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## North Coast Regional Water Quality Control Board

June 23, 2023

Chuekao Thao and Pah Yang  
3429 Lexington Avenue  
Madison, WI 53714

FedEx Tracking No.: 7725-4150-9621

Dear Chuekao Thao and Pah Yang:

Subject: **Notice of Violation and Transmittal of Inspection Report for May 25, 2023, Inspection of Siskiyou County Assessor's Parcel Number 102-011-090-000**

File: Cannabis Program Inspections, Siskiyou County, Thao and Yang 102-011-090-000, CIWQS Place ID 888796

### **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 Siskiyou County Assessor's Parcel Number 102-011-090-000 (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) Section 13260
3. Water Quality Control Plan for the North Coast Region (Basin Plan) Section 4.2.1 Prohibition 2

According to our records, the cannabis cultivation operation located on this Property is not enrolled for coverage under State Water 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).

On May 25, 2023, North Coast Regional Water Quality Control Board (Regional Water Board) staff inspected the Property and observed site development and preparation for cannabis cultivation in pots and raised beds. Within 30 days, please contact Regional Water Board staff to discuss your plan to correct the observed violations.

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HECTOR BEDOLLA, CHAIR | VALERIE QUINTO, EXECUTIVE OFFICER

## **Background**

The Property is 2.5 acres and located near Iron Gate Reservoir near the community of Holbrook in Siskiyou County. LandVision records show that the Property was purchased by Chuekao Thao and Pah Yang from Walter Moody, on December 7, 2018.

On May 25, 2023, staff from the Regional Water Board, accompanied by staff of the California Department of Fish and Wildlife 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 – Inspection Report and Attachment C – Inspection Photo Log). 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 May 25, 2023, inspection report, Regional Water Board staff observed site development and preparations for cannabis cultivation and associated activities without requisite regulatory coverage for associated threatened waste discharges, in violation of the California Water Code section 13260 and the Cannabis Policy. Additionally, staff observed an undersized stream crossing which constitutes a threatened discharge of sediment to a watercourse, in violation of Basin Plan section 4.2.1 Prohibition 2.

## **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 require 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 stream crossing likely needs to 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 here:

[https://www.waterboards.ca.gov/northcoast/water\\_issues/programs/cannabis/pdf/200204/RB1\\_Cannabis\\_WQC\\_401\\_App.pdf](https://www.waterboards.ca.gov/northcoast/water_issues/programs/cannabis/pdf/200204/RB1_Cannabis_WQC_401_App.pdf)

### **Additional Potential Liabilities**

The Regional Water Board is in the process of considering whether the violations of the Policy warrant further enforcement. We encourage you to take steps, to correct the violations as soon as possible, securing any applicable permits from this and other agencies prior to conducting work. Please note that the existing conditions, as observed and documented in the inspection report, may represent continuing violations of the Water Code and Basin Plan.

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.

### **Inspection Report Recommendations**

As mentioned above, the May 25, 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 [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,

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

Attachments:            Attachment A - Regulatory Citations  
                                 Attachment B – Inspection Report  
                                 Attachment C – Inspection Photo Log

**cc:**    **North Coast Regional Water Quality Control Board**  
         [Northcoast.Cannabis@waterboards.ca.gov](mailto:Northcoast.Cannabis@waterboards.ca.gov)  
         Adona White, [Adona.White@waterboards.ca.gov](mailto:Adona.White@waterboards.ca.gov)  
         Jeremiah Puget, [Jeremiah.Puget@waterboards.ca.gov](mailto:Jeremiah.Puget@waterboards.ca.gov)  
         Kason Grady, [Kason.Grady@waterboards.ca.gov](mailto:Kason.Grady@waterboards.ca.gov)

**Department of Fish and Wildlife**

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

**Department of Cannabis Control**

Robert Hogan, [Robert.Hogan@cannabis.ca.gov](mailto:Robert.Hogan@cannabis.ca.gov)

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

## Attachment A – Regulatory Citations

Regulatory Section	Citation
California Water Code Section 13260(a)	<p>“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... 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: (1) The issuance of waste discharge requirements pursuant to Section 13263.”</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</p> <p><a href="https://www.waterboards.ca.gov/water_issues/programs/cannabis/docs/policy/final_cannabis_policy_with_attachment_a.pdf">https://www.waterboards.ca.gov/water_issues/programs/cannabis/docs/policy/final_cannabis_policy_with_attachment_a.pdf</a></p> <p>and</p> <p><a href="https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2019/wqo2019_0001_dwq.pdf">https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2019/wqo2019_0001_dwq.pdf</a></p>

<b>Regulatory Section</b>	<b>Citation</b>
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.”

