no history of enrollment under either the historical North Coast Regional Order No. 2015-0023 or the statewide Cannabis General Order WQ 2019-0001-DWQ for this property.

Inspection information:

Date/time: July 21, 2023, approximately 0905-1020

Type: Warrant

Attendance: Ermias Berhe, Engineering Geologist, North Coast Regional Water Board
Zyruss E. Edjan, Water Resources Control Engineer, Division of Water Rights
Jessica Monroy, Environmental Scientist, Division of Water Rights
Kalya Bocast, Senior Environmental Scientist Specialist, California Department of Fish and Wildlife
Erika Winner, Environmental Scientist, California Department of Fish and Wildlife

Background/Objective:

Inspection objectives for Regional Water Board staff includes observing site development activities and identifying and assessing onsite features or conditions that are causing or may cause adverse impacts to the quality and beneficial uses of receiving waters, including surface and ground water.

From the available Google Earth Pro imagery, open outdoor cannabis cultivation and associated grading is visible in the northwestern and southwestern portion of the property in August 2017. Multiple hoopouses and expansion of cultivation is visible at this location at least starting September 2019. Relocation of greenhouses in the southwestern portion of the property is visible in July 2021.

Inspection Map

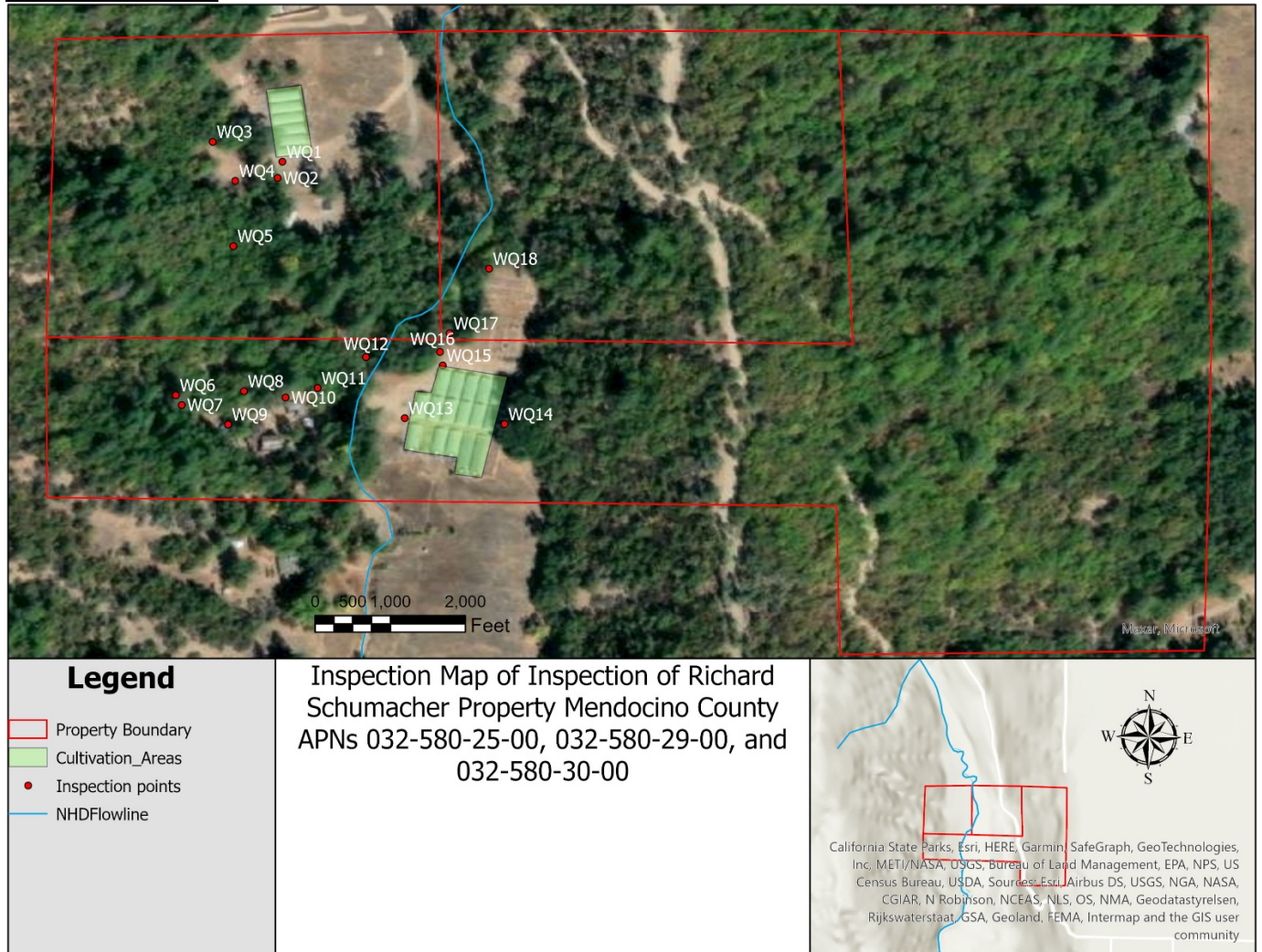


Figure 1: Inspection Map of the Property, showing inspection points and cannabis cultivation related activities.

Inspection Observations

I inspected the subject property on July 21, 2023. Figure 1 is a site map showing inspection points discussed in Table 1. Below are inspection observations.

Cultivation Areas

I observed two cultivation areas on the property, north of inspection point WQ1, and south of inspection point WQ15. The total cultivation area is approximately 33,000 square feet.

Stream Crossings

I observed three watercourse crossings at inspection point WQ6, WQ8, and WQ12. The culverted watercourse crossing at WQ6 is rusted at the inlet and partially clogged with sediment at the outlet and appears to be undersized and delivering sediment. Watercourse crossing at WQ8 is a fill crossing with some rocking. I also observed another fill watercourse crossing at WQ12 at an access road to cultivation area in the southwest.

