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## North Coast Regional Water Quality Control Board

May 9, 2022

Szagora LLC  
Attention: Ted Nash  
2480 Crystal Ship Court  
Henderson, NV, 89052

Certified Mail No. 7021 0950 0001 6499 7343

Toshko Toshkoff  
4515 S Durango Drive APT 1120  
Las Vegas, NV 89147

Certified Mail No. 7021 0950 0001 6499 7350

Rudy Chacon  
PO Box 2541  
San Pedro, CA, 90731

Certified Mail No. 7021 0950 0001 6499 7367

**ADMINISTRATIVE CIVIL LIABILITY COMPLAINT NO. R1-2022-0023, ISSUED TO SZAGORA LLC, TOSHKO TOSHKOFF AND RUDY CHACON FOR THE COMERCIAL CANNABIS CULTIVATION SITE LOCATED AT ASSESSOR'S PARCEL NUMBER (APN) 208-054-003-000, HUMBOLDT COUNTY**

Dear Mr. Toshkoff and Mr. Chacon:

Enclosed is Administrative Civil Liability (ACL) Complaint No. R1-2022-0023 (Complaint) issued by the California Regional Water Quality Control Board, North Coast Region (Regional Water Board) in the matter of Humboldt County Assessor's Parcel Number (APN) 208-054-003-000 the (Property). The Complaint covers the period from July 1, 2021 through May 9, 2022, and includes allegations that you failed to submit and implement plans to correct roads and watercourse crossings on the Property according to Required Action Nos. 1 and 4 of Regional Water Board Cleanup and Abatement and 13267 Order No. R1-2021-0031 (Cleanup and Abatement Order), in violation of California Water Code (Water Code) section 13350, subdivisions (a)(1), and (a)(2). This Complaint proposes that, pursuant to California Water Code section 13350 and 13385, the Regional Water Board assess a total administrative civil penalty amount of **\$209,687**. Attachment A to the Complaint provides the details of these 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

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

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](mailto: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](mailto: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](mailto:claudia.villacorta@waterboards.ca.gov)

Kason Grady, P.E.  
Chief, Cannabis & Enforcement Division  
[kason.grady@waterboards.ca.gov](mailto:kason.grady@waterboards.ca.gov)

Jeremiah Puget  
Senior Environmental Scientist  
[jeremiah.puget@waterboards.ca.gov](mailto:jeremiah.puget@waterboards.ca.gov)

Brian Fuller, P.G.  
Engineering Geologist  
[brian.fuller@waterboards.ca.gov](mailto:brian.fuller@waterboards.ca.gov)

Regional Water Quality Control Board,  
North Coast Region

5550 Skylane Boulevard, Suite A  
Santa Rosa, CA 95403  
(707) 576-2220

Andrew Tauriainen, Attorney  
Office of Enforcement  
State Water Resources Control Board  
1001 I Street  
Sacramento, CA 95812  
(916) 341-5889  
[andrew.tauriainen@Waterboards.ca.gov](mailto:andrew.tauriainen@Waterboards.ca.gov)

The Dischargers 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 Wednesday, June 8, 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 \$209,687; 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 consult 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 as well.

Additionally, a Fact Sheet is enclosed, along with the Complaint and its attachments. The Fact Sheet describes the Complaint process and explains what Mr. Toshkoff, Mr. Chacon, and Szagora LLC (the Dischargers) can expect and their obligations as the process 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 August 4-5, 2022. 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 Regional Water Board 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 Brian Fuller, P.G. Engineering Geologist, at (707) 576-2806 or via email at [brian.fuller@waterboards.ca.gov](mailto:brian.fuller@waterboards.ca.gov), or Andrew Tauriainen, Esq., Senior Staff Counsel, Office of Enforcement, at (916) 341-5889 or via email at [andrew.tauriainen@waterboards.ca.gov](mailto:andrew.tauriainen@waterboards.ca.gov).

Sincerely,

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

Enclosures:

1. Complaint No. R1-2022-0023 with Attachments:
  - A. Penalty Methodology
  - B. Hearing Waiver Form
2. Administrative Civil Liability Fact Sheet

Certified-Return Receipt Requested

cc: Matthias St. John, Executive Officer, RWQCB, [matt.st.john@waterboards.ca.gov](mailto:matt.st.john@waterboards.ca.gov)  
Nathan Jacobsen, OCC, [nathan.jacobsen@waterboards.ca.gov](mailto:nathan.jacobsen@waterboards.ca.gov)  
Andrew Tauriainen, OE, [andrew.tauriainen@waterboards.ca.gov](mailto:andrew.tauriainen@waterboards.ca.gov)