

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
NORTH COAST REGION**

**Cleanup and Abatement and
Investigative Order No. R1-2026-0026**

**for
Shadi Elayyan, Lisa Garibay and Anthony Troyer
Assessor Parcel Number 037-310-71-00
Mendocino County**

This Cleanup and Abatement and Investigative Order (No. R1-2026-0026, the Order) is issued to Shadi Elayyan, Lisa Garibay, and Anthony Troyer (hereafter referred to as the Dischargers) based on provisions of Water Code section 13304, which authorizes the North Coast Regional Water Quality Control Board (North Coast Water Board) to issue cleanup and abatement orders, and Water Code section 13267, which authorizes the North Coast Water Board to issue investigative orders requiring the preparation and submittal of technical and monitoring reports.

The Executive Officer finds, with respect to the Dischargers' acts, or failure to act, the following:

PURPOSE OF THE ORDER

1. This Order requires the Dischargers to clean up and abate the effects of sediment and other cultivation waste from inadequately constructed or maintained cultivation pads, roads and stream crossings on Mendocino County Assessor's Parcel Number 037-310-71-00 (hereafter the Property) and eliminate the threat of future discharges to tributaries of String Creek. Investigation and cleanup actions required under this Order shall be conducted to comply with the Porter-Cologne Water Quality Control Act (Wat. Code § 13000 *et seq.*), the *Water Quality Control Plan for the North Coast Region* (Basin Plan¹), State Water Resources Control Board (State Water Board) Resolution 92-49 *Policies and Procedures for Investigation and Cleanup and Abatement of Discharges under Water Code Section 13304* (Resolution 92-49), and other applicable State and North Coast Water Board plans, policies, and regulations.

Property Location and Description

2. The Property is located approximately eight miles northeast of the city of Willits in Mendocino County. Spring Creek, and tributaries thereto pass through the Property before connecting with Rock Tree Creek within the Tomki Creek Hydrologic Subarea, Upper Main Eel River Hydrologic Area of the Eel River watershed. The Upper Main Eel River, Tomki Creek and tributaries there-to, are waters of the state, as well as waters of the United States (references hereafter to waters of the United

¹ The [Basin Plan](https://www.waterboards.ca.gov/northcoast/water_issues/programs/basin_plan/) can be found at:
(https://www.waterboards.ca.gov/northcoast/water_issues/programs/basin_plan/)

States are also waters of the state).² The Upper Main Eel River is Clean Water Act section 303(d)-listed as impaired due to elevated sedimentation and temperature. On December 29, 2004, the U.S. Environmental Protection Agency approved Total Maximum Daily Loads (TMDLs) for temperature and sediment for the Upper Main Eel River and its tributaries. The TMDLs indicate that the cold freshwater habitat is the most sensitive of beneficial uses in the watershed. As such, protection of this beneficial use is presumed to protect any of the other beneficial uses that might also be harmed by sedimentation.

Responsible Parties

3. This Order finds that the Dischargers are responsible parties for creating and/or maintaining conditions that are threatening to cause or permit the discharge of waste creating a condition of pollution. The Dischargers are all jointly and severally liable based on the following:
 - a. Parcel information available from the Mendocino County Assessor's Office indicates that Shadi Elayyan purchased the property on March 6, 2020.
 - b. Aerial images presented in the Inspection Report included in Attachment 1 show the following: a constructed cultivation pad encroaching on a watercourse as early as June 8, 2020 and additional cultivation pads, including a pad with unstable earthen fill slopes, constructed between June 8, 2020 and May 24, 2021. These land developments occurred during a time that the Property was owned by Shadi Elayyan.
 - c. Shadi Elayyan owned the Property during North Coast Water Board staff's (hereinafter Staff) inspection on October 28, 2024.
 - d. Parcel information available from the Mendocino County Assessor's Office, as accessed via LightBox Vision's online service, indicates that Lisa Garibay and Anthony Troyer purchased the Property from Shadi Elayyan on March 11, 2025. Lisa Garibay and Anthony Troyer currently own the Property.

² The North Coast Water Board administers and enforces the Clean Water Act (CWA). The CWA regulates what it refers to as "navigable waters" and defines those water as "waters of the United States." "Waters of the United States" has been interpreted broadly by the agencies responsible for implementing the CWA to include all traditionally navigable waters and their tributaries. (40 C.F.R. 122.2) The Porter-Cologne Water Quality Control Act provides the North Coast Water Board additional authority to regulate discharges of waste into "waters of the state." (Wat. Code § 13260) The term "waters of the state" is defined as "any surface water or groundwater, including saline waters, within the boundaries of the state." (Wat. Code § 13050 subd. (e).) All waters of the United States that are within the borders of California are also waters of the state for purposes of the Porter-Cologne Water Quality Control Act.

