



North Coast Regional Water Quality Control Board

August 25, 2023

Uniland Farms LLC
Dorde Bursac
1095 Hilltop Drive # 178
Redding, CA 96003

GLS Tracking No: 560010364

Dear Dorde Bursac and Uniland Farms LLC:

**Subject Notice of Violation, Transmittal of Inspection Report of July 26, 2023
Inspection of Trinity County Assessor's Parcel Number 011-020-017**

File: Cannabis Inspections, Trinity County 2023, CIWQS Place ID 889724

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 Trinity County Assessor's Parcel Number (APN) 011-020-017 (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 and 13264
3. The Water Quality Control Plan for the North Coast Region (Basin Plan) section 4.2.1

On July 26, 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 discharges of waste to waters of the state.

According to our records, at the time of the inspection, the cannabis cultivation operation located on this Property was 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).

HECTOR BEDOLLA, CHAIR | VALERIE QUINTO, EXECUTIVE OFFICER

This letter has recommendations that 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 in the Mill Creek watershed near the community of Burnt Ranch. LandVision records show that the Property was last purchased on December 14, 2020 by Uniland Farm LLC from Emerald Foret Wildemess Retreats LLC.

According to the California Secretary of State business search [website](https://bizfileonline.sos.ca.gov/search/business) (found at <https://bizfileonline.sos.ca.gov/search/business>), Uniland Farm LLC is an active Limited Liability Corporation in good standing, with an initial filing date of October 26, 2020, with individual Agent for Service of Process, Dorde Burac.

On July 26, 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 representatives from CDFW and the State Water Board Division of Water Rights. 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 26, 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 26, 2023 inspection report, staff observed large-scale cannabis cultivation and associated activities conducted in a manner that has resulted in numerous unauthorized discharges and threats of discharge to waters of the state, in violation of Water Code section 13260. These Property conditions also violate the Cannabis Policy.

During the inspection, staff observed Property conditions of concern to water quality, including:

1. Active cannabis cultivation activities, greenhouse infrastructure, a well and materials.
2. Improper storage, handling and containment of fertilizers and petroleum products, resulting in threats of discharges to land in location and manner where it can threaten the quality of waters of the state.
3. Discharge of domestic waste in location and manner where it can threaten the quality of waters of the state.
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 with threats to surface water habitat and water quality.
6. Impacts to the channel form of a Class III watercourse segment caused by a graded flat.

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, the Basin Plan section 4.2.1 Prohibition 2 and the Cannabis Policy.

As document in the inspection report, staff observed evidence of discharge of domestic waste at Point Feature 2 where it can impact the quality of waters of the state, in violation of Water Code 13264.

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 do not meet the requirements of the Cannabis Policy. Please provide a written response supporting documentation, including relevant photos, explaining when and how the Property will be restored in compliance with the Policy.

As documented in the inspection report, the features at Line Feature 7 are located in surface waters and must be remediated to comply with the Basin Plan and the Water Code, which may 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

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.

Inspection Report Recommendations

As mentioned above, the July 26, 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 26, 2023 Water Quality Inspection Report

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

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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>
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>

Regulatory Section	Citation
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
Uniland Farm LLC, Trinity County APN 011-020-017**

	Inspection Details
Inspection Date & Time	July 26, 2023; 12:47
Address/Location	2851 FS Road, Burnt Ranch, CA 95527 (40.75683, -123.47214)
County	Trinity
Assessor's Parcel Number (APN)	TRI 011-020-017
Watershed	Mill Creek, Lower Trinity HA, Trinity River HU
Property Owner/Operator Name	Uniland Farm LLC Dorde Bursac
Mailing Addresses	1095 Hilltop Drive 178, Redding, CA 96003
Agency Responsible for Warrant	California Department of Fish and Wildlife (CDFW)
Person Responsible for Warrant	Warden Brendan Lynch
Warrant Date	July 26, 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 889724, WDID 1_53MJ000407

Inspection Observations

The inspection maps are shown in Figures 2 and 3, labeled with the locations described at the following features of concern to water quality.

Point Feature 1: Bridge over Cass II watercourse. Threat of sediment delivery from road surface to watercourse associated with concentrated road runoff, lack of hydrologic disconnections and inadequate surfacing.

Polygon Feature 2: Cultivation area in greenhouses. A well is located on the western edge of the flat. Within a few feet of the wellhead I observed a gas generator used to pump the well pump and nutrient feed tanks with threat of discharge to land and potential to impact groundwater.

