



North Coast Regional Water Quality Control Board

June 23, 2023

Jesse Wilensky
18 S Ellwood Avenue
Baltimore, MD 21224

FedEx Tracking No. 7725-4132-8529

Dear Jesse Wilensky:

Subject: **Notice of Violation and Transmittal of Inspection Report for May 25, 2023, Inspection of Siskiyou County Assessor's Parcel Number 102-011-040-000**

File: Cannabis Program Inspections, Siskiyou County, Jesse Wilensky 102-011-040-000, CIWQS Place ID 888795

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 102-011-040-000 (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) Sections 13260

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 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.

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 sold to Jesse Wilensky by Wilco LLC, on July 10, 2017, for \$4000.

On May 23, 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.

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 cannabis cultivation infrastructure and materials in the riparian setbacks to a class II watercourse, and 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.

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. For more information, please visit our website at:

https://www.waterboards.ca.gov/northcoast/water_issues/programs/cannabis/

Siskiyou County bans outdoor cannabis cultivation. The cultivation and associated activities on the Property are not eligible for local authorization and thus, not eligible for enrollment under the Cannabis General Order.

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 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 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
Adona White, Adona.White@waterboards.ca.gov
Jeremiah Puget, Jeremiah.Puget@waterboards.ca.gov
Kason Grady, Kason.Grady@waterboards.ca.gov

Department of Fish and Wildlife
r1cepredding@wildlife.ca.gov
Adam McKinney, Adam.McKinney@wildlife.ca.gov
Tobi Freeny, Tobi.Freeny@wildlife.ca.gov
Ashley Worth, Ashley.Worth@wildlife.ca.gov
Joseph Laugesen, Joseph.Laugesen@wildlife.ca.gov

Department of Cannabis Control
Robert Hogan, Robert.Hogan@cannabis.ca.gov
Erin Wonder, 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>https://www.waterboards.ca.gov/water_issues/programs/cannabis/docs/policy/final_cannabis_policy_with_attachment_a.pdf</p> <p>and</p> <p>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: 452788
Program Type: IRRICANNABIS	WDID: 1_47MJ000282	Order Number:
Scheduled Insp. Date:	Actual Insp. Date: 05/25/2023	

Discharger Information

Party ID: 639664	Discharger Organization Name: Jesse Wilensky	
Address: 18 South Ellwood Drive	City, State, Zip: Baltimore, MD 21224	
Discharger Contact Person: Jesse Wilensky	Discharger Contact Phone:	
Discharger Contact Email Address:		

Facility Information

Place ID 888501	Facility Name: Wilensky Property 040		
Address:	City, State, Zip: Hornbrook, CA 96044		
County: Siskiyou	Latitude: 41.95946	Longitude: -122.45717	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

VIOLATIONSWere Violations noted during this inspection? Yes No

Violation ID	Violation Type	Occurrence Date	Rank	Description
1117955	Other Codes	05/25/2023	B	California Water Code Sec4tion 13260

INSPECTION SUMMARY (REQUIRED) (500 character limit)

I conducted a water quality inspection of SIS APN 102-011-040 during the service of a criminal search warrant by Ca Dept of Fish and Wildlife.
 I observed cannabis cultivation & associated site development including, greenhouses and onsite waste disposal.
 I observed chemicals and fertilizers and well as petroleum products for generators.

GENERAL NOTES (OPTIONAL) (2000 character limit)

Recommendations:

- 1) Properly dispose of all pesticides and fertilizers.
- 2) Cease cultivation activities and cleanup associated infrastructure and refuse and properly dispose of waste.
- 3) Prior to October 15 install water bars on driveway to shed water off road and prevent ruts.
- 4) Cease use of onsite waste treatment system unless necessary authorization is obtained from the county.
- 5) Avoid burning household and cultivation related refuse.
- 6) Properly contain petroleum products to prevent release; properly dispose of waste oil.

