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## North Coast Regional Water Quality Control Board

September 27, 2023

Ryan Miller  
1039 South Wright Road  
Santa Rosa CA 95407

Certified Mail No. 7021 0950 0001 6500 1865

Rick Jones  
7590 Starr Road  
Windsor CA 95492

Certified Mail No. 7021 0950 0001 6500 1872

Dear Ryan Miller and Rick Jones:

**Subject: Notice of Violation, Transmittal of Report for August 29, 2023 Inspection of Sonoma County Assessor's Parcel Numbers 106-220-007-000, 069-090-001-000 and 069-070-001-000, and Recommendation to Respond within 30 days**

**File:** Cannabis Program Inspections, Sonoma County, 2023, Jones and Miller Property, CIWQS Place ID 890515

### **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 Sonoma County Assessor's Parcel Numbers: 106-220-007-000, 069-090-001-000 and 069-070-001-000 (the Property):

1. Water Quality Control Plan for the North Coast Region (Basin Plan) Section 4.2.1, Prohibitions 1 and 2;
2. California Water Code (Water Code) Sections 13260, 13264, and 13350;
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

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Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities (Cannabis General Order). On August 29, 2023, North Coast Regional Water Quality Control Board (Regional Water Board) staff (Staff) inspected the Property and observed cannabis cultivation exceeding 5,000 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.

## **Background**

Land Vision records show Ryan Miller and Rick Jones own the Property with the last transfer of ownership occurring on May 19, 2016.

On August 29, 2023, during the execution of a criminal search warrant served by the California State Parks, Staff, accompanied by personnel from California Department of Fish and Wildlife (CDFW), the State Water Resources Control Board Division of Water Rights, Sonoma County Code Enforcement and California State Parks 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 California State Parks 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 August 29, 2023 inspection, Staff observed:

1. Violations of the Basin Plan Section 4.2.1 Prohibition 1 and Water Code section 13350 at location WQ2 for discharges of fine sediment into an unnamed tributary to Hulbert Creek.

2. Violations of the Basin Plan Section 4.2.1 Prohibition 2 and Water Code section 13264 at locations WQ2 for the continued threat of discharging fine sediment into an unnamed tributary to Hulbert Creek.
3. 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 WQ3, WQ4 and WQ7.
4. Violations of the California Water Code section 13264 for unauthorized discharges spilled petroleum products and cannabis cultivation associated wastes to land between WQ3 and WQ4, WQ5, WQ6 and WQ8 where they threaten to discharge into a water of the state of California.
5. Site conditions at WQ1 through WQ8 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/](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, there is an onstream reservoir and stream crossing that must be corrected to comply with the Basin Plan. The work to correct these violations 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](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](mailto: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



Certified Mail – Return Receipt requested.

**cc: North Coast Regional Water Quality Control Board**

[Northcoast.Cannabis@waterboards.ca.gov](mailto:Northcoast.Cannabis@waterboards.ca.gov)

Claudia Villacorta, [Claudia.Villacorta@waterboards.ca.gov](mailto:Claudia.Villacorta@waterboards.ca.gov)

Kason Grady, [Kason.Grady@waterboards.ca.gov](mailto:Kason.Grady@waterboards.ca.gov)

Jeremiah Puget, [Jeremiah.Puget@waterboards.ca.gov](mailto:Jeremiah.Puget@waterboards.ca.gov)

**California State Parks**

Ben Vanden Heuvel, [Ben.VandenHeuvel@parks.ca.gov](mailto:Ben.VandenHeuvel@parks.ca.gov)

David Jackson, [David.Jackson@parks.ca.gov](mailto:David.Jackson@parks.ca.gov)

**Division of Water Rights**

Pete Hollingshead, [Pete.Hollingshead@Waterboards.ca.gov](mailto:Pete.Hollingshead@Waterboards.ca.gov)

Christopher Van de Wyngard, [Christopher.VandeWyngard@waterboards.ca.gov](mailto:Christopher.VandeWyngard@waterboards.ca.gov)

Christina Wickeraad, [Christina.Wickeraad@Waterboards.ca.gov](mailto:Christina.Wickeraad@Waterboards.ca.gov)

Stormer Feiler, [Stormer.Feiler@waterboards.ca.gov](mailto:Stormer.Feiler@waterboards.ca.gov)

Taro Murano, [Taro.Murano@waterboards.ca.gov](mailto:Taro.Murano@waterboards.ca.gov)

