



North Coast Regional Water Quality Control Board

October 25, 2023

Certified Mail No. 7021 0950 0001 6500 1995

Zhen Ping Huang
2500 Black Bart Trail
Redwood Valley CA 95470-6227

Dear Zhen Ping Huang:

**Subject: Notice of Violation, Transmittal of Report for October 13, 2023
Inspection of Mendocino County Assessor's Parcel Number 166-110-30-00, and Recommendation to Respond within 30 days**

File: Cannabis Program Inspections, Mendocino County, 2023, Zhen Ping Huang, CIWQS Place ID 890920

THIS LETTER RECOMMENDS 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 166-110-30-00 (the Property):

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

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 Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities (Cannabis General Order). On October 13, 2023, North Coast Regional Water Quality Control Board (Regional Water Board) staff (Staff) inspected the Property and observed cannabis cultivation exceeding 4,000 square feet in size. Accordingly, we recommend that you address the violations noticed herein. Within 30 days, please contact Staff to discuss your plan to correct the observed violations.

HECTOR BEDOLLA, CHAIR | VALERIE QUINTO, EXECUTIVE OFFICER

Background

Land Vision records show Zhen Ping Huang owns the Property with the last transfer of ownership occurring on June 13, 2008. According to aerial imagery presented in the attached water quality inspection report (Attachment B – Property Inspection Report) cultivation activities are evident on the property as early as August 7, 2009.

On October 13, 2023, during the execution of a criminal search warrant served by the California Department of Fish and Wildlife (CDFW), Staff, accompanied by personnel from CDFW, the Department of Cannabis Control, and Mendocino County Sheriff's Office, 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. According to CDFW personnel, the requisite 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 – Property Inspection Report). 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, Staff identified 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 report of the October 13, 2023 inspection, Staff observed:

1. Violations of the Basin Plan Section 4.2.1 Prohibition 2 at locations WQ2 and WQ5 for the threatened discharge of cannabis cultivation waste to Salt Hollow Creek, a water of the state of California (Water of the State) and a tributary to the Russian River.
2. Large-scale cannabis cultivation and associated activities that were being conducted without first obtaining regulatory coverage for associated waste discharges, in violation of Water Code section 13260 in the vicinity of WQ1.
3. Violations of the California Water Code section 13264 for unauthorized discharges of domestic waste (i.e., human waste) to land at WQ7 where it threatens to contaminate groundwater that is a Water of the State.
4. Site conditions at WQ1, WQ2, WQ4, WQ5, WQ6 and WQ7 that violate 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.

Cultivation activities on the Property requires conformance with the Cannabis Policy and enrollment under the Cannabis General Order. For more information, please visit the [Regional Water Board's website](https://www.waterboards.ca.gov/northcoast/water_issues/programs/cannabis/) at:
(https://www.waterboards.ca.gov/northcoast/water_issues/programs/cannabis/)

As documented in the inspection report, the site conditions observed on the Property do not meet the requirements of the Cannabis Policy. Please provide a written response supporting documentation, including photos if relevant, explaining how the Property will be restored in compliance with the Policy.

As documented in the inspection report, Waters of the State of California pass through the Property. Any proposed work that will result in the discharge of material into a Water of the State will require a water quality certification/waste discharge requirement prior to conducting instream work.

The [application for the water quality certification/waste discharge requirement](https://www.waterboards.ca.gov/northcoast/water_issues/programs/cannabis/pdf/200204/RB1_Cannabis_WQC_401_App.pdf) 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 Basin Plan, Cannabis Policy and Water Code warrant further enforcement. We encourage you to take steps to correct the violations as soon as possible, and secure 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 Basin Plan, Cannabis Policy and 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 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 Staff Brian Fuller 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 Brian Fuller by email at Brian.Fuller@waterboards.ca.gov or by phone at 707-576-2806.

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 – Inspection Report

Enclosure: Language Service Flyer

Certified Mail – Return Receipt requested.