- e. For purposes of this Order, the North Coast Water Board is naming Shadi Elayyan as a responsible party on the basis that they owned the Property at the time of discharges documented during the October 28, 2024 inspection and had or should have had knowledge of the activities that resulted in the discharges and threatened discharges. As the Property owner at the time of the inspection, Shadi Elayyan had legal authority to prevent the discharges and threatened discharges from occurring.
- f. For purposes of this Order, the North Coast Water Board is naming Lisa Garibay and Anthony Troyer as responsible parties on the basis that they currently own a joint interest in the Property. As the current owners of the Property, they have the legal responsibility and authority to prevent and cleanup any discharge or threat of discharge of waste.
- g. The North Coast Water Board reserves the right to amend this Order, or issue a subsequent Order, to add additional responsible parties when/if those parties are identified.

Factual Basis of Order

4. Staff inspected the Property on October 28, 2024, during the execution of a search warrant obtained by California Department of Fish and Wildlife (CDFW) law enforcement. The purpose of the Staff 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. On December 5, 2024 the North Coast Water Board transmitted a report of the inspection and a Notice of Violation to Shadi Elayyan (Attachment 1). On May 21, 2025, after Staff discovered that Lisa Garibay and Anthony Troyer purchased the Property, the North Coast Water Board transmitted a report of the inspection and a Notice of Violation to Lisa Garibay and Anthony Troyer (Attachment 2). The conditions observed at the Property, as documented in the North Cost Water Board inspection report, included the following:
 - a. Controllable sediment sources³ associated with a road fording a tributary to String Creek⁴; poorly constructed earthen pads; poorly designed or maintained roads and culverted stream crossings from where sediment threatens to

³ Controllable sediment delivery sites are generally areas that are discharging or have the potential to discharge sediment to waters of the state, that are caused or affected by human activity, and may feasibly and reasonably respond to prevention and minimization management measures.

⁴ A ford is a shallow portion of stream used as a crossing by a vehicle. Fords may be unimproved (crossing of the natural streambed) or improved (crossing over material brought in to modify the streambed).

discharge to receiving watercourses that have exceeded their capacity for fine sediment to the detriment of the most sensitive beneficial uses in the watershed;

- b. Agricultural chemicals including high-concentration water-soluble nutrients and pesticides stored without secondary containment and where they threaten to be dispersed by stormwater;
- c. Cannabis cultivation waste including plant stalks and waste motor oil containers placed within the banks of an unnamed tributary to String Creek;
- d. Large amounts of uncontained cannabis cultivation and domestic waste located where they threaten to discharge to tributaries to String Creek; and
- e. Dirt roads with rills indicating that concentrated stormwater has eroded the road surface.

Beneficial Uses, Basin Plan Prohibitions, and Water Quality Objectives

5. The Basin Plan designates beneficial uses, establishes water quality objectives, contains implementation programs for achieving objectives, and incorporates by reference the plans and policies adopted by the North Coast Water Board.
 - a. Existing and potential beneficial uses for the Tomki Creek Hydrologic Subarea within the Eel River Hydrologic Unit include the following: Municipal and Domestic Supply (MUN), Agricultural Supply (AGR), Industrial Service Supply (IND), Industrial Process Supply (PRO), Ground Water Recharge (GWR), Freshwater Replenishment (FRSH), Navigation (NAV), Hydropower Generation (POW), Water Contact Recreation (REC1), Non-Contact Water Recreation (REC2), Commercial or Sport Fishing (COMM), Warm Freshwater Habitat (WARM), Cold Freshwater Habitat (COLD), Wildlife Habitat (WILD), Rare, Threatened, or Endangered Species (RARE), Migration of Aquatic Organisms (MIGR), Spawning, Reproduction, and/or Early Development (SPWN), and Aquaculture (AQUA). Beneficial uses of any specifically identified water body generally apply to all its tributaries. Additionally, Native American Culture (CUL); Flood peak attenuation/Flood Water Storage (FLD); and Wetland habitat (WET) applies to all watersheds where those uses exist and have the potential to exist.
 - b. The Basin Plan contains specific standards and provisions for maintaining high-quality waters of the state that provide protection to the beneficial uses listed above. The Basin Plan's Action Plan for Logging, Construction, and Associated Activities (Action Plan) includes two waste discharge prohibitions (See section 4.2.1 of the Basin Plan):
 - i. Prohibition 1 – “The 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 is prohibited.”

