

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

CLEANUP AND ABATEMENT ORDER R5-2019-0703
FOR
MARIA VALENCIA
ASSESSOR PARCEL 012-010-70
LAKE COUNTY

This Cleanup and Abatement Order is issued to Maria Valencia (Discharger) based on provisions of Water Code section 13304, which authorizes the Central Valley Regional Water Quality Control Board (Central Valley Water Board) to issue an order requiring the cleanup and abatement of wastes, and Water Code section 13267, which authorizes the regional water boards to require the preparation and submittal of technical and monitoring reports.

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

Purpose of the Order

1. This Order requires the Discharger to clean up earthen materials, soil, sediment, and unknown liquids that are discharging or threatening to discharge to tributaries of Soda Creek, a tributary of Putah Creek. These discharges and threatened discharges are a result of the Discharger's grading activities, road construction, unmaintained corrugated metal pipe (CMP) watercourse crossing, and discharge from disturbed areas associated with cannabis cultivation on Lake County Assessor Parcel Number (APN) 012-010-70 (Site). Soda Creek is considered waters of the State, as well as waters of the United States. The Discharger performed unpermitted soil disturbance work in order to facilitate the cultivation of cannabis. The above-mentioned activities have either previously discharged wastes or threaten future discharge of wastes to Soda Creek and several tributaries thereto without authorization from applicable federal, state, and local agencies, including the Central Valley Water Board. This Order requires investigation and cleanup in compliance with the Water Code, the *Water Quality Control Plan for the Sacramento and San Joaquin River Basins*, Fifth Edition, revised May 2018 (Basin Plan), State Water Resources Control Board Resolution No. 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 regional water board plans, policies, and regulations.

Responsible and Potentially Responsible Parties

2. The Discharger, as the current owner of the Site and/or the person discharging or creating a threat of discharge, is a responsible party for the purpose of complying with this Order. This Order finds that Maria Valencia is a responsible party.
 - a. Per records from the Lake County Assessor-Recorder's Office, Maria Valencia purchased the 76-acre parcel, identified as Lake County APN 012-010-70, in May 2016.
 - b. During the initial Site inspection conducted on 22 May 2018 and documented in the Inspection Report and Notice of Violation dated 8 August 2018 (Attachment A), active cannabis cultivation was being conducted in four locations, two of which were adjacent

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and within an unnamed Class III watercourse. The inspection was conducted by California Department of Fish and Wildlife (CDFW) and Central Valley Water Board staff under a search warrant. No other parties were on Site when the inspection occurred.

- c. During a second Site inspection conducted by CDFW and Central Valley Water Board staff under a search warrant on 18 September 2018 and documented in the Inspection Report and Notice of Violation dated 16 November 2018 (Attachment B), cannabis cultivation activities were occurring on all four previously documented cultivation areas. Two of the originally documented areas had been expanded, in addition to a newly developed cultivation area located in another Class III watercourse on the Site. The cannabis cultivation activities were being conducted using imported potting soil placed adjacent to and within the watercourse. No other parties were on Site when the inspection occurred.

Site Location and Description

- 3. The Site is located along Morgan Valley Road approximately 8 miles east of Lower Lake, Lake County, in the vicinity of latitude 38.889419°N and longitude 122.492455°W. Surface water from the Site drains into multiple unnamed Class III tributaries to Soda Creek that ultimately flows into Putah Creek, a tributary to the Sacramento River.

Site History

- 4. Google Earth satellite imagery indicates the Site had natural hillsides with little to no grading or any evidence of cannabis cultivation from 1993 to March 2016. Establishment of cannabis cultivation and associated infrastructure is visible in the 22 August 2016 Google Earth satellite imagery. Imagery from 2017 shows expansion of a hoop house on the northern section of the parcel with imagery from 2018 showing expansion of cultivation infrastructure directly into a Class III watercourse. In May 2018, CDFW Wardens obtained a search warrant allowing staff from the State Water Resources Control Board (State Water Board) and Central Valley Water Board access to the Site for the purpose of identifying and documenting site conditions and impacts to water quality from cannabis cultivation. In September 2018, CDFW Wardens obtained a second search warrant allowing staff from the State Water Board and Central Valley Water Board access to the Site to document site conditions and continued unpermitted cannabis cultivation activities. There are no statements or applications on file with the State Water Resources Control Board's Division of Water Rights (Division of Water Rights) for water storage or diversion. The Site has no prior regulatory oversight or history with the Central Valley Water Board.

Factual Basis of Order

- 5. The following describes the initial discovery of the water quality concerns at the Site and the findings of the joint investigation of the Central Valley Water Board and CDFW.
 - a. The Site is located directly northeast of Soda Creek, a Class I Watercourse that is tributary to Putah Creek and thence the Sacramento River. Poor road maintenance, watercourse crossing maintenance, cannabis cultivation, excavation and placement of fill within Class III watercourses, and disposal and storage of imported potting soil were

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documented on the Site. The native soil in the area is primarily composed of sandy silts derived from sandstones and shales, identified as Skyhigh-Millsholm Loams and Maymen-Etsel-Snook Complex by the United States Department of Agriculture (USDA) Web Soil Survey, and has a high erosion hazard rating. Much of the above-mentioned Site activities were conducted on hillsides within and adjacent to several tributaries to Soda Creek and lacked appropriate water quality protection measures.

