



North Coast Regional Water Quality Control Board

September 1, 2023

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**Subject: Notice of Violation, Transmittal of Inspection Report of July 19, 2023
Inspection of Mendocino County Assessor's Parcel Number 056-260-05**

File: Cannabis Inspections, Mendocino County 2023, CIWQS Place ID 889564, WDID No. 1_23MJ000381

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 Mendocino County Assessor's Parcel Number (APN) 056-260-05 (the Property):

1. State Water Resources Control Board (State Water Board) Cannabis Cultivation Policy Principals and Guidelines for Cannabis Cultivation (Cannabis Policy).
2. California Water Code (Water Code) sections 13260, 13264, and 13350
3. The Water Quality Control Plan for the North Coast Region (Basin Plan) sections 4.2.1

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

HECTOR BEDOLLA, CHAIR | VALERIE QUINTO, EXECUTIVE OFFICER

Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities (Cannabis General Order).

On July 19, 2023, staff of the North Coast Regional Water Quality Control Board (Regional Water Board) inspected the Property and observed cannabis cultivation and associated activities with unauthorized discharges of waste to land and threatened and actual discharges of waste to waters of the state.

This letter has recommendations that you address the violations noticed herein. Within 30 days, please contact staff to discuss your plan to correct the observed violations and implement the recommendations within the staff inspection report.

Background

The Property is located north of Laytonville in the Spy Rock area. The Property is located along an unnamed tributary to Blue Rock Creek, tributary to the Middle Mainstem Eel River. Land Vision records show that the last market sale was on September 29, 2017 by Ryan Sheilds from Anna Lyons.

On July 19, 2023, during the execution of a criminal search warrant served by the California Department of Fish and Wildlife (CDFW), Regional Water Board staff inspected the Property, accompanied by personnel from CDFW and the Mendocino County Sheriff's Office. 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.

Attached is a copy of the water quality inspection report (Attachment B – July 19, 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 19, 2023 inspection report, staff observed large-scale cannabis cultivation and associated activities conducted in a manner that has resulted in numerous unauthorized threats of waste discharge to waters of the state, 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 located on steep slopes and near a stream.
2. Improper storage, handling, and containment of fertilizers, resulting in threats of discharges to land and threats of discharges to waters of the state.
3. Improper storage, containment, and disposal of cultivation related plastic refuse.
4. Disturbed soil areas throughout the Property without adequate stabilization.
5. Steep, poorly maintained roads causing concentration of stormwater runoff, erosion, transport and delivery of sediment to waters of the state.
6. Unpermitted stream crossing of a blue line stream.
7. Placement of slash in a blue line stream.

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, Basin Plan section 4.2.1 Prohibition 2 and the Cannabis Policy

As document in the inspection report, staff observed evidence of discharges of domestic waste at Point 13 where it can impact the quality of waters of the state, in violation of Water Code section 13264.

As documented in the inspection report, staff observed evidence of discharges of road-related sediment in violation of Water Code section 13264 for unauthorized discharge of waste to waters of the state at Point 5 and Line 4.

As documented in the inspection report at Line 12, staff observed the placement of slash into a blue line watercourse, in violation of Basin Plan sections 4.2.1. Prohibition 1. Additionally, this discharge was in violation of Water Code section 13264 for unauthorized discharges of waste and section 13350 for discharges in violation of a Regional Water Board prohibition.

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 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.

A water quality certification is required prior to conducting instream work.

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

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 July 19, 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 19, 2023 Water Quality Inspection Report

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

Northcoast.Cannabis@waterboards.ca.gov

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State Water Resources Control Board Office of Enforcement

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Department of Cannabis Control

Erin Wonder, Erin.Wonder@cannabis.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>
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
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</p> <p>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</p>
Basin Plan Section 4.2.1, Prohibition 1	Prohibits “[t]he discharge of soil, silt, bark, slash, sawdust, or other organic and earthen material from any logging, construction, or associated activity of whatever nature into any stream or watercourse in the basin in quantities deleterious to fish, wildlife, or other beneficial uses.”
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.”