- ii. Prohibition 2 – “The 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 is prohibited.”
- c. Chapter 3 of the Basin Plan contains water quality objectives not to be exceeded as a result of waste discharges. The water quality objectives that are considered of particular importance in protecting the beneficial uses from unreasonable effects due to waste discharges from land development include the following:
 - i. Sediment: “The suspended sediment load and suspended sediment discharge rate of surface waters shall not be altered in such a manner as to cause nuisance or adversely affect beneficial uses.”
 - ii. Settleable Material: “Waters shall not contain substances in concentrations that result in deposition of material that causes nuisance or adversely affect beneficial uses.”
 - iii. Suspended Material: “Waters shall not contain suspended material in concentrations that cause nuisance or adversely affect beneficial uses.”
 - iv. Turbidity: “Turbidity shall not be increased more than 20 percent above naturally occurring background levels. Allowable zones of dilution within which higher percentages can be tolerated may be defined for specific discharges upon the issuance of discharge permits or waiver thereof.”

North Coast Water Board and State Water Board Resolutions

6. As part of the North Coast Water Board’s efforts to control sediment waste discharges and restore sediment-impaired water bodies, the North Coast Water Board adopted the *Total Maximum Daily Load Implementation Policy Statement for Sediment Impaired Receiving Waters in the North Coast Region*, which is also known as the Sediment TMDL Implementation Policy, on November 29, 2004. This Policy was adopted through Resolution R1-2004-0087. The Sediment TMDL Implementation Policy directs the Executive Officer to use “all available authorities, including existing regulatory standards and permitting and enforcement tools, to more effectively and efficaciously pursue compliance with sediment-related standards by all dischargers of sediment waste.” The goals of the policy are to control sediment waste discharges to impaired water bodies so that the TMDLs are met, sediment water quality objectives are attained, and beneficial uses are no longer adversely affected by sediment.

7. To address sources of elevated water temperature to reduce impairments to waters of the state and prevent further impairment, the North Coast Water Board adopted the *Policy for Implementation of the Water Quality Objective for Temperature in the North Coast Region* (Temperature Implementation Policy) through Resolution R1-2014-0006. To attain and maintain the water quality objectives for temperature, the policy directs the North Coast Water Board to implement programs and collaborate with others to prevent, minimize, and mitigate temperature alterations associated with certain activities, including, but not limited to, activities that result in either the removal of riparian vegetation that provide shade to a waterbody, sediment discharges, impoundments and other channel alterations, reduction of instream summer flows, and/or reduction of cold water sources.
8. State Water Board Resolution 92-49 sets forth the policies and procedures to be used during an investigation and cleanup of a polluted site and requires that cleanup levels be consistent with State Water Board Resolution 68-16, the *Statement of Policy with Respect to Maintaining High Quality Waters in California* (Resolution 68-16). Resolution 92-49 requires the waste to be cleaned up in a manner that promotes attainment of either background water quality, or the best water quality that is reasonable if background levels of water quality cannot be restored. Any alternative cleanup level to background must: (1) be consistent with the maximum benefit to the people of the state; (2) not unreasonably affect present and anticipated beneficial use of such water; and (3) not result in water quality less than that prescribed in the Basin Plan and applicable Water Quality Control Plans and Policies of the State Water Board. Resolution 92-49 directs that investigations and cleanup and abatement proceed in a progressive sequence. To the extent practical, it directs the North Coast Water Board to require and review for adequacy written work plans for each element and phase, and the written reports that describe the results of each phase of the investigation and cleanup.

Legal Basis of the Order

9. Water Code section 13304, subdivision (a), states, in relevant part, “any person who has discharged or discharges waste into waters of this state in violation of any waste discharge requirements or other order or prohibition issued by a regional board or the state board, or who has caused or permitted, causes or permits, or threatens to cause or permit any waste to be discharged or deposited where it is, or probably will be, discharged into the waters of the state and causes, or threatens to create, a condition of pollution or nuisance, shall upon order of the regional board clean up the waste or abate the effects of the waste, or, in the case of threatened pollution or nuisance, take other necessary remedial action, including, but not limited to, overseeing cleanup and abatement efforts.”
10. “Waste,” as defined by Water Code section 13050, subdivision (d), includes “sewage and any and all other waste substances, liquid, solid, gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from

any producing, manufacturing, or processing operation, including waste placed within containers of whatever nature prior to, and for the purpose of, disposal.” Earthen material, including sediment, when discharged to waters of the state, is a “waste” as defined in Water Code section 13050, subdivision (d). The Dischargers have caused or permitted waste to be discharged or deposited where it is or probably will be, discharged to tributaries of the Upper Main Eel River.