**Department of Fish and Wildlife**

Timothy Dodson, [Timothy.Dodson@wildlife.ca.gov](mailto:Timothy.Dodson@wildlife.ca.gov)

Justin Rhoades, [Justin.Rhoades@wildlife.ca.gov](mailto:Justin.Rhoades@wildlife.ca.gov)

**Sonoma County**

Jesse Cablk, [Jesse.Cablk@sonoma-county.org](mailto:Jesse.Cablk@sonoma-county.org)

**Department of Cannabis Control**

Jon Silva, [Jon.Silva@cannabis.ca.gov](mailto:Jon.Silva@cannabis.ca.gov)

## Attachment A – Regulatory Citations

Regulatory Section	Citation
<a href="#">Basin Plan</a> Section 4.2.1, Prohibition 1	<p>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.”</p> <p>Available at: (<a href="https://www.waterboards.ca.gov/northcoast/water_issues/programs/basin_plan/">https://www.waterboards.ca.gov/northcoast/water_issues/programs/basin_plan/</a>)</p>
<a href="#">Basin Plan</a> 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: (<a href="https://www.waterboards.ca.gov/northcoast/water_issues/programs/basin_plan/">https://www.waterboards.ca.gov/northcoast/water_issues/programs/basin_plan/</a>)</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.”
California Water Code Section 13350(a)	“A person who (1) violates a cease and desist order or cleanup and abatement order hereafter issued, reissued, or amended by a regional board or the state board, or (2) in violation of a waste discharge requirement, waiver condition, certification, or other order or prohibition issued, reissued, or amended by a regional board or the state board, discharges waste, or causes or permits waste to be deposited where it is discharged, into the waters of the state, or (3) causes or permits any oil or any residuary product of petroleum to be deposited in or on any of the waters of the state, except in accordance with waste discharge requirements or other actions or provisions of this division, shall be liable civilly, and remedies may be proposed, in accordance with subdivision (d) or (e).”
Cannabis Policy and General Order No. WQ 2019-0001-DWQ	<p>State Water Resources Control Board <a href="#">Cannabis Cultivation Policy</a> and <a href="#">General Waste Discharge Requirements Order No. WQ 2019-0001-DWQ for Discharges of Waste Associated with Cannabis Cultivation Activities</a></p> <p>Available at:  <a href="https://www.waterboards.ca.gov/water_issues/programs/cannabis/docs/policy/final_cannabis_policy_with_attach_a.pdf">https://www.waterboards.ca.gov/water_issues/programs/cannabis/docs/policy/final_cannabis_policy_with_attach_a.pdf</a> and  <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>



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## North Coast Regional Water Quality Control Board

TO: Jeremiah Puget

FROM: Brian Fuller

DATE: September 27, 2023

### **Report of August 29, 2023 Warrant Inspection, Sonoma County**

#### **Assessor's Parcel Numbers:**

**106-220-007-000, 069-090-001-000 and 069-070-001-000 (the "Property")**

File: Cannabis Program Inspections, Sonoma County, 2023, Jones and Miller Property, CIWQS Place ID 890515

#### **Property information:**

Watershed: Russian River Hydrologic Unit; Lower Russian River Hydrologic Area; Guerneville Hydrologic Subarea; (HU/HA/HSA 114.11; 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: August 29, 2023 / midday