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

**Cannabis Water Quality Inspection Report
Ryan Shields Property, MEN APN 056-260-05**

	Inspection Details
Inspection Date & Time	July 19, 2023; 12:15 – 13:27
Address/Location	57722 Registered Guest Road, Laytonville, CA 95454 (39.889750, -123.491721)
County	Mendocino
Assessor's Parcel Number (APN)	056-260-05
Watershed	Eel River Hydrologic Unit, Middle Main Hydrologic Area, Blue Rock Creek watershed, unnamed tributary
Property Owner's Legal Name and Company	Ryan Shields
Mailing Addresses	44911 Highway 101, Laytonville, CA 95454 620 Joseph St, Apt 1, Ukiah, CA 95482 75 N Main St, Willits, CA 95490
Agency Responsible for Warrant	California Department of Fish and Wildlife (CDFW)
Person Responsible for Warrant	Warden Justin Rhoades
Warrant Date	July 19, 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 and State Water Resources Control Board Division of Water Rights
Author of Report	Adona White

CIWQS Identifiers	Place ID 889564, WDID No. 1_23MJ000381
Permit Status/Waiver	unpermitted

Inspection Observations

The inspection map is shown in Figures 3 and 4 and includes the locations referenced below where I made observations of features that may pose a threat to water quality.

The development is located on a steep slope and is accessed via a steep dirt driveway off of Registered Guest Road.

Point 13: At the top of the hill, at the entrance to the Property, there is a structure and an RV used as storage and residence, and an accumulation of cultivation materials including tarps, fertilizer jugs, piping, pots and soil. I observed an open container of waste oil. Discharge pipe from RV is run downslope into a swale. Trash is strewn in the swale. The landing occupied by the RV is built on fill, which toes into the swale.

Polygon 1: Cultivation area in greenhouses on slope.

Polygon 2: Cultivation area in greenhouses on slope.

Polygon 3: Unlined excavated water storage pond with earthen berm. No discernable outflow structure.

Point 4: Class III watercourse is interrupted by road with no crossing, is diverted down the road and then is dumped over a steep slope.

Line 4: Erosional path of watercourse diverted at Point 4, down a steep hillslope to cultivation area Polygon 2, where fertilizers are stored. These conditions pose threat of discharge of sediment and cultivation-related wastes to waters of the state.

Point 5: Watercourse crossing on access road to west side of blue line watercourse used to access cannabis cultivation areas. The road approach concentrates runoff to the watercourse at the crossing and is a threatened discharge of waste. The 52" culvert is unpermitted.

Polygon 10: Cultivation area in greenhouses on west side of the blue line creek.

Polygon 11: Cultivation area in greenhouses on west side of the blue line creek. I observed evidence of irrigation runoff from greenhouse to watercourse.

Line 12: Slash from clearing the cultivation area at Polygon 11 was placed in the channel of the blue line stream. The slash was placed along the left bank (facing downstream) over a stream length of 30 feet.

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. Immediately cease unauthorized cannabis cultivation.
2. Immediately cease waste discharge to land at Point 13.
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. Cleanup fertilizer containers and feed tanks and prevent discharge of nutrients to land in a manner that threatens water quality. Properly dispose of all pesticides and fertilizers at a legal disposal facility.
5. Cleanup potting soil and properly locate and stabilize or remove and dispose of at a legal disposal facility.
6. Prior to cultivating cannabis or developing a property for cannabis cultivation, ensure cannabis cultivation activities are in conformance with state and local requirements. Enroll for coverage under the Cannabis General Order. [Details about enrolling](#) in the Cannabis General Order can be found at: <https://public2.waterboards.ca.gov/mt/Home/Index>
7. Hire a qualified professional to assess the Property, including but not limited to the features described in this report, to develop a treatment plan to guide that the cleanup and remediation of the assessed features that ensures that will no longer pose a threat of discharge or impacts to the quality of waters of the state. Submit the plan for approval and implement cleanup and restoration work.
8. 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. Please document in your submissions evidence of completion of the cleanup work as soon as possible prior to October 15, 2023.
9. 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

