



Enforcement News

Fine proposed against cannabis cultivators for runoff that threatens Mad River water quality

The accused failed to obtain permit to grow cannabis commercially

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SANTA ROSA – Three cannabis cultivators in Humboldt County are facing a \$209,687 fine in connection with sediment discharged into tributaries of the Mad River that posed a risk to water quality and aquatic life, according to a formal complaint signed last week by staff of the North Coast Regional Water Quality Control Board.

Szagora LLC, Toshko Toshkoff and Rudy Chacon (the “cultivators”) commercially cultivated cannabis on a 100-acre property along the Humboldt-Trinity County line between the towns of Dinsmore and Mad River. The complaint alleges the cultivators failed to obtain a permit to legally cultivate cannabis and did not respond to an enforcement order requiring them to maintain an access road on their property consistent with industry standards designed to protect water quality and beneficial uses.

The road on the property has steep sections that are hydrologically connected to surface waters. North Coast Water Board staff determined the road is undersized, misaligned and contains failed stream crossings that threaten to discharge sediment to the Mad River less than a quarter mile east of the property.

“By failing to obtain a required permit, follow industry standards and adequately respond to an enforcement order, the unlicensed cultivators gained an unfair advantage over legal cultivators,” said Claudia E. Villacorta, assistant executive officer. “But more importantly, they put a waterway at risk.”

Sediment delivery to waterways negatively impacts the migration, spawning, reproduction and early development of cold-water fish. Excess sediment delivery to streams can smother aquatic animals and habitats; alter or obstruct flows resulting in flooding; and reduce water clarity, which makes it difficult for organisms to breathe, find food and refuge, and reproduce. The discharge of sediment in the Mad River watershed is especially problematic because it is listed as an impaired water body under Section 303(d) of the Clean Water Act due to elevated sedimentation/siltation and turbidity.



A public hearing to consider the complaint and vote on whether to approve the fine is scheduled for Aug. 4-5 before the North Coast Water Board.

A copy of the [administrative complaint](#) is available for review on the North Coast Water Board's website at.



Figure 1—Photo looking downstream at the road crossing an unnamed tributary to the Mad River on the Szagora LLC property. The existing culvert is too small and does not meet industry sizing standards. Thus, when the stream is running full, water can flood the road and carry road material and fine sediment back into the waterways. Fine sediment can make it difficult for fish to breathe, find food and refuge, and reproduce.



Figure 2— Looking east along a dirt road approaching a stream crossing on the Szagora LLC property. The road is steep and lacks key features, such as water bars or rolling dips, to direct stormwater off the road and minimize sediment delivery to the stream. This leaves the road's earthen surface susceptible to erosion by stormwater, which is likely to carry excess fine sediment from the road into the stream.

The North Coast Water Board's mission is to develop and enforce water quality objectives and implement plans that will best protect the region's waters while recognizing our local differences in climate, topography, geology and hydrology.