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## North Coast Regional Water Quality Control Board

July 11, 2023

Pam Thao  
1021 LAKEWOOD DR S  
MAPLEWOOD, MN 55119

FEDEX TRACKING NO: 7727-0507-0874

Dear Pam Thao:

Subject: Notice of Violation and Transmittal of Inspection Report for June 16, 2023,  
Inspection of Siskiyou County Assessor's Parcel Number 104-140-180

File: Cannabis Program Inspections, Siskiyou County, Pam Thao, CIWQS Place  
ID 888935

### **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 104-140-180 (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 June 16, 2023, North Coast Regional Water Quality Control Board (Regional Water Board) staff inspected the Property and observed cannabis cultivation in hoop houses. Within 30 days, please contact Regional Water Board staff to discuss your plan to correct the observed violations.

### **Background**

The Property is 2.5 acres and located near the community of Hornbrook in Siskiyou County. LandVision records show that the Property is owned by Pam Thao and was last transferred March 25, 2021.

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HECTOR BEDOLLA, CHAIR | VALERIE QUINTO, EXECUTIVE OFFICER

On June 16, 2023, staff from the Regional Water Board, accompanied by staff of the California Department of Fish and Wildlife, and Siskiyou County 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 June 16, 2023, inspection report, Regional Water Board staff observed 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/](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.

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 June 16, 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 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 our Staff Kate Hawken by email at [katherine.hawken@waterboards.ca.gov](mailto: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](mailto: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](mailto:Northcoast.Cannabis@waterboards.ca.gov)  
Jeremiah Puget, [Jeremiah.Puget@waterboards.ca.gov](mailto:Jeremiah.Puget@waterboards.ca.gov)  
Kason Grady, [Kason.Grady@waterboards.ca.gov](mailto:Kason.Grady@waterboards.ca.gov)

**Division of Water Rights**

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**

[r1cepredding@wildlife.ca.gov](mailto:r1cepredding@wildlife.ca.gov)  
Jacqueline Matthews, [Jacqueline.Matthews@wildlife.ca.gov](mailto:Jacqueline.Matthews@wildlife.ca.gov)  
Jennifer VanDyke, [Jennifer.Vandyke@Wildlife.ca.gov](mailto:Jennifer.Vandyke@Wildlife.ca.gov)  
Warden Joseph Laugesen, [Joseph.M.Laugesen@wildlife.ca.gov](mailto:Joseph.M.Laugesen@wildlife.ca.gov)

**Department of Cannabis Control**

Robert Hogan, [Robert.Hogan@cannabis.ca.gov](mailto:Robert.Hogan@cannabis.ca.gov)  
Erin Wonder, [Erin.Wonder@cannabis.ca.gov](mailto:Erin.Wonder@cannabis.ca.gov)

**Siskiyou County Code Enforcement**

Andrea Fox, [afox@co.siskiyou.ca.us](mailto:afox@co.siskiyou.ca.us)

## 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><a href="https://www.waterboards.ca.gov/water_issues/programs/cannabis/docs/policy/final_cannabis_policy_with_attachment_a.pdf">https://www.waterboards.ca.gov/water_issues/programs/cannabis/docs/policy/final_cannabis_policy_with_attachment_a.pdf</a></p> <p>and</p> <p><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>

**FACILITIES INSPECTION REPORT**

Region/Office: 1	Status: Performed	Reg. Measure ID: 453137
Program Type: IRRICANNABIS	WDID: 1_47MJ000332	Order Number:
Scheduled Insp. Date:	Actual Insp. Date: 06/16/2023	

**Discharger Information**

Party ID: 640152	Discharger Organization Name: Thao, Pam	
Address: 1021 South Lakewood Drive	City, State, Zip: Maplewood, MN 55119	
Discharger Contact Person: Pam Thao	Discharger Contact Phone:	
Discharger Contact Email Address:		

**Facility Information**

Place ID 888935	Facility Name: Pam Thao		
Address: Erick Lane	City, State, Zip: Ager, CA 96044-8909		
County: Siskiyou	Latitude: 41.90166	Longitude: -122.45104	Method: Map Interpolation (digital)

**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

**VIOLATIONS**Were Violations noted during this inspection?  Yes  No

Violation ID	Violation Type	Occurrence Date	Rank	Description
1118365	Other Codes	06/16/2023	B	California Water Code Section 13260

### INSPECTION SUMMARY (REQUIRED) (500 character limit)

**Observations**

I observed multiple hoop houses with cannabis plants on a hillside (Photo 1). I observed piles of cultivation related waste, including plastic tarps and pots (Photos 2 and 3). I observed a pool and water storage tanks used to mix nutrients (Photo 4). I observed the head of a watercourse at the base of a hill on an adjacent property (Photo 5). I observed an almost empty bottle of Malathion, a pesticide toxic to aquatic organisms (Photo 6).

### GENERAL NOTES (OPTIONAL) (2000 character limit)

**Recommendations**

- 1) Properly contain and dispose of all pesticides and fertilizers.
- 2) Cease cultivation activities and cleanup associated infrastructure and refuse and properly dispose of waste.

**For Internal Use (Optional)**

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

Inspection Photo Log  
Photos taken by Kate Hawken on June 16, 2023



Photo 1: Cannabis cultivation in hoop houses.



Photos 2 and 3: Cannabis cultivation related waste.



Photo 4: Mixing tanks and open fertilizer containers.



Photos 5 and 6: Head of watercourse on left. Malathion, a pesticide toxic to aquatic organisms, invertebrates, and amphibians on right.



### -FIELD NOTICE- WATER QUALITY VIOLATIONS

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: 6/16/23  
Owner: Farm H&Co  
Address: \_\_\_\_\_

Inspector: Kate Hawken  
Operator: \_\_\_\_\_  
APN: 104-140-180

#### II. California Water Code Violations

- Water Code 13260.** Commercial cannabis cultivation with site conditions requiring regulatory coverage for waste discharge or proposed discharge that could affect the quality of the water of the state, with no record of regulatory coverage in CIWQS Water Boards' database. See Section III.
- Water Code 13264.** Actual discharges of waste without regulatory coverage or material changes to existing authorized waste discharge activities without regulatory coverage. See Section III.

These violations may subject you to civil or criminal liability. See reverse for code text.

#### III. Conditions of Discharge or Proposed/Threatened Discharge Affecting Waters of the State (REQ'D)

Actual Discharge	Threatened Discharge	Brief description and location:
<input type="checkbox"/>	<input type="checkbox"/>	Sediment/Fill
<input type="checkbox"/>	<input type="checkbox"/>	Soils/Potting Material
<input type="checkbox"/>	<input type="checkbox"/>	Runoff
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Fertilizers/Pesticides <u>malathion - toxic to aquatic life</u>
<input type="checkbox"/>	<input type="checkbox"/>	Petroleum/Chemicals
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Cultivation Waste <u>plastic waste above headwaters</u>
<input type="checkbox"/>	<input type="checkbox"/>	Refuse/Debris/Human Waste
<input type="checkbox"/>	<input type="checkbox"/>	Other

Notes: \_\_\_\_\_

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 13350. 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 Kate Hawken at Katherine.Hawken@waterboards.ca.gov or (707) 445-6127, 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.

Inspector Signature: Kate Hawken Date: 6/16/23  
Delivery Method of Notice: on file

Photo 7: I left a field notice posted on the gate.