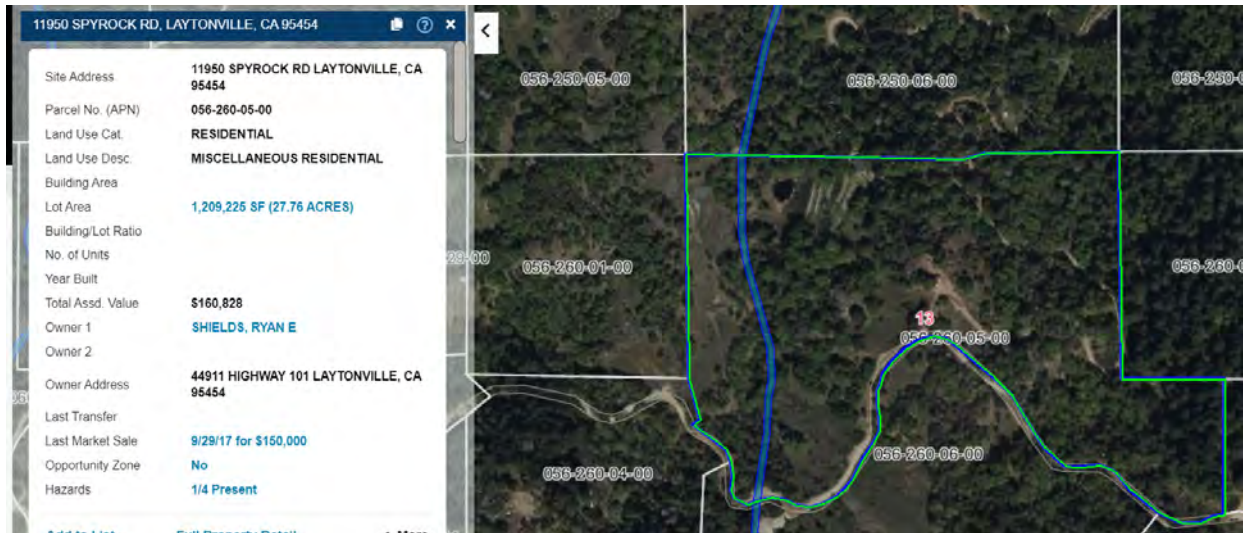


Figure 1. Property map and ownership information.