Type: Warrant Inspection

#### **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.

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**Inspection Map:**

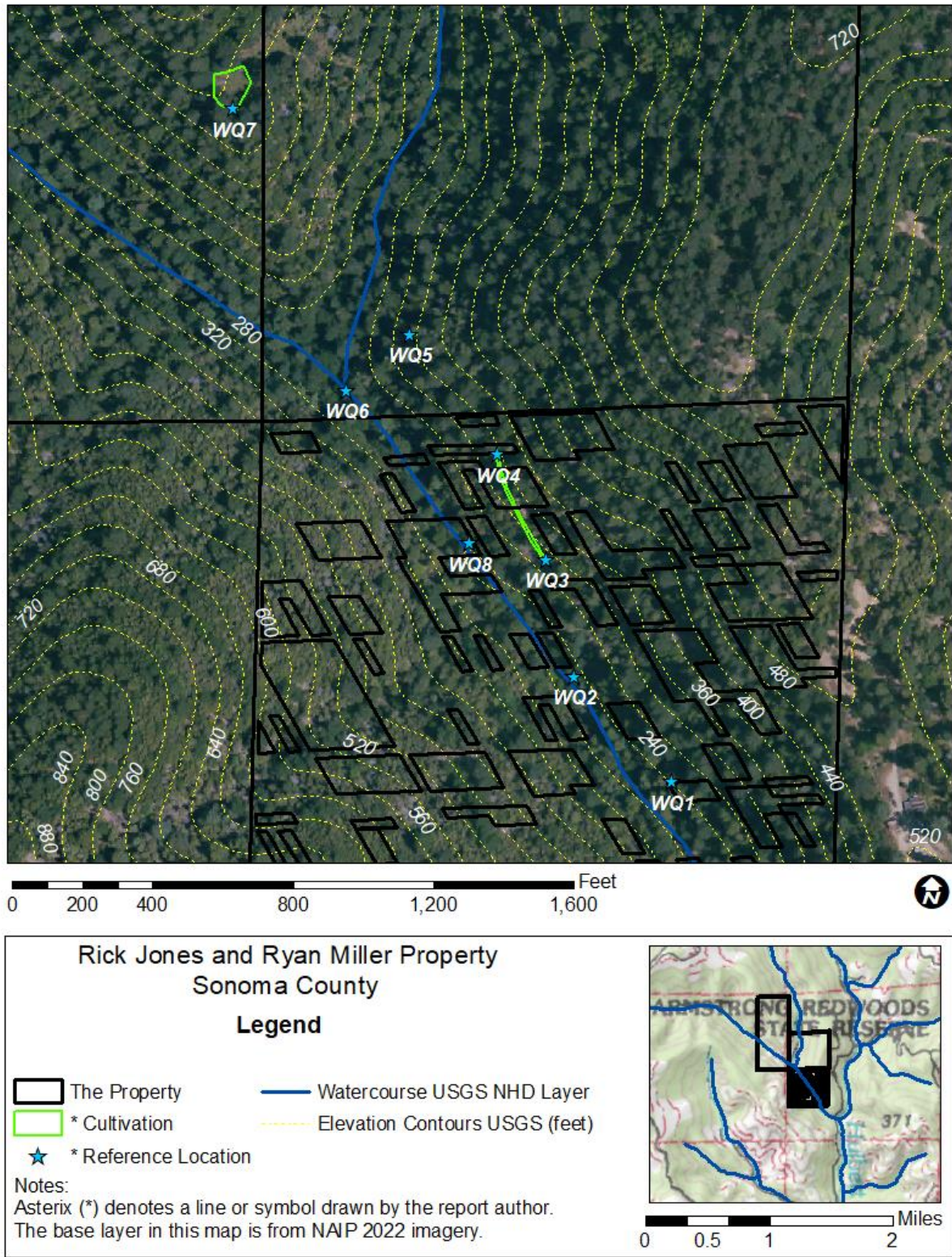


Figure 1—Aerial image/map showing inspection points discussed in this report.

**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 Photo Appendix for locations and details about features of concern to water quality. I entered the Property from the south and stopped in the vicinity of WQ1 where I observed human habitation waste at an apparently abandoned camp. The abandoned materials were located where they are likely to be transported by stormwater into the adjacent watercourse. I walked north to a dirt road and, east of WQ2, I observed a rill scoured into the downslope edge of the road.

I continued north along the road and observed cannabis plants growing on the road surface at WQ3. I measured the width of the cannabis cultivation area to be twelve feet with a tape measure and marked the coordinates for the south and north edges of the cultivation area, WQ3 and WQ4, with a Garmin Rino device. I measured the distance between WQ3 and WQ4 using Google Earth's measuring tool resulting in a length of 250 feet. Multiplying the 250 feet long by twelve feet wide measurements results in an approximate cultivation area of 3,000 square feet.

I walked north to WQ5 where I observed a piece of heavy equipment without a drip pan or other form of secondary containment. I observed motor oil had spilled onto the permeable earthen ground below the equipment. I observed a nearby five-liter motor oil container on top of leaf litter. I walked to an area where two watercourses converge at WQ6. I observed several petroleum powered generators and waste oil containers without secondary containment in areas where they threatened to discharge to the nearby watercourse.