Point Feature 2: Trailer used as residence for worker is located adjacent to Polygon Feature 2 cultivation area. Lines from washing machine and the trailer wastewater (including from toilets, sinks and shower) discharge into the edge of a wetland flat. The flat is dominated by horsetail. I dug a pit in the flat and found red soil at 6" and saturated soil at 8". At the pit, horsetail was dominant with some curly doc and juncus.

Point Feature 5: Watercourse crossing.

Polygon Feature 6: Cultivation area in greenhouses. Feed tanks with uncontained fertilizers and strewn containers.

Line Feature 7: Class III watercourse that is interrupted by the edge of the cultivation flat associated with Polygon Feature 6. The flat encroaches on the watercourse and causes changes in channel form and alters sediment loads.

Point Feature 8: Old indoor building. Cultivation waste piled outside.

Point Feature 10: Soil pile.

Polygon Feature 11: Approximately 17,000 square feet of greenhouse cultivation on graded flat.

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. Cleanup and properly dispose of waste including but not limited to trash, fertilizer, pesticide and petroleum containers, plastic tarps and sheeting at a legal facility.

2. Cease discharges from Point Location to the wetland flat. If activities are proposed in the flat, please provide a wetland delineation of the flat and obtain the required permits prior to initiating activities with the potential impacts to waters of the state.
3. Handle domestic waste in a manner that is protective of water quality and in conformance with the State Water Board Onsite Waste Treatment Policy.
4. Cleanup fertilizer containers and feed tanks and prevent further discharge of feed water to land in a manner that threatens water quality.
5. Remove all fertilizer, petroleum, potting soil, and other cultivation-related materials from within 50 feet of the Class III watercourse along Line Feature 7, including greenhouses and stabilize the disturbed area.
7. Cleanup potting soil and properly locate and stabilize so as to prevent threat of discharge to waters of the state or remove from Property and dispose of at a legal disposal facility.
8. Hire a qualified professional to assess the Property, including but not limited to the features described in this report, and to develop a treatment plan to guide that the cleanup and remediation of the assessed features and stabilize disturbed areas to ensure they will now longer pose a threat of discharge or impacts to the quality of waters of the state.
9. Prior to conducting work in waters of the state, submit an application for water quality certification or waste discharge requirements.
10. Ensure cannabis cultivation activities are in conformance with state and local requirements. If cultivation activities cease, remove related infrastructure and cleanup materials and provide photos. If propose to continue to cultivate, provide evidence of county permit and state license.
12. 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

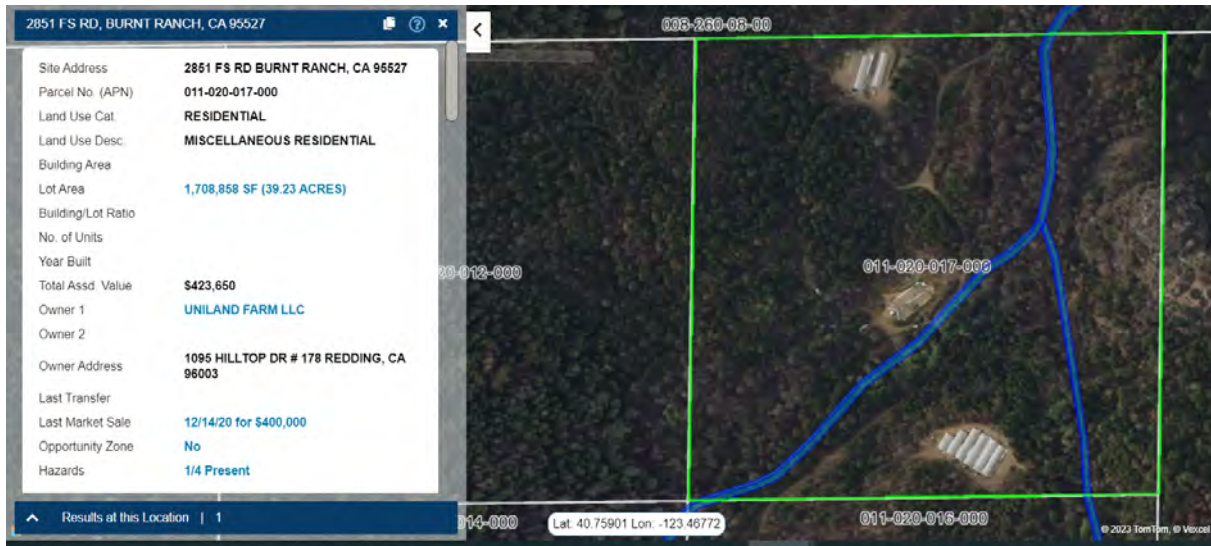


Figure 1. Property map and ownership information.