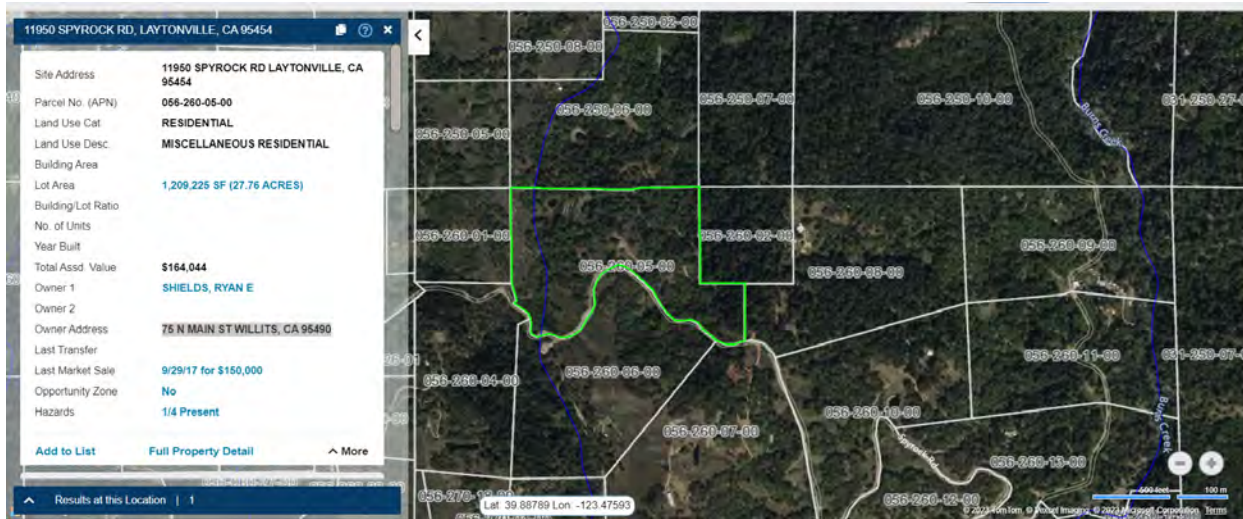


Figure 2. New address listed in LandVision in past month.



Figure 3. Inspection track.



Figure 4. Inspection map on aerial imagery.



Figure 5. Inspection map on surface terrain imagery.

Inspection Photographs

All photographs taken by Adona White on July 19, 2023



Figure 6. Point 13. Entrance road to Property arrives to a top area of residential and

cultivation uses.



Figure 7. Point 13. RV with waste line into drainage swale.



Figure 8. Point 13. Drainage swale is strewn with garbage.



Figure 9. Point 13. Pile of discarded plastic tarps and sheeting.



Figure 10. Point 13. Open container of waste oil.



Figure 11. Point 13. Fertilizers and backpack sprayer. Uncontained materials include high concentration, water soluble fertilizers.



Figure 12. Polygon 1. Active greenhouse cultivation. Uncontained potting soil, plastic,

and containers.



Figure 13. Polygon 2. Active greenhouse cultivation. Open feed troughs.



Figure 14. Polygon 2. Active greenhouse cultivation. View uphill at terraces from Polygon 3.



Figure 15. Polygon 3. Unlined excavated water storage pond with earthen berm. No discernable outflow structure. Built at edge of steep slope.



Figure 16. Polygon 3. Pond. A large creek is located below the berm, down a steep slope.



Figure 17. Point 4. A watercourse drains the slope above in a scoured channel, hits the road where there is no crossing, is rerouted down the slope, hits the cultivation flat at Polygon 2, and runs past the greenhouse. View is looking upslope.



Figure 18. Line 4. Watercourse is diverted down a steep slope toward the cultivation flat of Polygon 2. View is looking downslope.



Figure 19. Line 4. Diverted watercourse flows past a greenhouse at Polygon 2.



Figure 20. Point 5. Watercourse crossing on access road to west side of blue line watercourse used to access cannabis cultivation areas. The road approach concentrates runoff to the watercourse at the crossing and is a threatened discharge of waste.



Figure 21. Point 5. Watercourse upstream of crossing.



Figure 22. Point 5. Inlet of 52" culvert.



Figure 23. Unlabeled polygon of active greenhouse cultivation on west side of blue line watercourse is seen in foreground.



Figure 24. Road to western cultivation areas is rutted and has not been maintained.



Figure 25. Unlabeled polygon of active greenhouse cultivation on west side of blue line watercourse is seen in foreground. In distance, across the watercourse built on the terraced slope are greenhouses associated with Polygons 1 and 2.



Figure 26. Polygon 11. Greenhouse above watercourse.



Figure 27. Polygon 11. Greenhouse above watercourse.



Figure 28. Irrigation runoff from greenhouse at Polygon 11 toward watercourse. The top of bank is visible in the photo at the upper edge of the grass.



Figure 29. Point 12. Irrigation runoff from greenhouse at Polygon 11 to watercourse.



Figure 30. Line 12. Slash placed in the channel of a blue line watercourse.



Figure 31. Line 12. Slash placed in the channel of a blue line watercourse.



Figure 32. Line 12. Slash placed in blue line watercourse associated with land clearing for cultivation activities. Over 30' of watercourse channel was filled with placed slash pile.