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
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Division of Water Rights

Stormer Feiler, Stormer.Feiler@waterboards.ca.gov
Taro Murano, Taro.Murano@waterboards.ca.gov

Department of Fish and Wildlife

Daniel Harrington, Daniel.Harrington@Wildlife.ca.gov
Paul Garrison, Paul.Garrison@Wildlife.ca.gov
Warden Ricky Ramirez, Ricky.Ramirez@Wildlife.ca.gov
Lieutenant Justin Rhoades, Justin.Rhoades@wildlife.ca.gov
Captain Douglas Willson, Douglas.Willson@wildlife.ca.gov

Mendocino County Sheriff's Office

Sergeant Clinton Wyant, WyantC@mendocinocounty.org

Mendocino County

cannabisprogram@mendocinocounty.org

Department of Cannabis Control

Jaime Masuda, Jaime.Masuda@cannabis.ca.gov

Zhen Ping Huang Property
CIWQS Place ID: 890920
Notice of Violation

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October 25, 2023

California Environmental Protection Agency
Hasti Javid, Hasti.Javid@calepa.ca.gov

United States Environmental Protection Agency
Special Agent Wendy Su, Su.Wendy@epa.gov

Attachment A – Regulatory Citations

Regulatory Section	Citation
Basin Plan Section 4.2.1, Prohibition 2	<p>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.”</p> <p>Available at: (https://www.waterboards.ca.gov/northcoast/water_issues/programs/basin_plan/)</p>
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 style="padding-left: 40px;">(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 style="padding-left: 40px;">(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>

Regulatory Section	Citation
California Water Code Section 13264(a)	"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: (1) 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."
California Water Code Section 13265(a)	"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."
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>



North Coast Regional Water Quality Control Board

TO: Jeremiah Puget

FROM: Brian Fuller

DATE: October 25, 2023

**Report of October 13, 2023 Warrant Inspection,
Mendocino County
Assessor's Parcel Number 166-110-30-00 (the "Property")**

File: Cannabis Program Inspections, Mendocino County, 2023, Zhen Ping Huang,
CIWQS Place ID 890920

Property information:

Watershed: Russian River Hydrologic Unit; Upper Russian River Hydrologic Area; Forsythe Creek Hydrologic Subarea; (HU/HA/HSA 114.33; see Table 2-1 of the Water Quality Control Plan for the North Coast Region (Basin Plan), for beneficial uses)

Regulatory Status with the Regional Water Board: There is no record of enrollment under either the historical California Regional Water Quality Control Board, North Coast Region Order No. 2015-0023, Waiver of Waste Discharge Requirements and General Water Quality Certification for Discharges of Waste Resulting from Cannabis Cultivation and Associated Activities or Operations with Similar Environmental Effects In the North Coast Region (Regional Cannabis Order), or 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) for this property.

Inspection information:

Date/time: October 13, 2023 / Morning

Type: Warrant Inspection

Property Ownership: Zhen Ping Huang purchased the Property on June 13, 2008.

Background/Objective: Objectives for Regional Water Board staff included observing site development and activities and identifying and assessing onsite features or conditions that are causing or may cause adverse impacts to the quality and beneficial uses of receiving waters, including surface and groundwater.

HECTOR BEDOLLA, CHAIR | VALERIE QUINTO, EXECUTIVE OFFICER

Inspection Map:

