



North Coast Regional Water Quality Control Board

August 25, 2023

Va Cha Yang
PO Box 193
Hayfork, CA 96041

Dear Va Cha Yang:

Subject: Notice of Violation, Transmittal of Inspection Report for August 2, 2023, Inspection of Trinity County Assessor's Parcel Number 019-330-015, and Requirement to Respond within 30 days

File: Cannabis Program Inspections, Trinity County, August 2, 2023, CIWQS Place ID 838661

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 Trinity County Assessor's Parcel Number 019-330-015 (the Property):

1. State Water Resources Control Board (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) various provisions
2. California Water Code (Water Code) Section 13264(a)

According to our records, the cannabis cultivation operation located on this Property is enrolled for coverage under the Cannabis General Order as tier 1, moderate risk.

On August 2, 2023, North Coast Regional Water Quality Control Board (Regional Water Board) staff inspected the Property and observed cannabis cultivation in grow bags. Within 30 days, please contact Regional Water Board staff to discuss your plan to correct the observed violations.

HECTOR BEDOLLA, CHAIR | VALERIE QUINTO, EXECUTIVE OFFICER

Background

Effective February 27, 2017, the Property was enrolled under Regional Cannabis Order R1-2015-0023, with discharger Va Cha Yang and WDID 1A170263CTRI.

On June 26, 2019, Va Cha Yang submitted information through the State Water Board's online portal for discharges of waste associated with cannabis cultivation related activities for the Property and listed themselves as landowner of the Property and as the cultivator. Based on the information submitted by Va Cha Yang, the cannabis cultivation activities are classified as tier 1, moderate risk. Effective July 1, 2019, the Property was transitioned into the Cannabis General Order with WDID 1_53CC418544.

On August 2, 2023, staff from the Regional Water Board, accompanied by staff of the California Department of Fish and Wildlife, 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.

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.

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 August 2, 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 No. 1, and Section 2 - Requirements Related to Water Diversions and Waste Discharge for Cannabis Cultivation Nos. 7, 10, 105, 117, and 119.

Additional Potential Liabilities

The Regional Water Board is in the process of considering whether the violations of the 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 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 August 2, 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 Regional Water Board staff Kate Hawken 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 Kate Hawken by email at Katherine.Hawken@waterboards.ca.gov or by phone at 707-445-6127.

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 Kate Hawken by email at Katherine.Hawken@waterboards.ca.gov or by phone at 707-445-6127 within 30 days of the date of this letter. 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,

Original signed by:

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

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

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

Mona Dougherty, Mona.Dougherty@waterboards.ca.gov

California Department of Fish and Wildlife

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

Jennifer VanDyke, Jennifer.Vandyke@Wildlife.ca.gov

Travis Jarrett, Travis.Jarrett@wildlife.ca.gov

Attachment A – Regulatory Citations

Regulatory Section	Citation
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 (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>

FACILITIES INSPECTION REPORT

Region/Office: 1	Status: Performed	Reg. Measure ID: 432092
Program Type: IRRICANNABIS	WDID: 1_53CC418544	Order Number: 2019-0001-DWQ
Scheduled Insp. Date:	Actual Insp. Date: 08/02/2023	

Discharger Information

Party ID: 567754	Discharger Organization Name: Yang, Va Cha	
Address: 6185 North Millbrook	City, State, Zip: Fresno, CA 93710	
Discharger Contact Person:	Va Cha Yang	Discharger Contact Phone:
Discharger Contact Email Address: xaxovnugmoo@yahoo.com		

Facility Information

Place ID 838661	Facility Name: Va Cha Yang	
Address: 161 Dogwood Court	City, State, Zip: Hayfork, CA 96041	
County: Trinity	Latitude: 40.42914	Longitude: -123.19461 Method:

Lead Inspector Information

Lead Inspector Party ID: 569684	Lead Inspector Name: Katherine Hawken		
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 (Regional)	<input type="checkbox"/> EPA and State (State Lead)

INSPECTION TYPE

Inspection Type: Miscellaneous inspection

VIOLATIONSWere Violations noted during this inspection? Yes No

Violation ID	Violation Type	Occurrence Date	Rank	Description
1119482	Other Codes	08/02/2023	B	California Water Code Section 13264

INSPECTION SUMMARY (REQUIRED) (500 character limit)

Observations:

I observed a groundwater well at the top of the property (Photo 1). I observed cannabis plants in raised beds on terraces (Photo 2). I observed a wooden storage area with petroleum products stored in open buckets, and fuel stains on the wood (Photo 3). I observed burn pile containing domestic and cultivation related waste (Photo 4). I observed bare, eroding dirt on the terraces and walkways around the cannabis plants (Photo 5).

GENERAL NOTES (OPTIONAL) (2000 character limit)

Recommendations:

1. Relocate petroleum products to an area with secondary containment to avoid spillage and potential leaching to groundwater. Store chemicals in their original containers with lids.
2. Discontinue burning of trash. Regularly contain and dispose of all waste/ trash at a licensed transfer site.
3. Apply erosion control measures to bare ground to prevent discharge of sediment to waters of the state.

For Internal Use (Optional)

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

Va Yang Inspection Photo Log
Photos taken by Kate Hawken on August 2, 2023



Photo 1: Groundwater well on mound at top of property.



Photo 2: Cannabis plants in raised beds on terraces.



Photo 3: Petroleum products in open buckets with small spill on wood board.



Photo 4: Burn piles containing plastics and metals.



Photo 5: Bare dirt walkway around cannabis plants.