11. “Pollution” is defined in Water Code section 13050, subdivision (l)(1), as an alteration of the quality of the waters of the state by waste to a degree that unreasonably affects either the waters for beneficial use, or facilities which serve these beneficial uses. Earthen material from the unauthorized cannabis cultivation activities on the Property has discharged, and still has the potential to discharge, into unnamed watercourses tributary to the Upper Main Eel River, creating or threatening to create a condition of pollution by unreasonably affecting the beneficial uses of waters of the state.
 - a. Discharges of sediment and other inert material alter the hydrologic and sediment transport regimes of surface waters by affecting the flow of water and establishment of vegetation. Such changes may lead to adverse conditions such as flooding, increases in suspended sediment and turbidity, accelerated erosion of the watercourse bed or banks, and localized accumulation of deleterious materials. Additionally, such discharges directly threaten wildlife habitat and aquatic species (Beneficial Uses impacted: RARE, MIGR, SPWN, COLD, COMM, and WILD). Increased sedimentation and turbidity can result in increased treatment and/or maintenance costs for downstream agricultural and municipal users that withdraw and treat the water (Beneficial Uses impacted: AGR and MUN). Sediment laden storm water discharges to surface water and the resulting turbidity can also affect the recreational and aesthetic enjoyment of the surface waters (Beneficial Uses impacted: REC-1 and REC-2).
 - b. The discharge of organic and earthen material in the Eel River watershed is especially problematic because, as noted above, the Upper Main Eel River is listed as an impaired water body under Section 303, subdivision (d), of the Clean Water Act due to several pollutants, including sedimentation/siltation and high-water temperatures. Sediment delivery impacts the migration, spawning, reproduction, and early development of cold-water fish.
 - c. Suspended sediment in surface waters can cause harm to aquatic organisms by abrasion of surface membranes and interference with respiration and sensory perception in aquatic fauna. Suspended sediment can reduce photosynthesis in and survival of aquatic life by limiting the transmittance of light. The Basin Plan contains a water quality objective for sediment which requires that the suspended sediment load and suspended sediment discharge rate of surface waters shall not be altered in such a manner as to cause nuisance or adversely affect beneficial uses. Suspended sediment can result in

(1) increased turbidity (loss of clarity) resulting in decreased light transmittance, biological productivity, and aesthetic value; and (2) physical suffocation through burial of bottom dwelling (benthic) organisms, salmonid eggs, and alevin (newly spawned salmon or trout still carrying its yolk). Sediment can also physically damage gills causing fish mortality; increase physiological stress; reduce reproduction; impair normal feeding and predator avoidance behaviors, resulting in impacts to commercial and recreational fishing resources; increase water temperature; and fill in lagoons and wetlands converting them from aquatic to terrestrial habitat. These water quality impacts occur both during sediment transport and sediment deposition.

- d. Sediment is also a known transport mechanism for toxics (e.g., metals and synthetic organics), which bind to sediment particles (Beneficial Uses impacted: REC1, REC-2, COLD, SPWN, RARE, MIGR, COMM, MUN, and WILD).
12. Cleanup and abatement is necessary to ensure that any existing condition of pollution is cleaned up, that the threat of unauthorized discharges to waters of the state from the Property are prevented, background water quality conditions are restored, and that any impacts to beneficial uses are mitigated. Issuance of a cleanup and abatement order pursuant to Water Code section 13304 is appropriate and consistent with the policies of the North Coast Water Board and State Water Board.

Technical Reports Required

13. Water Code section 13267, subdivision (a), provides that the North Coast Water Board, “in establishing or reviewing any water quality control plan or waste discharge requirements, or in connection with any action relating to any plan or requirement authorized by this division [Division 7], may investigate the quality of any water of the state within its region.” Water Code section 13267, subdivision (b), provides that the North Coast Water Board, in conducting an investigation may require a discharger to furnish, under penalty of perjury, technical or monitoring program reports. The burden, including costs, of these technical reports shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. Staff estimates the total cost of technical reports required by this Order to be between \$17,421 to \$63,748⁵ over seven years. The costs of the

⁵ The State Water Board considered the estimated costs associated with various technical reports regarding site characterization, stabilization, and restoration during the adoption and amendment of the State Water Resources Control Board Cannabis Cultivation Policy Principles and Guidelines for Cannabis Cultivation and General Order. Estimated costs for technical reports were presented in the [State Water Board’s 2017 Direct Cost Analysis For the Proposed Cannabis Cultivation Policy \(2017 Direct Cost Analysis\)](#)

technical or monitoring reports required by this Order bear a reasonable relationship to the need for these reports and the benefit to be gained by these reports, as discussed below:

