



North Coast Regional Water Quality Control Board

September 9, 2022

Mr. Kou Xiong
17705 Hawthorne Avenue
Anderson, CA 96007

Certified Mail No. 7021 0950 0001 6499 8630
DELIVERED VIA PROCESS SERVER

and

11 North Meadow Lane
Hayfork, CA 96041

Certified Mail No. 7021 0950 0001 6499 8647
DELIVERED VIA PROCESS SERVER

Ms. Susan Yang Xiong
841 Cook Avenue East
Saint Paul, MN 55106

Certified Mail No. 7021 0950 0001 8654
DELIVERED VIA PROCESS SERVER

and

16405 Hawthorne Avenue
Anderson, CA 96007-8517

Certified Mail No. 7021 0950 0001 6499 8685
DELIVERED VIA PROCESS SERVER

and

17682 Flowers Lane
Anderson, CA 96007-8226

Certified Mail No. 7021 0950 0001 6499 8678
DELIVERED VIA PROCESS SERVER

ADMINISTRATIVE CIVIL LIABILITY COMPLAINT NO. R1-2022-0039, ISSUED TO KOU XIONG AND SUSAN YANG XIONG FOR THE COMMERCIAL CANNABIS CULTIVATION SITE LOCATED AT 11 NORTH MEADOW LANE, HAYFORK, CA 96041, ASSESSOR'S PARCEL NUMBER (APN) 015-420-027-000, TRINITY COUNTY

Dear Mr. Kou Xiong and Ms. Susan Yang Xiong:

Enclosed is Administrative Civil Liability Complaint No. R1-2022-0039 (Complaint) issued by the California Regional Water Quality Control Board, North Coast Region (Regional Water Board) in the matter of Trinity County Assessor's Parcel Number (APN) 015-420-027-000 located at 11 Meadow Lane, in the City of Hayfork, CA (Property). This Complaint covers the period from September 17, 2021, through September 9, 2022, and includes allegations that you failed to submit and implement plans to abate the effects of unauthorized discharges to waters of the state, tributaries to Barker Creek. These discharges include fill material in a tributary to Barker Creek, and other unauthorized discharges and threats of discharges of solid waste, petroleum, fertilizer

GREGORY A. GIUSTI , CHAIR | MATTHIAS ST. JOHN, EXECUTIVE OFFICER

products, domestic wastewater, and sediment from the Property to multiple tributaries to Barker Creek. Discharges currently threaten the water quality of Baker Creek, its unnamed tributaries, and groundwater in violation of California Water Code (Water Code) sections 13350 subdivision (a)(1) and 13268 subdivision (a)(1).

This Complaint proposes that, pursuant to California Water Code sections 13350 subdivision (e)(1) and 13268 subdivision (b)(1), the Regional Water Board assess a total administrative civil penalty amount of **\$506,813**. Attachment A to the Complaint provides the details of the alleged violations and how the proposed penalties were calculated.

To help ensure the fairness and impartiality of this proceeding, the functions of those who will act in a prosecutorial role (Prosecution Team) by presenting evidence for consideration by the North Coast Water Board have been separated from those who will provide advice to the North Coast Water Board (Advisory Team) prior to and during the hearing. Any members of the Advisory Team who normally supervise any members of the Prosecution Team are not acting as their supervisors in this proceeding, and vice versa. Other members of the Prosecution Team may act or have acted as advisors to the North Coast Water Board in other, unrelated matters, but they are not advising the North Coast Water Board in this proceeding. The Prosecution Team is subject to all applicable rules and regulations as any other party to this proceeding, including the prohibition on ex-parte communications.

All submittals and communications to the Advisory Team shall be sent to:

Advisory Team

Matthias St. John,
Executive Officer,
Regional Water Quality Control Board,
North Coast Region
5550 Skylane Blvd. Suite A
Santa Rosa, CA 95403
Matt.St.John@waterboards.ca.gov

Nathan Jacobsen, Attorney,
Office of Chief Counsel
State Water Resources Control Board
1001 I Street
Sacramento, CA 95812
(916) 341-5181
Nathan.Jacobsen@waterboards.ca.gov

Any substantive communication to the Advisory Team must also be sent to the Prosecution Team listed below.

Prosecution Team

Claudia E. Villacorta, P.E.

Assistant Executive Officer

Claudia.Villacorta@waterboards.ca.gov

Kason Grady, P.E.