Figure 2. GPS track of my July 26, 2023 inspection route.



Figure 3. Inspection map with aerial imagery showing the point, line, and polygon feature locations of interest described in the text.

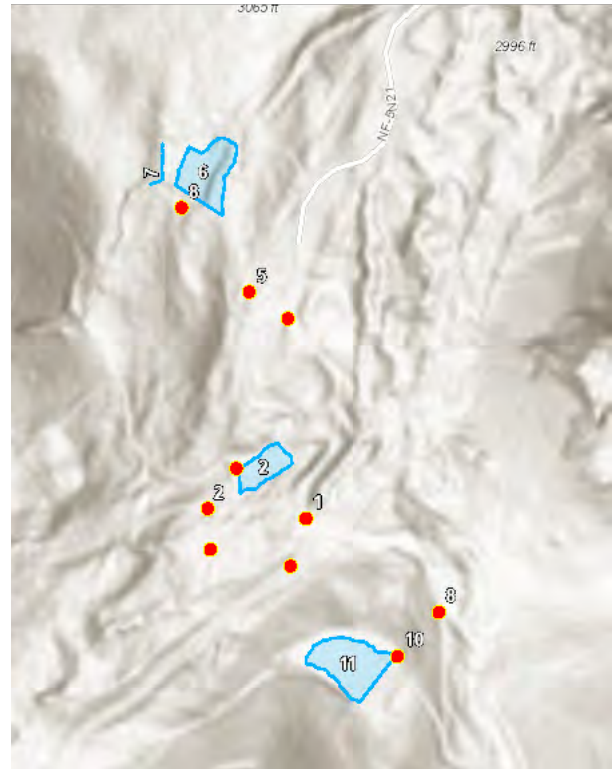


Figure 4 Inspection map with terrain showing features of interest described in the text.

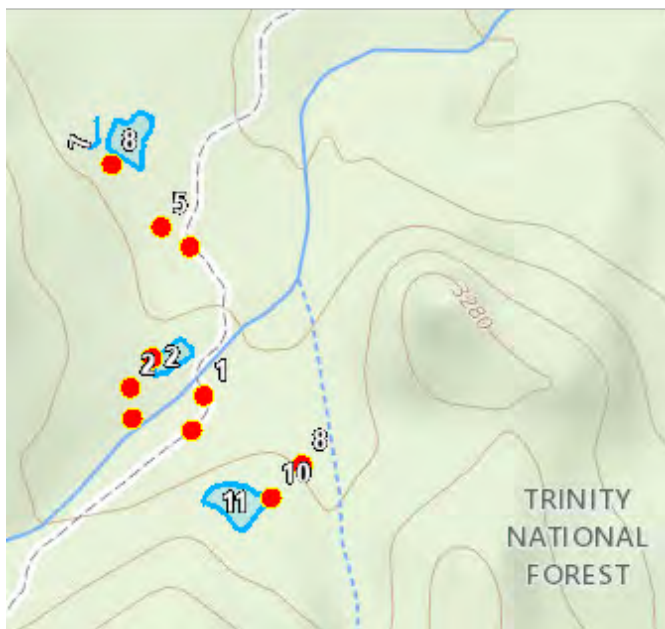


Figure 5. Inspection features on topographic map showing blue line streams.

Inspection Photographs

All photographs taken by Adona White on July 26, 2023



Figure 6. Point Feature 1 – bridge over Class II watercourse,



Figure 7. Point feature 1 – bridge over Class II.



Figure 8. Polygon Feature 2 - Disturbed area associated with cultivation area.



Figure 9. Polygon Feature 2 – Well, generator for pump and feed tanks located at the edge of the cultivation area flat.



Figure 10. Point Feature 2 – Trailer used as residence for worker. Waste lines from the trailer and the washing machine discharge onto the edge of a wetland flat.



Figure 11. Point feature 2 is a trailer used as a residence with domestic waste and washing machine water being discharged into the edge of a wetland flat, visible as a lush green patch in the right center of the photo.



Figure 12. Wetland flat is dominated by horsetail.



Figure 13. Point Feature 2 – domestic waste from trailer residence is discharged to a wetland flat.



Figure 14. Point Feature 2 - Washing machine and associated products, with discharge line to wetland flat.



Figure 15. Polygon Feature 6 – cultivation area.