- a. The Interim Stabilization Plan is a technical report that is necessary to gain Executive Officer authorization to conduct work to stabilize the site and prevent further discharges and threatened discharges of waste to waters of the state, prior to the full implementation of the Cleanup Restoration and Monitoring Plan described in item b, which might not occur until 2026. Implementation of this plan will reduce the threat of discharges of fine sediment to surface waters during the upcoming wet weather season. The Interim Stabilization Plan shall be prepared by an appropriately licensed professional for the completion of cleanup and stabilization measures necessary to clean up wastes, and to prevent further erosion and discharge of sediment to receiving waters during the 2025/2026 wet weather period. The plan requirements (i.e., field inspection and report preparation) are comparable to that of preparing a Site Erosion and Sediment Control Plan as presented in the 2017 Direct Cost Analysis⁵, which Staff estimates will cost between \$1,535 to \$3,070 after adjusting for the rate of inflation since 2017⁶.
- b. The Cleanup, Restoration and Monitoring Plan (CRMP) is a technical report that is necessary to: (1) assess impacts to waters of the state resulting from the cannabis cultivation, alteration of the bed and bank of watercourses, and the discharge and threatened discharge of sediment and cannabis cultivation waste; (2) determine the appropriate restoration and abatement work to correct those impacts; and (3) create a plan along with an implementation schedule that will guide the scope of work to clean up and abate the discharges and threat of discharges of waste on the Property. By requiring the Dischargers to submit a CRMP, the North Coast Water Board or its delegated officer will have the opportunity to review and approve the scope of the proposed restoration and corrective actions to confirm that the proposed work will adequately remediate site conditions and prevent the discharges of sediment and other

(www.waterboards.ca.gov/water_issues/programs/cannabis/docs/policy/20171017_cannabis_cultivation_policy_cost_analysis.pdf). The costs to develop the technical reports required in this Order are anticipated to be comparable to the preparation of reports presented in the 2017 Direct Cost Analysis, as detailed in Paragraph 24, subparagraphs a-d.

⁶ The inflation rates that are referenced in this Order were determined using the California Department of Finance and World Bank, 2025, available at: [Inflation | Department of Finance | Inflation, consumer prices \(annual %\) - United States | Data](#). Specifically, the following inflation rates were applied for each year: 2.44% (2018), 1.81% (2019), 1.23% (2020), 4.7% (2021), 8.0% (2022), 4.12% (2023), and 2.9% (2024).

wastes from further impacting the beneficial uses of sensitive water bodies. As previously mentioned, the Upper Main Eel River and its tributaries are Clean Water Act section 303(d)-listed as impaired due to elevated sedimentation/siltation and elevated temperature, thereby heightening the need for this technical report in order to reduce further impairment to waters of the state. The CRMP requirements (i.e., field inspection and report preparation) are comparable to that of preparing a combined Site Management Plan, Site Erosion and Sediment Control Plan, and Disturbed Area Stabilization Plan as presented in the 2017 Direct Cost Analysis⁵, which is estimated to cost between \$6,216 and \$18,060.

- c. Separate Completion Reports are necessary to demonstrate that the Dischargers have successfully completed implementation of the Interim Stabilization Plan and the CRMP in a timely manner in accordance with this Order. The benefit derived from a Completion Report is the North Coast Water Board's, or its delegated officer's, ability to verify that remedial activities and best management practices were adequately implemented to ensure that cleanup and abatement activities remedy all water quality threats and impacts. Separate Completion Reports for the Interim Stabilization Plan and the CRMP are needed because the Interim Stabilization Plan and the CRMP will cover different scopes of work and be completed approximately one year apart. The cost of a Completion Reports (i.e., field inspection and report preparation) is comparable to that of a Site Closure Report as described in the 2017 Direct Cost Analysis described above, which is estimated to cost between \$1,381 and \$6,088 each. Therefore, the estimated cost to prepare two Completion Reports is between \$2,763 and \$12,177.
 - d. Annual Monitoring Reports are necessary to allow the North Coast Water Board, or its delegated officer, to confirm the long-term stability of restored areas, to identify any areas where restoration is failing or needs improvement, and to demonstrate the effectiveness of erosion control measures in preventing sediment discharges to waters of the state. Given the condition of the Property as a result of the Dischargers' activities, observation and maintenance of the completed project for a period of five years is needed to ensure that the anticipated water quality benefits are achieved in the long-term and that CRMP components continue to function and remain effective. The cost to prepare an Annual Monitoring Report (i.e., field inspection and report preparation) are comparable to that of a Site Closure Report as presented in the 2017 Direct Cost Analysis, which is estimated to cost between \$1,381 and \$6,088 each. Therefore, the cost to prepare five Annual Monitoring Reports is estimated to be between \$6,907 and \$23,800.
14. The Dischargers named in this Order currently own the Property or owned the Property at the time of North Coast Water Board staff's inspections during which the

discharges and threatened discharges were observed, and thus are appropriately responsible for providing the reports.