## FACILITIES INSPECTION REPORT

Region/Office: 1	Status: Performed	Reg. Measure ID: 453048
Program Type: IRRICANNABIS	WDID: 1_47MJ000316	Order Number:
Scheduled Insp. Date:	Actual Insp. Date: 05/25/2023	

### Discharger Information

Party ID: 640049	Discharger Organization Name: Thao, Chuekao		
Address: 3429 Lexington Avenue	City, State, Zip: Madison, WI 53714		
Discharger Contact Person:	Chuekao Thao	Discharger Contact Phone:	
Discharger Contact Email Address:			

### Facility Information

Place ID 888796	Facility Name: Thao, Chuekao Property		
Address: Linda Drive	City, State, Zip: Holbrook, CA 96044		
County: Siskiyou	Latitude: 41.95841	Longitude: -122.45909	Method:

### Lead Inspector Information

Lead Inspector Party ID: 526285	Lead Inspector Name: Adona White		
Inspector Type:	<input checked="" type="checkbox"/> State	<input type="checkbox"/> State Contractor	<input type="checkbox"/> EPA Contractor
	<input type="checkbox"/> EPA and State (EPA Lead)	<input type="checkbox"/> EPA and State (State Lead)	<input type="checkbox"/> EPA (Regional)

## INSPECTION TYPE

Inspection Type: Complaint inspection

## VIOLATIONS

Were Violations noted during this inspection?  Yes  No

Violation ID	Violation Type	Occurrence Date	Rank	Description
1118009	Basin Plan Prohibition	05/25/2023	B	Water Quality Control Plan for the North Coast Region (Basin Plan) Section 4.2.1 Prohibition 2
1118010	Other Codes	05/25/2023	B	California Water Code Section 13260

### INSPECTION SUMMARY (REQUIRED) (500 character limit)

conducted a water quality inspection of SIS APN 102-011-090 during the service of a criminal search warrant by Ca Dept of Fish and Wildlife.  
 I observed site development and preparations for cannabis cultivation and associated activities, including grading for a greenhouse, onsite waste treatment, water storage, and a stream crossing.  
 I observed chemicals and petroleum handled in a manner that posed a threat of discharge.

### GENERAL NOTES (OPTIONAL) (2000 character limit)

Recommendations:

- 1) Properly contain and dispose of all pesticides and fertilizers.
- 2) Cease cultivation activities and cleanup associated infrastructure and refuse and properly dispose of waste.
- 3) Obtain necessary authorization from the county for onsite waste treatment system.
- 4) Avoid discharge of any kind within 50 feet or any location that could deliver to the watercourse.
- 5) Properly contain petroleum products to prevent release; properly dispose of waste oil
- 6) Hire a qualified professional to evaluate your stream crossing culvert for its capacity to handle the 100-year stream flow and debris. If it needs work, propose a plan to upgrade or to decommission the crossing. Instream work requires a plan and pre-authorization from the Regional Water Board.

**For Internal Use (Optional)**

Reviewed By:	(1)	(2)	(3)
CIWQS Entry Date:		Regional Board File Number:	CIWQS Inspection ID:

Map and Photo Appendix  
Thoa and Yang Property  
SIS APN 102-011-090-000  
May 25, 2023 Inspection