I walked north along a footpath from WQ6 to WQ7 where I observed hundreds of cannabis plants growing on a hillside. I used Google Earth's measuring tool to conservatively estimate that the clearing with cannabis plants at WQ7 exceeded 2,000 square feet in size. I returned to WQ5 and walked south to WQ8 where I observed more waste motor oil containers, plastic tubing, and a petroleum powered generator where they threatened to discharge to the adjacent watercourse. I continued walking south along the watercourse until I observed a segment of road at WQ2. I observed a rut in the road-surface leading to a scoured void in the road's earthen prism. I observed a clump of sediment matching the material comprising the road fill prism discharged within the banks of the watercourse at WQ2.

**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 waters 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 6 below). Properly dispose of these wastes at a licensed waste collection facility.
2. Retain a qualified professional to investigate the extent of any contaminated soil associated with spilled petroleum products, including the spill in the vicinity of WQ5, and develop a workplan and schedule for cleaning up the spill.
3. Retain a licensed professional to inventory, 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 Policy<sup>1</sup>.
4. Dispose of all development and restoration-related earthen spoils in a manner to prevent/minimize transport and delivery to receiving waters.
5. Prior to cultivating cannabis or developing a property for cannabis cultivation, enroll for coverage under the Cannabis General Order<sup>2</sup>.
6. 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 Requirement<sup>3</sup>

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<sup>1</sup> 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](https://www.waterboards.ca.gov/water_issues/programs/cannabis/docs/policy/final_cannabis_policy_with_attach_a.pdf)

<sup>2</sup> [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>

<sup>3</sup> 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](https://www.waterboards.ca.gov/northcoast/water_issues/programs/cannabis/pdf/200204/RB1_Cannabis_WQC_401_App.pdf)

**Photo Appendix<sup>4</sup>:**



*Figure 2—Photo showing waste outside of a tent at WQ1. The waste includes small electrical appliances. A watercourse is barely visible in the top left of the image.*



*Figure 3—Photo looking west at the left (east) bank of the watercourse in the vicinity of WQ1.*

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<sup>4</sup> All photos taken by Brian Fuller on August 29, 2023, between 11:00 and 13:00.



*Figure 4—Photo showing a rill scoured into the edge of a road east of WQ2.*



*Figure 5—Photo looking north along cultivation area between WQ3 and WQ4. Cannabis plants are visible growing in fabric soil bags placed on a historical road surface.*



*Figure 6—Photo showing containers with agricultural chemicals along cultivation area between WQ3 and WQ4.*



*Figure 7—Photo showing spilled motor oil below a piece of heavy equipment at WQ5. The equipment does not have a drip pan nor other form of secondary containment and the oil has spilled onto the permeable earthen land.*



*Figure 8—Photo showing motor oil container on top of leaf litter in the vicinity of WQ5.*



*Figure 9—Photo showing a petroleum powered generator and lead-acid battery in the vicinity of WQ6. The generator does not have a drip pan nor other form of secondary containment to protect against the discharge of petroleum products to land.*



*Figure 10—Photo showing motor oil container on top of leaf litter in the vicinity of WQ6.*



*Figure 11—Photo showing two petroleum powered generators without secondary containment. The generators are located adjacent to a watercourse visible in the lower right of the image.*



*Figure 12—Photo showing motor oil container on top of leaf litter in the vicinity of WQ6.*



*Figure 13—Photo showing a petroleum powered generator without secondary containment in the vicinity of WQ6.*



*Figure 14—Photo showing watercourse in the vicinity of WQ6. The watercourse has a bed with sorted gravel and a section a few feet wide of flowing water. Two plastic water diversion lines are visible within the banks of the watercourse.*



*Figure 15—Photo showing hundreds of cannabis plants growing on a hillside in the vicinity of WQ7.*



*Figure 16—Photo showing cut pieces of plastic tubing tangled among woody debris in the watercourse at WQ8.*



*Figure 17—Photo showing motor oil container on top of leaf litter in the vicinity of WQ8.*



*Figure 18—Photo showing a petroleum powered generator and two lead-acid batteries in the vicinity of WQ8. The generator is tilted on its side and does not have a drip pan nor other form of secondary containment to protect against the discharge of petroleum products to land.*



*Figure 19—Photo looking north along a dirt road in the vicinity of WQ2. A rut in the road-surface leads to a scoured void in the road's earthen prism visible in the lower right of the image.*



*Figure 20—Photo showing the area immediately west and downslope from the scoured road surface pictured in the previous image in the vicinity of WQ2. A wetted portion of the channel is visible in the top right of the image. A clump of sediment matching the material comprising the road-fill prism in the previous image is identified by an arrow in the center of the image.*