California Environmental Quality Act

15. Issuance of this Order is an enforcement action by a regulatory agency to enforce the regulatory provisions of the Basin Plan, and is exempt from provisions of the California Environmental Quality Act (CEQA) (Pub. Resources Code § 21000 et seq.) in accordance with California Code of Regulations, title 14, section 15321. This action may also be considered exempt because it involves minor alterations to land and/or is an action by a regulatory agency for the protection of natural resources and an action by a regulatory agency for the protection of the environment (Cal. Code Regs., tit. 14, §§ 15304, 15307, & 15308). To the extent that the Order requires earth-disturbing and revegetation activities not to exceed five acres in size and to assure restoration of stream habitat and prevent erosion, such actions are exempt from provisions of CEQA pursuant to California Code of Regulations, title 14, section 15333. Should additional environmental review be required by the North Coast Water Board in connection with future discretionary regulatory actions at the Property, the North Coast Water Board may recover the costs associated with preparing and processing environmental documents from the Dischargers (Pub. Resources Code, § 21089).

REQUIRED ACTIONS

IT IS HEREBY ORDERED, pursuant to Water Code sections 13267 and 13304, that the Dischargers shall clean up the wastes and abate the impacts to water quality in accordance with the scope and schedule set forth below and provide the following information.

1. **Submit an Interim Stabilization Plan:** Within 60 days of issuance of this Order, the Dischargers shall submit a proposed Interim Stabilization Plan for approval by the North Coast Water Board or its delegated officer. The Interim Stabilization Plan shall be prepared by an appropriately licensed professional and shall describe immediate cleanup and stabilization measures necessary to clean up wastes, including trash, disperse concentrated stormwater, and prevent further erosion and discharges of sediment and other pollutants. The Interim Stabilization Plan is generally intended for the type and scope of work that would not require additional permitting from the North Coast Water Board. The Interim Stabilization Plan shall include, at a minimum:
 - a. A site map depicting topography, watercourses, roads, stream crossings, graded/disturbed surfaces, areas of accumulated refuse, areas of human waste disposal and/or domestic waste treatment systems, and areas of fertilizer and potting soil accumulation.

- b. Identification of locations of controllable sediment delivery sites³ or other sites where waste has discharged or threatens to discharge to waters of the state; and
 - c. Identification of all areas of immediate concern, using the above information, along with proposed cleanup and stabilization measures to be implemented at each area of concern. Cleanup and stabilization measures shall include, but not be limited to:
 - i. Installation of water breaks designed to reduce road surface erosion by diverting storm water runoff from the road surface and directing it to a safe discharge area;
 - ii. Hydrologic disconnection of road drainage from waters of the state;
 - iii. Stabilization of disturbed areas with appropriate erosion control measures to protect the disturbed areas from the forces of rain drop impact and overland flow;
 - iv. Prevention of discharges of sediment, stagnant water, and other wastes to surface waters; and
 - v. Ensuring the proper storage and containment of petroleum products, chemicals, pesticides, waste piles, potting soil, and soil amendments and fertilizers to avoid transport into surface waters – this includes proper disposal of waste materials, including empty or partially used containers per manufacturer and waste disposal guidelines.
 - d. A monitoring plan and schedule to regularly inspect the Property to determine if actions are being implemented as planned, evaluate the effectiveness of cleanup and stabilization measures and corrective actions, and identify where additional work and maintenance of site cleanup and stabilization measures may be needed.
2. **Complete Implementation of the Interim Stabilization Plan:** The Dischargers shall obtain approval of the Interim Stabilization Plan from the North Coast Water Board and complete the work specified in the approved Interim Stabilization Plan by October 15, 2026.
 3. **Submit Completion Report for Interim Stabilization Plan:** By December 1, 2026, the Dischargers shall provide a report of completion of the measures outlined in the Interim Stabilization Plan for approval by the North Coast Water Board or its delegated officer. This report shall include a written summary, photographs of the completed cleanup and stabilization measures, and receipts demonstrating that all refuse and cannabis cultivation waste was disposed of at a licensed waste disposal facility.

4. **Submit a Cleanup, Restoration, and Monitoring Plan:** By March 15, 2027, the Dischargers shall submit to the North Coast Water Board for approval, a proposed Cleanup, Restoration, and Monitoring Plan (CRMP) acceptable to the North Coast Water Board or its delegated officer. The CRMP shall include but not be limited to:
- a. An assessment of any direct and indirect impacts to any waters of the state on the Property, including, but not limited to, rivers, streams, seeps, springs, bogs, and wetlands, caused by developed features used for cannabis cultivation activities such as greenhouse/cultivation areas, roads, watercourse crossings and all other disturbed areas on the Property; and identify controllable sediment sources that can be practicably treated/stabilized to prevent future discharges to receiving waters. The assessment shall characterize the location and quality of any watercourses and wetlands on the Property before the impacts occurred and their current conditions. The assessment shall be completed by an appropriately qualified professional and must, at a minimum, address surface water hydrology, bed and bank stability, riparian and aquatic habitat and loss thereof, channel slope stability, active or potential erosion and sedimentation sites, stability of graded and disturbed features, culverts, and other stream crossings, as well as roads and all disturbed areas on the Property.