Water Storage and Use

I observed water storage tanks at inspection points WQ7 and WQ14.

I observed a groundwater well at WQ3, and what appears to be a groundwater well house at WQ10.

Petroleum Products

I observed uncontained generators and petroleum product containers at WQ3, WQ5, WQ9, and WQ14. I also observed stored gasoline containers, gas tanks, and generators at WQ9. A portion of the storage included secondary containment for the gasoline tanks, and some of the generators and gas cans did not have secondary containment as required.

Potting Soil

I observed disposed potting soil at WQ16 within the riparian setback of a watercourse.

Plant Waste

I observed improperly disposed plant waste in a watercourse at WQ17.

Construction waste

I observed improperly disposed concrete waste within riparian setback of a watercourse at WQ18.

Domestic waste

I observed an outhouse toilet discharging to land at inspection point WQ11, and what appears to be laundry detergents and a bucket full of wet clothes at WQ3 near a groundwater well.

Table 1: Map Points with Descriptions and Water Quality Concerns

<i>Map point</i>	<i>Feature</i>	<i>Brief Description</i>	<i>Water Quality Concern</i>	<i>Associated Photo(s)</i>
<i>North of WQ1, and South of WQ15</i>	<i>Cultivation Areas</i>	<i>Cultivation area of sufficient size and scope, and cultivation area in the southwest is within riparian setback of a watercourse</i>	<i>Threatened discharge of waste to receiving waters</i>	<i>1-3</i>
<i>WQ6, WQ8, and WQ12</i>	<i>Stream Crossings</i>	<i>Rusted at the inlet and partially clogged at the outlet culverted watercourse crossing at WQ6 discharging sediment, a fill watercourse crossing at WQ8 and a watercourse without any conveying structure at WQ12 hydrologically connected to surface waters</i>	<i>Discharge of sediment and waste to receiving waters</i>	<i>4-7</i>
<i>WQ3, and WQ11</i>	<i>Groundwater wells</i>	<i>Groundwater wells</i>	<i>N/A</i>	<i>8-9</i>
<i>WQ7, and WQ14</i>	<i>Water storage</i>	<i>Water storage tanks</i>	<i>N/A</i>	<i>10-11</i>
<i>WQ3, WQ5, WQ9 and WQ14,</i>	<i>Generators, petroleum product containers</i>	<i>Uncontained and/or improperly stored petroleum product containers and generators</i>	<i>Threatened discharge of waste to receiving waters</i>	<i>8, 12-16</i>