For Internal Use (Optional)

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

Map and Photo Appendix
Wilensky Inspection, May 25, 2023
SIS APN 102-011-040



Figure 1. Inspection map of Property

All inspection photographs were taken by Adona White on May 25, 2023.



Figure 2. Looking down access road. Road does not include drainage structures to shed water from road surface.

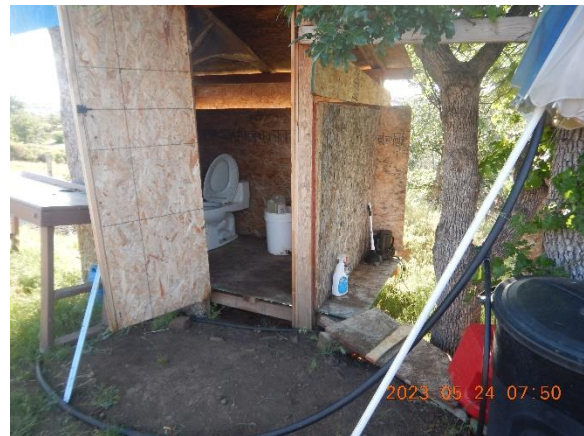


Figure 3. Toilet shed.

Map and Photo Appendix
 Wilensky Inspection, May 25, 2023
 SIS APN 102-011-040



Figure 4. Waste pipe from toilet drains to pit.



Figure 5. Refuse pit.



Figure 6. Feed tank.



Figure 7. Open cup of waste oil.



Figure 8. Refuse pit and greenhouse.

FIELD NOTICE - WATER QUALITY VIOLATIONS

NORTH COAST REGIONAL WATER QUALITY CONTROL BOARD STAFF HAVE OBSERVED CERTAIN VIOLATIONS OF THE CALIFORNIA WATER CODE RELATED TO WATER QUALITY AND CANNABIS CULTIVATION ON THIS PROPERTY.

I. Inspection Information
 Date: May 25, 2023
 Operator: Adona White
 APN: Stanislaus County 102-011-040

II. California Water Code Violations
 Water Code section 13260. Commercial cannabis cultivation without regulatory coverage, verified through California Integrated Water Quality System (CIWQS) database.
 Water Code 13264. Actual discharge of waste without regulatory coverage or material changes to existing authorized waste discharge activities without regulatory coverage. See box III.

Per California Health and Safety Code 113590(c)(3)(B), violation of Water Code sections 13260 or 13264 while cultivating more than six cannabis plants may subject you to fines of up to \$1,000/day. See reverse for code text.

III. Unauthorized or Threatened Discharges to Waters of the State Observed

Actual Discharge	Threatened Discharge	Real description and location of actual discharges only.
<input type="checkbox"/>	<input type="checkbox"/>	Sediment (roads or disturbed area)
<input type="checkbox"/>	<input type="checkbox"/>	Refuse, debris, or household waste
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Wastewater
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Fertilizers and/or pesticides
<input type="checkbox"/>	<input type="checkbox"/>	Soils and/or potting material
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Petroleum
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Other

Notes: *garbage pit, cups on ground, plants in open container w/ stakes on ground*

Unauthorized discharges of waste as defined in Water Code section 13050 may subject you to fines of up to \$5,000/day per violation, pursuant to Water Code section 13330. See reverse for code text.

IV. Actions to be taken:
 You are hereby provided notice of these violations and the need to resolve them. Please contact Adona White at Adona.White@nrcwqcb.org or (707) 578-2622, within 72 hours to discuss your intentions to correct these violations.

Please note: The violations outlined in this notice are not a description of all recorded Water Code violations on the property. You will receive a complete Inspection Report and Notice of Violation in approximately 30 days. Additional actions may also be required to address violations documented by other local or state departments/agencies. You must comply with all applicable requirements for cleanup activities which may require permits. Failure to obtain applicable permits and comply with applicable requirements may subject you to additional violations and enforcement action.

Signature: *[Signature]* Date: *5/25/23*
 1 of Notice: *left on site*

2023.05.24 08:15

Figure 9. I left a field notice with the case agent for posting with the warrant