The assessment shall include aerial photographs and/or satellite images, photographs, topographic maps, and drawings, etc., of existing Property conditions, and include a detailed map of features accurately depicting the Property's topography, all graded surfaces, all waters of the state and waters of the United States, drainages, stream crossings, instream structures, and the functional status of these features. Assessment findings shall serve as the basis for the CRMP;

- b. A plan for Property restoration, including a description of how long-term impacts from erosion and sedimentation sources will be abated (e.g., re-grading and reengineering, graveling or paving road surface, etc.), as well as a proposal to restore beneficial uses of any waters of the state on the Property that were adversely impacted or threatened by unauthorized site development/disturbance activities, including the tributaries to the Eel River and any springs, seeps, bogs, or wetlands (e.g. restoration of the stream channels). The plan shall contain, at a minimum, design specifications for: roads, graded areas, any water crossings, in-stream structures, riparian and aquatic habitat restoration, surface drainage controls, and erosion and sediment controls. The

CRMP shall comply with the design standards and requirements included in the Cannabis Cultivation Policy⁷.

- c. A proposal to provide mitigation to compensate for any permanent impacts to waters of the state that result from unauthorized activities on the Property and to compensate for any temporal impacts to waters of the state associated with restoration or infrastructure upgrades. Compensatory mitigation shall comply with the State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State (State Wetland Definition and Procedures⁸). The Compensatory Mitigation Proposal shall (1) describe existing and proposed site conditions at the proposed mitigation sites; (2) describe implementation methods used to provide compensatory mitigation; (3) include photo point monitoring that will document success of the compensatory mitigation; and (4) the submittal of monthly progress updates due on the 1st of each month until all required construction activities are completed.
 - d. An implementation schedule that includes a time schedule for submitting permit applications to all applicable local, state, and federal agencies, necessary and, detailed project milestones to fulfill the requirements of this Order once those permits are obtained and a deadline for having fully implemented and completed the CRMP.
5. **Modifications to the approved CRMP:** The Dischargers shall notify and obtain approval from the North Coast Water Board or its delegated officer at least 30 days prior to making any modifications to the approved CRMP.
 6. **Complete the Cleanup and Restoration:** By October 15, 2027, the Dischargers shall complete all work to clean up and abate the Property contained in the CRMP as approved by the North Coast Water Board or its delegated officer.
 7. **Completion Report for the CRMP:** By December 15, 2027, the Dischargers shall submit a Completion Report for the construction portion of the CRMP for approval by the North Coast Water Board or its delegated officer. The Completion Report shall include accurate depictions, documentation, and as-built designs of all completed restoration construction and/or abatement measures included in the approved CRMP to demonstrate the CRMP has been fully implemented. This report

⁷ 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)

⁸ The [State Wetland Definition and Procedures](https://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/2021/procedures.pdf) can be found online at: (https://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/2021/procedures.pdf)

shall also include pre- and post-construction photographs taken at each photo point, as depicted on site maps/figures.

8. **Annual Monitoring Reports:** Upon completion of the restoration and mitigation under the CRMP, the Dischargers shall submit annual monitoring reports by January 31 of each year, beginning in 2028, for at least five years or until the North Coast Water Board or its delegated officer approves a request to discontinue monitoring. Such a request may be submitted when the approved success criteria in the CRMP are met with supporting documentation. Each annual monitoring report shall include, at a minimum, a completed inspection checklist, photos of areas restored, a description of any locations where restoration is failing and/or needs to be corrected to achieve the success criteria.

GENERAL REQUIREMENTS AND NOTICES

1. **Duty to Use Qualified Professionals:** The Dischargers shall provide documentation that identifies plans and reports required under this Order are prepared under the direction of appropriately qualified professionals. As required by the California Business and Professions Code sections 6735, 7835, and 7835.1, engineering and geologic evaluations and judgments shall be performed by or under the direction of registered professionals competent and proficient in the fields pertinent to the required activities. The Dischargers shall include a statement of qualification and registration numbers of the responsible lead professionals in all plans and reports required under this Order. The lead professional shall sign and affix their registration stamp to the report, plan, or document. The required activities must be implemented by the appropriately qualified/licensed professional as otherwise required by law.
2. **Signatory Requirements:** All technical reports submitted by the Dischargers shall include a cover letter signed by the Dischargers, or a duly authorized representative, certifying under penalty of law that the signer has examined and is familiar with the report and that to his/her knowledge, the report is true, complete, and accurate. The Dischargers shall also state in the cover letter whether he/she will implement the recommendations/proposals provided in the report and the schedule for implementation. Any person signing a document submitted under this Order shall make the following certification:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my knowledge and on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