<i>Map point</i>	<i>Feature</i>	<i>Brief Description</i>	<i>Water Quality Concern</i>	<i>Associated Photo(s)</i>
WQ16	<i>Potting soil</i>	<i>Improperly disposed potting soil</i>	<i>Threatened discharge of waste to receiving waters</i>	17
WQ17	<i>Plant waste</i>	<i>Improperly disposed plant waste in watercourse</i>	<i>Discharge of waste to receiving waters</i>	18
WQ18	<i>Construction waste</i>	<i>Improperly disposed concrete waste within riparian setback of a watercourse</i>	<i>Threatened discharge of waste to receiving waters</i>	19
WQ10	<i>Domestic waste</i>	<i>Outhouse toilet at WQ10, and laundry detergents near WQ3</i>	<i>Threatened discharge of waste to receiving waters, discharge of waste to land</i>	20

Recommendations

1. Retain a licensed professional to inventory, assess, and develop a workplan and schedule to implement measures to ensure that all developed features, roads, watercourse crossings, and cultivation areas throughout the Property are corrected, restored, and/or maintained in conditions that prevent or minimize erosion, sediment transport/delivery, and adverse impacts to water quality and beneficial uses. Include measures to ensure that unstable features caused or affected by onsite development and operations are removed or otherwise protected to minimize the potential for these features to cause adverse impacts to water quality and beneficial uses. Dispose of all development and

restoration-related earthen spoils in a manner to prevent/minimize transport and delivery to receiving waters.

2. If the property owner and/or tenant(s) choose to continue to cultivate cannabis, enroll for coverage under and take steps to comply with the requirements of the Cannabis General Order (CANGO) (Order WQ 2019-0001-DWQ, General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities). More information about the CANGO can be found at: Cannabis General Order WQ 2019-0001-DWQ (https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2019/wqo2019_0001_dwq.pdf)
3. Collect and dispose of or contain all refuse and cultivation-related wastes in a location and manner to minimize potential for these wastes to enter or be transported into receiving waters.
4. Store and contain all chemicals, including petroleum, fertilizer and/or pesticides properly to prevent spillage and discharge to receiving waters.
5. Discontinue use of and dismantle any outhouse/pit toilet features and work with Mendocino County to ensure that all domestic and human wastes are collected and disposed of consistent with applicable County requirements.
6. Install, maintain, and destroy wells in compliance with county, city, and local ordinances and with California Well Standards as stipulated in California Department of Water Resources Bulletins 74 - 90 and 74 - 8115.
7. Prior to conducting any instream work associated with recommendation 1 above, submit to the Regional Water Board an application for Clean Water Act section 401 water quality certification, and secure approval from the Regional Water Board.

The Water Quality Certification Application may be found at:

North Coast Cannabis Water Quality Certification Application(https://www.waterboards.ca.gov/northcoast/water_issues/programs/cannabis/pdf/220615/rb1_cannabis_wqc401.pdf)

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.

PHOTO APPENDIX - All photos taken by Ermias Berhe on July 21, 2023, unless noted otherwise



Photo 1 - Cultivation area in the northwestern portion of the property north of WQ1



Photo 2 - Cultivation area, showing cannabis plants at cultivation area in the southwestern portion of the property



Photo 3 - Cultivation area photo showing most of the hoophouses in the southwestern portion of the property



Photo 4 - rusted inlet of a culverted watercourse crossing at inspection point WQ6



Photo 5 - partially clogged with sediment



Photo 6 - partially rockered, fill watercourse

outlet of the culverted watercourse crossing at WQ6



Photo 7 – A watercourse course crossing without any conveying structure at WQ12

crossing at WQ8



Photo 8 – A groundwater well, uncontained generator, a bucket full of wet cloths, and laundry detergents at WQ3



Photo 9 – What appears to be a groundwater well house at WQ11



Photo10 – A water storage tank at WQ7



Photo 11- Water storage tanks at WQ14



Photo 12 – A generator at WQ5



Photo 13 – properly stored petroleum products at WQ 9



Photo 14 – partially properly stored petroleum products near WQ9. Some gasoline containers and others are on bare ground



Photo 15 – improperly stored generator near WQ9



Photo 16 – uncontained battery powered generator near WQ14



Photo 17 – improperly disposed potting soil at WQ16



Photo 18 – improperly disposed plant waste in a watercourse at WQ17



Photo 19 – improperly disposed concrete waste at WQ18



Photo 20 – outhouse toilet at WQ10