Chief, Cannabis & Enforcement Division

Kason.Grady@waterboards.ca.gov

Regional Water Quality Control Board,

North Coast Region

5550 Skylane Boulevard, Suite

Santa Rosa, CA 95403

(707) 576-2220

Michael Buckman

Statewide Cannabis Enforcement Coordinator

Michael.Buckman@waterboards.ca.gov

Pansy Yuen

Engineering Geologist

(916) 341-5445

Pansy.Yuen@waterboards.ca.gov

Patrick Lewis, Attorney

Office of Enforcement

State Water Resources Control Board

1001 I Street

Sacramento, CA 95812

(916) 327-0140

Patrick.Lewis@waterboards.ca.gov

You may avoid or delay a hearing on the Complaint by electing one of the following options on the attached waiver form and returning to the Regional Water Board Advisory Team, with a copy to the Prosecution Team by 5:00 p.m. on Tuesday, September 27, 2022:

- a. *By waiving the right to a hearing by providing payment to the Regional Water Board for the proposed administrative civil liability amount of \$506,813; or*
- b. *Subject to approval by the Advisory Team, by formally waiving a right to a hearing within 90 days and requesting to delay the hearing to allow time to discuss settlement or for any other reason, accompanied by a letter setting forth the amount of additional time requested and the rationale. In consultation with the parties, the Advisory Team will then evaluate the request to determine whether to take the hearing off calendar.*

If you have any questions about the waiver or wish to request an extension to the proposed hearing date, you should contact the Regional Water Board Advisory Team. Detailed hearing procedures and information regarding the hearing on the Complaint will be provided by the Regional Water Board Advisory Team.

Additionally, a Fact Sheet is enclosed, along with the Complaint and its attachments. The Fact Sheet describes the Complaint process and explains what Mr. Kou Xiong and Ms. Susan Yang Xiong (the Dischargers) can expect and their obligations as this case proceeds. **Please read each document carefully.**

An agenda containing the date, time, location and specific procedures of the hearing will be sent to you by the Advisory Team prior to the hearing date, which will likely be scheduled to occur on either the first or second day of the Regional Water Board's regular meeting of December 8-9, 2022, or February 2-3, 2023. The hearing will be governed by Hearing Procedures to be issued separately by the Regional Water Board Advisory Team for use in adjudicating matters such as this one. If the Dischargers elect to pay the proposed administrative civil liability (as discussed above), this will be considered a tentative settlement of the violations. The settlement will be considered final pending a 30-day public comment period and approval by the Regional Water Board or Executive Officer. Interested parties may comment on the proposed action during this period by submitting written comments to the Office of Enforcement staff person listed below. Should the Regional Water Board receive new information or comments during this comment period, the Assistant Executive Officer may withdraw the Complaint, return payment, and issue a new Complaint. If the Regional Water Board does not hold a hearing on the matter, and if the terms of the final settlement are not significantly different from those proposed in the enclosed Complaint, then there will not be additional opportunities for public comment on the proposed settlement.

If you have questions about the Complaint, please contact Ms. Pansy Yuen, Engineering Geologist, Office of Enforcement, at (916) 341-5445 or via email at Pansy.Yuen@waterboards.ca.gov, or Patrick Lewis, Esq., Staff Attorney, Office of Enforcement, at (916) 327-0140 or via email at Patrick.Lewis@waterboards.ca.gov.

For assistance translating or discussing the information in these documents in Hmong, please contact Marina Perez with the Office of Public Participation at (916) 322-4265 or Marina.Perez@waterboards.ca.gov.

Sincerely,


Digitally signed
by Claudia E.
Villacorta
Date: 2022.09.09
16:17:58 -07'00'

Water Boards
Claudia E. Villacorta, P.E.
Assistant Executive Officer

Enclosures:

1. Administrative Civil Liability Complaint No. R1-2022-0039
Attachment A: Penalty Methodology
Attachment B: Hearing Waiver Form for Administrative Civil Liability Complaint
2. Administrative Civil Liability Fact Sheet

Certified-Return Receipt Requested

cc: Matthias St. John, Executive Officer, RWQCB, Matt.st.John@waterboards.ca.gov
Nathan Jacobsen, OCC, Nathan.Jacobsen@waterboards.ca.gov
Patrick Lewis, OE, Patrick.Lewis@waterboards.ca.gov
Michael Buckman, OE, Michael.Buckman@waterboards.ca.gov
Pansy Yuen, OE, Pansy.Yuen@waterboards.ca.gov