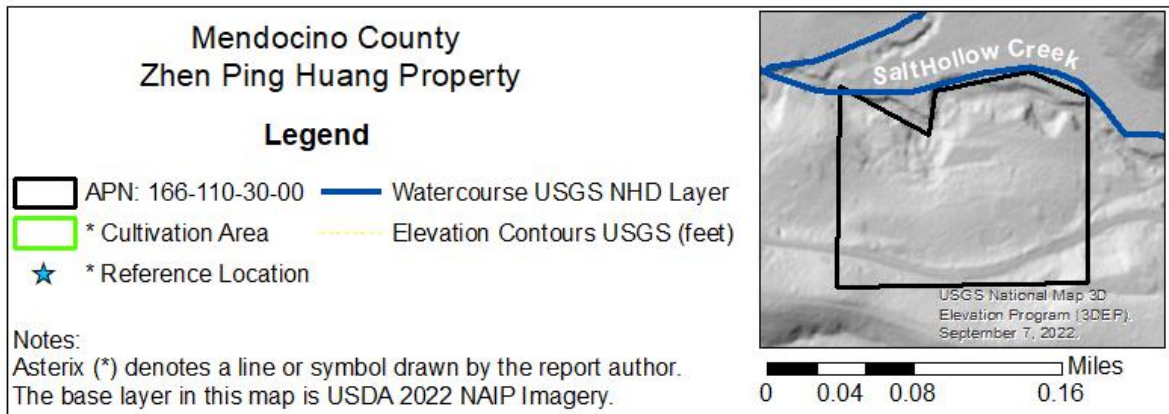
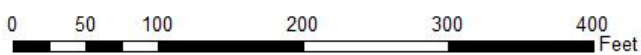


Figure 1—Aerial image/map showing inspection points discussed in this report.

Inspection Narrative:

The inspection was associated with a criminal search warrant, and I viewed only portions of the Property. See the above Inspection Map and below Aerial Imagery and Photo Appendix for locations and details about features of concern to water quality.

I entered the Property from the south and walked to a cultivation pad at WQ1. I measured the area covered with greenhouses using Google Earth's ruler polygon tool, which resulted in an area greater than 4,000 square feet. I observed cannabis cultivation waste including potting soils, plastic netting and plant material disposed of on a hillslope northwest of the cultivation area in the vicinity of WQ2. I observed that the cultivation waste extended to an area on the left (south) bank of Salt Hollow Creek and I measured the distance between the waste and the channel bank at WQ3 with a tape measure resulting in a distance of 15 feet.

I walked back south to the cultivation pad and then west and observed an unlabeled five-gallon bucket containing a dark oily substance at WQ4. I continued west crossing a tributary to Salt Hollow Creek and observed a legacy cultivation pad at WQ6. I did not observe a greenhouse or growing cannabis plants at WQ5, but I observed that the pad was covered with perlite and a degraded wattle lined the northern edge of the pad.

I walked back east to the cultivation pad at WQ1 and observed that the northern edge of the pad was bare earth susceptible to erosion by stormwater. I observed uncontained plastic pots, sheeting, and other waste at WQ6. I observed plastic netting similar to that used for constructing wattles, but I did not observe any effective management measures that would prevent stormwater from transporting waste from the cannabis cultivation area to Salt Hollow Creek.

I walked along a road to a trailer at WQ7 and observed a black sewage line connected to a pipe protruding from the ground. In this vicinity, Warden Ramirez advised me that there were illegal pesticides inside, but near the entrance of, the structure east of WQ7. I took a picture of the inside of the structure while standing outside and was able to identify a bottle of BIOFOS Metamidofos from the picture.

Recommendations for the Discharger:

1. Immediately collect all refuse and waste which have discharged and/or threaten to discharge to receiving waters and which can be collected by hand. You are not authorized to use heavy equipment in a water of the State of California (Water of the State) or modify the bed bank or channel of a Water of the State without a permit from the Regional Water Board (see recommendation 8 below). Properly dispose of these wastes at a licensed waste collection facility.
2. Immediately retain a qualified professional with experience developing stormwater pollution prevention plans to identify threatened discharges to Waters of the State on the Property, and to develop a workplan and schedule to implement best management practices to prevent these discharges.

