



North Coast Regional Water Quality Control Board

May 31, 2023

Mikol Moon
PO Box 499
Arcata, CA 95518

Certified Mailing Number: 7021 0950 0001 6500 1094

Dear Mikol Moon:

Subject: Notice of Violation and Transmittal of Inspection Report for May 10, 2023, Inspection of Humboldt County Assessor's Parcel Number 516-011-031-000

File: Cannabis Program Inspections, Humboldt County, Mikol Drew Moon, CIWQS Place ID 888250

This letter is to notify you of an observed violation of California Water Code Section 13260 at the property identified as Humboldt County Assessor's Parcel Number 516-011-031-000 (the Property).

On May 10, 2023, North Coast Regional Water Quality Control Board (Regional Water Board) staff inspected the Property and observed cannabis cultivation in pots. The Property is not enrolled for coverage under the State Water Resources Control Board's *General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities* (Cannabis General Order). Within 30 days, please contact Regional Water Board staff to discuss your plan to correct the observed violation.

Background

On May 10, 2023, staff from the Regional Water Board, accompanied by staff of the California Department of Fish and Wildlife, Humboldt County Code Enforcement, 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. During the inspection, staff observed cannabis cultivation 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

HECTOR BEDOLLA, CHAIR | VALERIE QUINTO, EXECUTIVE OFFICER

Report and Attachment C – Photo Log). Please review the inspection report carefully and completely. The inspection report contains recommendations for correcting the observed violation and advises you of the Regional Water Board permit necessary for projects/activities that may result in discharges of waste to receiving waters.

Relevant Requirements

During the inspection, Regional Water Board staff identified features and conditions on the Property that represent a violation of water quality requirements and regulations. Attachment A – Regulatory Citations, provides references to these, and related, requirements and regulations.

Observed Violation

As documented in the May 10, 2023, inspection report, Regional Water Board staff observed a violation of California Water Code section 13260 due to unpermitted cannabis cultivation on the Property.

Additional Potential Liabilities

The Regional Water Board is in the process of considering whether the violation of the Water Code warrants further enforcement. We encourage you to take steps to correct the violation 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 a continuing violation of the Water Code.

Please note that correcting the conditions of non-compliance at the Property does not preclude enforcement for the violation 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 10, 2023, inspection report provides recommendations to correct the alleged violation, 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 violation, 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.

You may also contact me at Mona.Dougherty@waterboards.ca.gov or by phone at 707-445-6129. 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
Jeremiah Puget, Jeremiah.Puget@waterboards.ca.gov
Kason Grady, Kason.Grady@waterboards.ca.gov

Department of Fish and Wildlife
Erika Winner, Erika.Winner@wildlife.ca.gov
Ryan Bourque, Ryan.Bourque@wildlife.ca.gov

Humboldt County Code Enforcement
Brady Wylie, bwylie@co.humboldt.ca.us

Humboldt County Sheriff's Office
Deputy Justin Pryor, jpryor@co.humboldt.ca.us

Attachment A – 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> <ul style="list-style-type: none">(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.(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.”

FACILITIES INSPECTION REPORT

Region/Office: 1	Status: Performed	Reg. Measure ID: 452616
Program Type: IRRICANNABIS	WDID:	Order Number:
Scheduled Insp. Date:	Actual Insp. Date: 05/10/2023	

Discharger Information

Party ID: 639417	Discharger Organization Name: Moon, Mikol Drew	
Address: Po Box 499	City, State, Zip: Arcata, CA 95518	
Discharger Contact Person:	Discharger Contact Phone:	
Discharger Contact Email Address:		

Facility Information

Place ID 888250	Facility Name: Mikol Drew Moon		
Address: 777 Tonopah Lane	City, State, Zip: McKinleyville, CA 95519		
County: Humboldt	Latitude:	Longitude:	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 and State (State Lead)	<input type="checkbox"/> EPA (Regional)

INSPECTION TYPE

Inspection Type: Miscellaneous inspection

VIOLATIONSWere Violations noted during this inspection? Yes No

Violation ID	Violation Type	Occurrence Date	Rank	Description
1117324	Other Codes	05/10/2023	B	Water Code 13260 for cannabis cultivation activities without coverage in the State Water Resources Control Board's Cannabis General Order No. WQ 2019-0001-DWQ.

INSPECTION SUMMARY (REQUIRED) (500 character limit)

Observations
 I observed three outbuildings set up for cannabis cultivation with potting soil, irrigation hoses, artificial lights, and plastic pots (Photos 1-3). I observed one room with concrete flooring set up for indoor cultivation with irrigation trays and artificial lights (Photo 4). I observed a generator stored on concrete floor under a permanent roof (Photo 5). I observed diesel fuel captured by secondary containment at the base of the generator (Photo 6).

GENERAL NOTES (OPTIONAL) (2000 character limit)

Observations cont.
 The property is connected to a community well off-parcel.

Recommendations

1. If you plan to cultivate commercial cannabis on the property, enroll in the State Water Resources Control Board’s Cannabis General Order No. WQ 2019-0001-DWQ and take steps to comply with the requirements therein. See program website here: www.waterboards.ca.gov/water_issues/programs/cannabis/cannabis_water_quality.html
2. Keep and use absorbent materials designated for spill cleanup on-site for use in an accidental spill of fertilizers, petroleum products, hazardous materials, and other substances which may degrade waters of the state.

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

Moon Inspection Photo Log
Photos taken by Kate Hawken on 5/10/23



Photo 1: Outbuilding with dirt-floor, artificial lights, cannabis plants in pots, hoses, and small mound of potting soil.



Photo 2: Outbuilding with dirt-floor, mound of potting soil, plastic pots, and artificial lights.



Photo 3: Outbuilding with wood-paneled floor, tubs, hoses, plastic pots, and artificial lights.



Photo 4: Indoor room with concrete flooring, irrigation trays, and artificial lights.



Photo 5: Generator stored on concrete floor under permanent roof with secondary containment.



Photo 6: Diesel fuel beneath generator captured by secondary containment.