3. **Notice of Onsite Work:** The Dischargers, or a duly authorized agent, shall notify North Coast Water Board staff at least 48 hours prior to any onsite work, testing, or sampling that pertains to environmental remediation and investigation and is not routine monitoring, maintenance, or inspection. The Dischargers shall contact Brian Fuller at (707) 576-2806 or by email Brian.Fuller@waterboards.ca.gov.
4. **Notice of Change in Ownership or Occupancy:** The Dischargers shall file a written report on any changes in the Property's ownership or occupancy. This report shall be submitted to North Coast Water Board staff no later than 30 days prior to a planned change and shall reference the number of this Order.
5. **Reasonable Access:** The Dischargers shall allow the State Water Board and North Coast Water Board, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to enter at reasonable times to inspect the Property and any records that must be kept under the conditions of this Order for the purposes of assuring compliance with this Order or as otherwise authorized by the Water Code.
6. **Submissions:** All monitoring reports, technical reports, or notices required under this Order shall be submitted to North Coast Water Board staff at the addresses provided below.

By email (preferred) to:

Brian Fuller, Engineering Geologist
Brian.Fuller@waterboards.ca.gov

Or by mail to:

North Coast Regional Water Quality Control Board
Attn: Brian Fuller
5550 Skylane Boulevard, Suite A,
Santa Rosa, CA 95403

7. **Other Regulatory Requirements:** The Dischargers shall obtain all applicable local, state, and federal permits necessary to fulfill the requirements of this Order prior to beginning the work.
8. **Cost Recovery:** Pursuant to Water code section 13304, the State or North Coast Water Board is entitled to all reasonable costs it actually incurs to investigate and abate the effects of unauthorized discharges of waste and to oversee/supervise the cleanup of such waste, or other restoration action, required by this Order. If requested by the North Coast Water Board or State Water Board, the Dischargers shall enroll in the State Water Board's Cost Recovery Program and shall reimburse the State of California for all reasonable costs actually incurred by the State Water Board and North Coast Water Board.

9. **Delayed Compliance:** If for any reason, the Dischargers are unable to perform any activity or submit any document in compliance with the schedule set forth herein, or in compliance with any work schedule submitted pursuant to this Order and approved by the North Coast Water Board or its delegated officer, the Dischargers may request, in writing, an extension of the time specified. The extension request shall include justification for the delay. Any extension request shall be submitted as soon as a delay is recognized and prior to the compliance date. An extension may only be granted by modification of this Order or by a letter from the Executive Officer. The North Coast Water Board acknowledges that local, state, and federal permits may cause a delay beyond the control of the Dischargers and will take all the available relevant facts into consideration when considering whether or not to exercise its enforcement authority.
10. **Modifications:** Any modification to this Order shall be in writing and approved by the North Coast Water Board or its delegated officer including any potential extension requests.
11. **Enforcement Authority:** If the Dischargers fail to comply with the requirements of this Order, this matter may be referred to the Attorney General for judicial enforcement or a complaint for administrative civil liability may be issued by the North Coast Water Board. Failure to comply with this Order may result in the assessment of an administrative civil liability of up to \$10,000 per violation per day and/or up to \$10 per gallon when the violation results in the discharge of waste, pursuant to Water Code sections 13268, 13350, and/or 13385. The North Coast Water Board reserves its right to take any enforcement actions authorized by law, including, but not limited to, violation of the terms and conditions of this Order.
12. **No Limitation of Water Board Authority:** This Order in no way limits the authority of the North Coast Water Board to institute additional enforcement actions or to require additional investigation and cleanup of the Property consistent with the Water Code. This Order may be modified if additional information becomes available.
13. **Requesting Review by the State Water Board:** Any person aggrieved by this action of the North Coast Water Board may petition the State Water Board to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, section 2050 et seq. The State Water Board must receive the petition no later than 5:00 p.m., 30 days following the date of this Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday, the petition must be received on the next business day. [Copies of the law and regulations applicable to filing petitions](#) may be found on the Internet at: (https://www.waterboards.ca.gov/public_notices/petitions/water_quality/) or will be provided upon request.

This Order is effective upon the date of signature.

Valerie Quinto
Executive Officer

Attachments:

1. December 5, 2024, North Coast Water Board Notice of Violation to Shadi Elayyan including:
 - Attachment A - Regulatory Citations,
 - Attachment B - Report for October 28, 2024 Inspection
2. May 21, 2025, North Coast Water Board Notice of Violation to Lisa Garibay and Anthony Troyer