Figure 16. Line Feature 7 - Watercourse looking upstream is steep, incised with a gravel channel.



Figure 17. Line Feature 7 -Sediment deposition on flat from bedload dropped from stream flow.



Figure 18. Line Feature 7 - The greenhouse (Polygon Feature 6) is built 25 feet from the watercourse channel.



Figure 19. Polygon Feature 11 - cultivation area.



Figure 20. Polygon Feature 11 – fertilizers, generator gas cans, water lines.



Figure 21. Polygon Feature 11 – water tanks melted from Monument Fire in 2021.

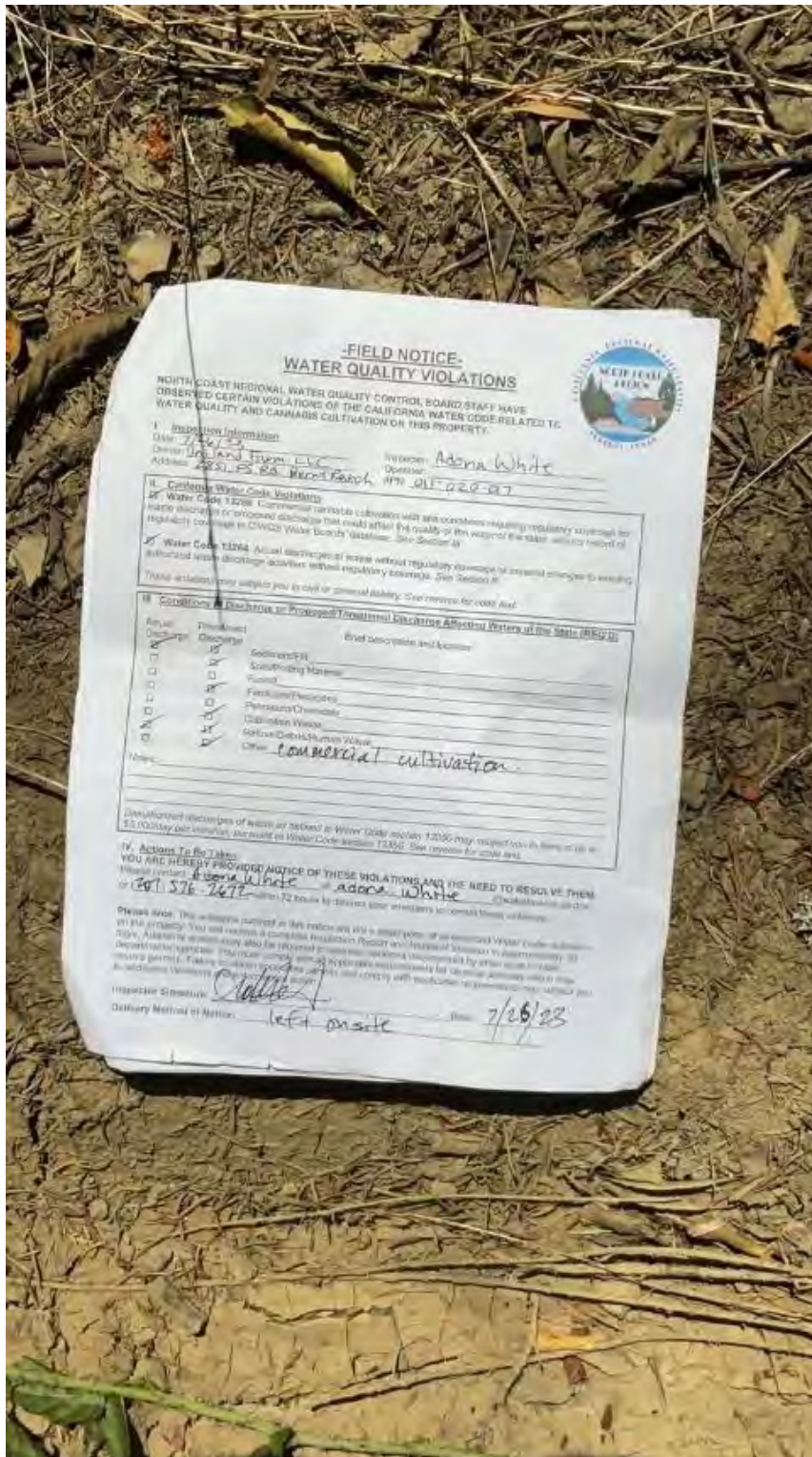


Figure 22. Copy of field form I left onsite with the case agent. I did not receive the requested response.