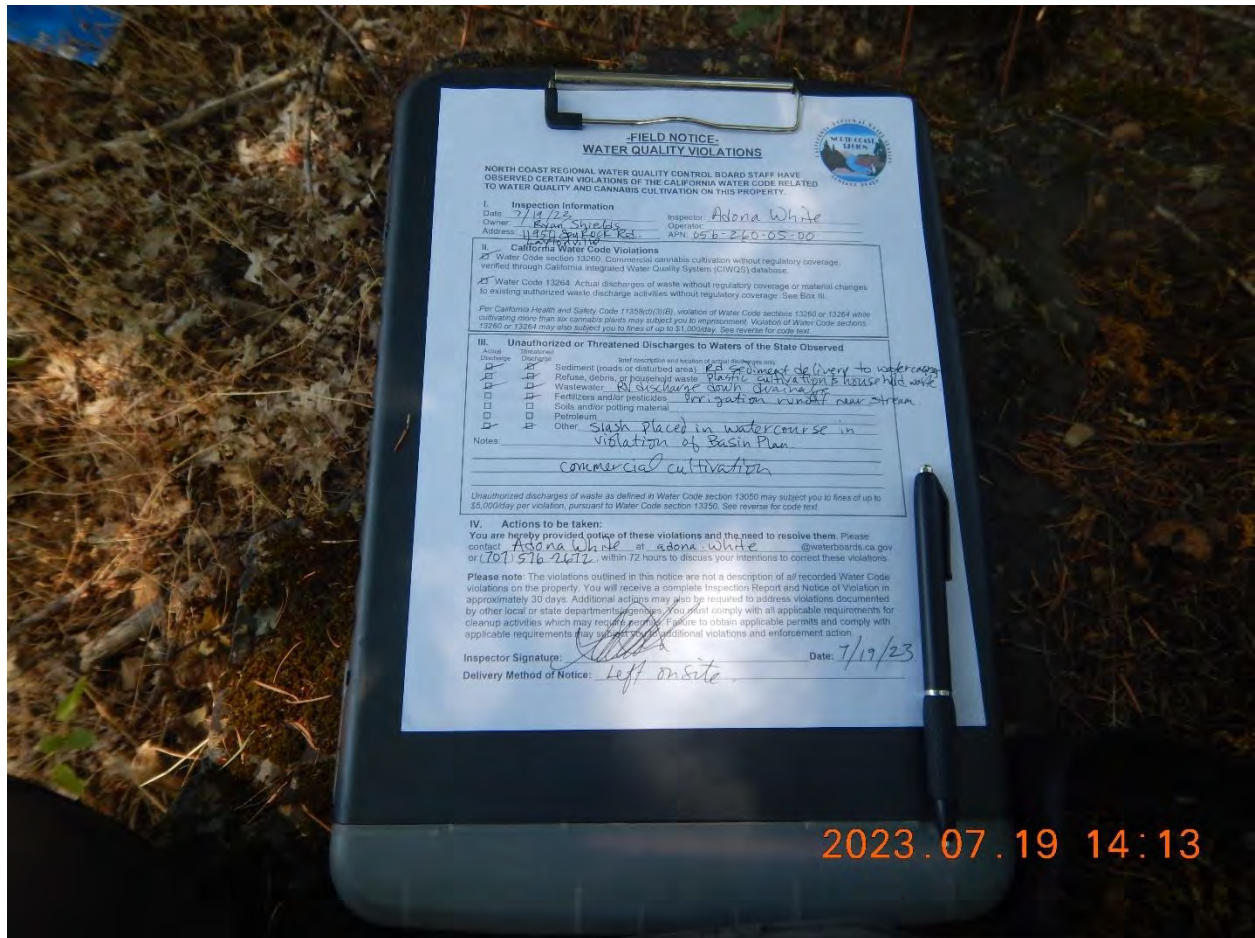


Figure 33. Copy of the field form I left onsite. In response, as requested, Ryan Shields contacted me and on July 24, 2022, we discussed the features of concern and how to remedy them.