Inspection map

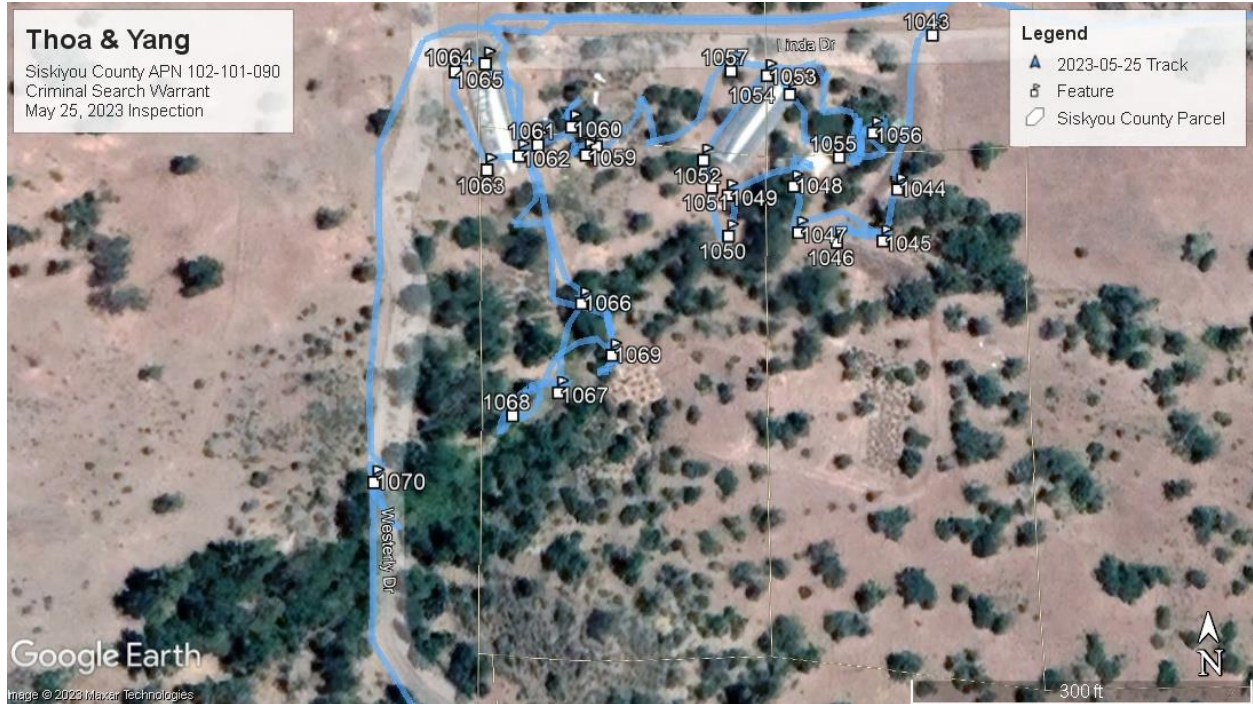


Figure 1. Property inspection map.

Inspection Photographs. All photos taken by Adona White on May 25, 2023.



Figure 2. Disturbed areas associated with access driveway to Property.



Figure 3. View of buildings on Property.



Figure 4. Pit privy located at WP1044.



Figure 5. Pit privy at WP1044 is located upslope and approximately 40 slope feet from this Class III watercourse channel at WP 1045.



Figure 6. Class III watercourse channel at WP 1045. I observed plastic bottles and wire refuse in the watercourse.

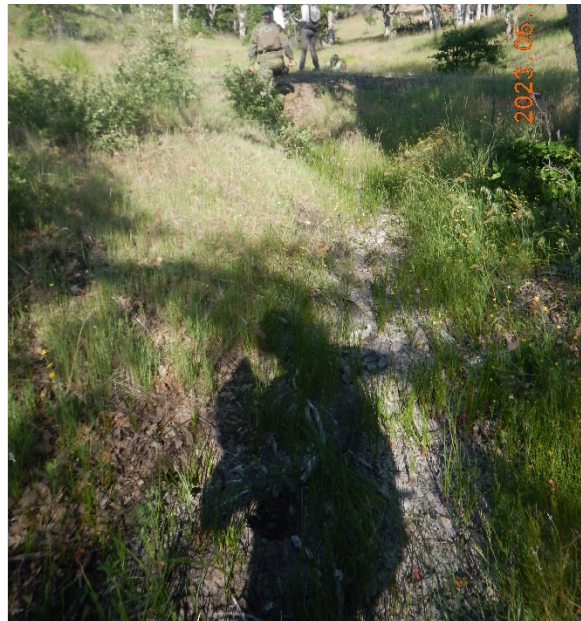


Figure 7. Outlet of stream crossing at WP1046. The 12-inch plastic culvert has a date of 2017, indicating the crossing was constructed since then.



*Figure 8. Culvert outlet.*



*Figure 9. Greenhouse is located on a cut and fill graded flat. The toe of the fill of the greenhouse pad is located approximately 45 feet from the watercourse channel. Shower shed is located at WP1048 and is located behind the trees in photo.*



*Figure 10. Poly pipe from shower shed (located at WP1048) ends at the watercourse at WP1047, suggesting it is a discharge pipe.*



*Figure 11. Cultivation waste was on the ground on the downslope side of the greenhouse at WP1051.*



Figure 12. The greenhouse was setup for cultivation but there were no plants present at the time of the inspection.



Figure 13. Waste oil in plastic bin.



Figure 14 Plastic and other refuse and cultivation waste placed in an excavated pit. Soil is piled on either sides of the pit.



Figure 15. Pit shown in distance.



Figure 16. At WP1056 I observed a 16 foot diameter pool for water storage. I also observed a water tank at WP1057.

Map and Photo Appendix  
Thoa and Yang Property  
SIS APN 102-011-090-000  
May 25, 2023 Inspection



*Figure 17. Well was documented by staff of California Department of Fish and Wildlife and is located 16 feet from the west side of the watercourse and is shown in center of photo.*



*Figure 18. Bottle with unknown orange substance.*



*Figure 19. Bottle of anticoagulant rat poison.*



*Figure 20. Residual yellow liquid in anticoagulant rat poison bottle.*