3. Immediately cease the discharge of sewage to land at WQ7, implement corrective actions, and obtain the appropriate county permit for the disposal of on-site wastewater (i.e., septic system permit).
4. Immediately cease use of illegal pesticides and dispose of all remaining pesticides and contaminated materials properly at a licensed waste disposal facility.
5. Retain a licensed professional to inventory and assess any aquatic resources including springs, wetlands and watercourses that are Waters of the State on the Property, and to develop a workplan and schedule to implement measures to ensure that all developed features, roads and any watercourse crossings throughout the Property are corrected, restored, and/or maintained in conditions that comply with the Cannabis Cultivation Policy¹.
6. Dispose of all development and restoration-related earthen spoils in a manner to prevent/minimize transport and delivery to receiving waters.
7. Prior to cultivating cannabis or developing a property for cannabis cultivation, enroll for coverage under the Cannabis General Order².
8. Prior to conducting work in a Water of the State, submit an application and pay the required application fee for a Water Quality Certification/Waste Discharge Requirement³

¹ The [Cannabis Cultivation Policy](https://www.waterboards.ca.gov/water_issues/programs/cannabis/docs/policy/final_cannabis_policy_with_attach_a.pdf) can be found at:
https://www.waterboards.ca.gov/water_issues/programs/cannabis/docs/policy/final_cannabis_policy_with_attach_a.pdf

² [Details about enrolling](https://public2.waterboards.ca.gov/mt/Home/Index) in the Cannabis General Order can be found at:
<https://public2.waterboards.ca.gov/mt/Home/Index>

³ The [application for instream work](https://www.waterboards.ca.gov/northcoast/water_issues/programs/cannabis/pdf/200204/RB1_Cannabis_WQC_401_App.pdf) can be found at:
https://www.waterboards.ca.gov/northcoast/water_issues/programs/cannabis/pdf/200204/RB1_Cannabis_WQC_401_App.pdf

Aerial Imagery:



Figure 2—Aerial image of the Property taken on May 6, 2007, obtained from Google Earth. Cultivation areas at WQ1 and WQ5 appear indistinguishable from the surrounding vegetated areas suggesting that they had not yet been developed. The trailer visible in the Inspection Map at WQ7 is not visible in this image.



Figure 3—Aerial image of the Property taken on August 7, 2009, obtained from Google Earth. Arrays of circles matching the pattern of outdoor cannabis cultivation are visible west of WQ1, but the area in the vicinity of WQ5 appears indistinguishable from the surrounding vegetated areas. The trailer visible in the Inspection Map at WQ7 is not visible in this image.



Figure 4—Aerial image of the Property taken on August 17, 2011, obtained from Google Earth. A hoop-type greenhouse is visible in the vicinity of WQ1 and arrays of circles matching the pattern of outdoor cannabis cultivation are visible in the vicinity of WQ5. The trailer visible in the Inspection Map at WQ7 is not visible in this image.



Figure 5—Aerial image of the Property taken on October 17, 2017, obtained from Google Earth. Hoop-type greenhouses are visible in the vicinity of WQ1 and WQ5. The trailer visible in the Inspection Map at WQ7 is not visible in this image.

Photo Appendix⁴:



Figure 6—A photo looking east from the southwestern corner of the cultivation area located at WQ1. Cannabis plants are visible growing in black plastic bags located in the greenhouses.



Figure 7—A photo looking east from the northwestern corner of the cultivation area located at WQ1. Cannabis plants are visible growing in the greenhouse in the right of the image.

⁴ All photos taken by report author on October 13, 2023 between 7:45am and 9:00am.



Figure 8—A photo looking north towards WQ2 from the northwestern corner of the cultivation area located at WQ1. Cannabis cultivation waste, identifiable by white speckles from the perlite in imported potting soils, is visible on the hillslope.



Figure 9— A photo showing a closer view of the waste potting soils pictured in the previous image in the vicinity of WQ2. A crushed plastic bottle is partially buried in the middle of the image.



Figure 10— A photo showing plastic netting and plant pots on the hillslope above Salt Hollow Creek in the vicinity of WQ2.

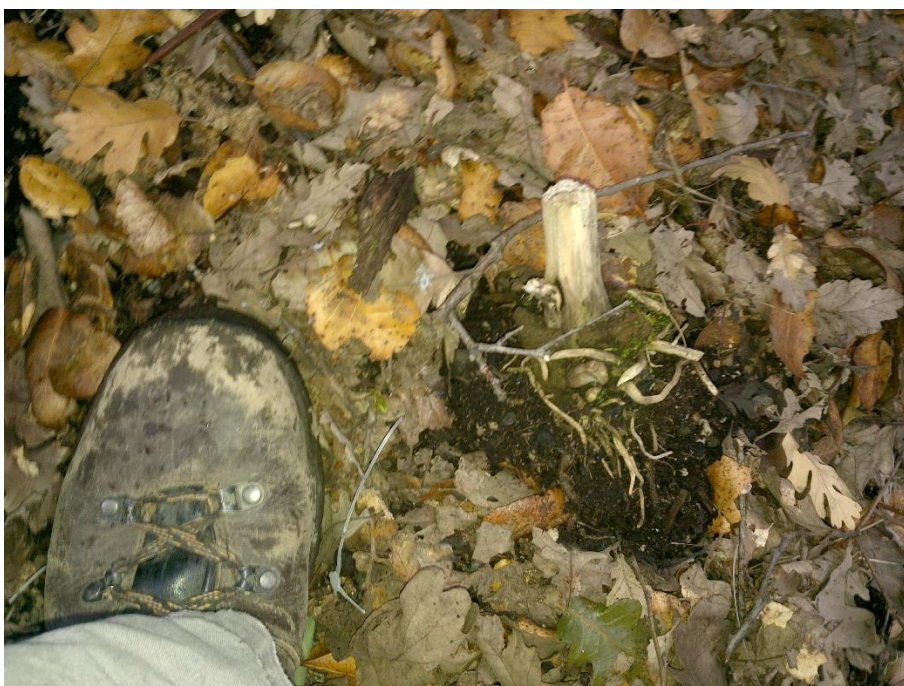


Figure 11—A photo showing the remains of a plant on the hillslope above Salt Hollow Creek in the vicinity of WQ2. The remains include the base of the plant stalk and roots which have been removed from their growth medium but still include clumps of dark soil.



Figure 12— A photo showing a plastic plant pot 15 feet from the left (south) bank of Salt Hollow Creek in the vicinity of WQ2. White speckles of perlite are visible on the ground surrounding the pot showing that the imported soils had spread to within 15 feet of Salt Hollow Creek.



Figure 13— A photo looking west and downstream along Salt Hollow Creek at WQ3. The channel has distinct banks, a bed comprised of large cobbles and small boulders and a width of approximately ten feet at this location.



Figure 14— A photo looking east and upstream along Salt Hollow Creek at WQ3.



Figure 15—A photo showing the lid being lifted off of a five-gallon bucket of oily substance at WQ4.



Figure 16—A photo looking north across an inactive cultivation pad at WQ5. White speckles of perlite are visible on the pad and a thin wattle is barely visible in the middle top of the image.



Figure 17—A photo looking northwest at the thin wattle pictured in the previous image at WQ5. The cultivation pad is to the left of the wattle and Salt Hollow Creek is to the right of the wattle. Imported potting soils, identifiable by the white speckles of perlite and dark color, are also visible on the right side of the wattle. The wattle has degraded such that stormwater may flow over the wattle.



Figure 18—A photo looking west at an area of bare earth south of WQ6. The greenhouses at WQ1 are visible in the top left of the image and empty black plastic netting is visible in the middle of the image.



Figure 19—A photo showing uncontained plastic pots, sheeting, and other waste at WQ6.



Figure 20—A photo showing the sewage drain line from a trailer being directed into a pipe in the ground at WQ7.



Figure 21—A photo looking at a bench inside a structure east of WQ7. The photographer is standing outside the structure. The photo shows a container of BIOFOS Metamidofos pesticide, which is not permitted for use in the United States.