- b. In May 2018, staff was contacted by CDFW Warden Wyatt Moore inquiring if the Site was permitted through the Central Valley Water Board for cannabis cultivation. Staff reviewed departmental records and determined there were no current or past permits issued for cannabis cultivation by the Central Valley Water Board.
- c. Staff researched the property in question and determined that there was evidence of past cultivation per historical google earth imagery from 2017 and that the Site was located on Lake County APN 012-010-70.
- d. On 18 May 2018, CDFW Warden Wyatt Moore obtained a search warrant from the Lake County Superior Court for the Site. The warrant contained language authorizing State Water Board and Central Valley Water Board staff to participate in the inspection, specifically to inspect for water quality violations.
- e. On 22 May 2018, Central Valley Water Board staff met with CDFW wardens and environmental scientists and State Water Board Division of Water Rights staff to inspect the Site. During the Site inspection, staff observed improper storage of imported potting soil, construction of cannabis cultivation infrastructure within and adjacent to Class III watercourses, deposition of imported potting soil into Class III watercourses, rill erosion along steep slopes of the main access road, and an improperly maintained watercourse crossing. Staff also observed the results of active cannabis cultivation.
- f. Central Valley Water Board staff issued an Inspection Report and Notice of Violation on 8 August 2018 to the Discharger detailing the findings of the 22 May 2018 Inspection (Attachment A).
 - 1) Approximately 0.60 acres in total were disturbed to create Cultivation Area One and a larger graded pad, housing a permanent shop and other infrastructure associated with cannabis cultivation. Of that area, approximately 0.10 acres were used for active cannabis cultivation. A large stockpile of imported potting soil documented in this area was not properly covered and had no containment best management practices (BMPs) implemented. Construction of the graded pad had filled in an unnamed Class III watercourse, which was redirected into a drainage ditch along the graded pad and continued down an access road.
 - 2) Approximately 0.13 acres were disturbed to create Cultivation Area Two. Cultivation Area Two consisted of one wooden hoop house structure that was built on a graded pad. The toe of the fill slope of the graded pad was measured at approximately 5 feet from an unnamed Class III watercourse. Vegetative slash was observed piled on the fill slope of the graded pad and within the Class III watercourse channel.

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- 3) Approximately 0.04 acres were disturbed to create Cultivation Area Three. Cultivation Area Three consisted of a hoop house, constructed directly within an unnamed Class III watercourse. Cultivation was done in above-ground plastic grow pots containing imported potting soil that were placed directly on the native ground surface and within the Class III watercourse. Approximately 9 cubic yards of imported potting soil had been deposited within the Class III watercourse.
 - 4) Approximately 0.05 acres were disturbed to create Cultivation Area Four. Cultivation Area Four consisted of a hoop house on a graveled graded pad on top of a ridge. Two Intermediate Bulk Containers, each estimated to store up to 275 gallons, contained an unknown liquid. Also located in this vicinity was an uncovered 50-gallon barrel with another unknown liquid.
 - 5) Located between Cultivation Area Four and Cultivation Area Three, a portion of the Ridge Access Road had erosion on the road surface due to the lack of proper road drainage, leading to concentration of storm water flow. In addition to the lack of proper drainage features, the road was constructed on steep gradients, measuring up to 25 percent, which exacerbated rill erosion on the road surface.
 - 6) Located on the private drive accessing the property was a partially plugged CMP watercourse crossing. The inlet of the CMP was partially plugged with large angular rocks and fine sediment, resulting in the accumulation of fine sediment in the drainage basin above the CMP and in a nearby road drainage ditch. At the outlet of the CMP, road fill material had failed and created a vertical cut-bank directly above the outlet, resulting in an accumulation of material at the base of the CMP. Staff calculated approximately 22 cubic yards of earthen material had been deposited within the Class III watercourse during construction of the watercourse crossing. Additionally, west of the watercourse crossing an erosional gully had formed in the road surface as a result of surface water ponding above the plugged CMP inlet. The plugged inlet caused water to divert out of the natural channel and flow over the top of the road surface leading to erosion of the road surface.
- g. On 18 September 2018, Central Valley Water Board staff met with CDFW wardens and environmental scientists to perform a second inspection of the Site. During the inspection, staff documented the four originally identified cannabis cultivation areas, along with a newly developed cultivation area placed within and adjacent to a Class III watercourse. Cultivation Area Three had been expanded, increasing the disturbed area footprint from the original documented footprint. The rill erosion on the Ridge Access Road and the improperly designed and maintained watercourse crossing were still in the same condition as originally documented during the 22 May 2018 Inspection.
 - h. Central Valley Water Board staff issued an Inspection Report and Notice of Violation on 12 November 2018 to the Discharger detailing the findings of the 18 September 2018 Inspection (Attachment B).

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- 1) Cultivation Area Two had expanded slightly in disturbed area from 0.13 acres to 0.14 acres with approximately 3.08 cubic yards of imported potting soil deposited within 50 feet of a Class III watercourse. The disturbed area was still in the same condition as documented during the 22 May 2018 inspection, with cannabis refuse and infrastructure located within 50 feet of an unnamed Class III Watercourse, a tributary to Soda Creek. Vegetative slash was still placed on the fill slope of the graded pad and within the Class III watercourse
 - 2) Cultivation Area Three, located within a Class III watercourse channel, had expanded significantly from 0.04 acres to 0.14 acres. The active cannabis cultivation area and the associated 9 cubic yards of imported potting soil documented in the 22 May 2018 inspection had been relocated. During the 18 September 2018 inspection, staff documented approximately 7.82 cubic yards of imported potting soil deposited within 50 feet of the Class III watercourse. Cultivation activities had been expanded in all directions from the original documented disturbed area. Cultivation was occurring in above-ground plastic grow pots and constructed lumber grow boxes containing imported potting soil that were placed directly on the native ground surface. Staff documented evidence of excavation within the watercourse to create a flat surface to accommodate the lumber grow boxes.
 - 3) Located directly east of Cultivation Area Three, staff documented a newly developed cultivation area within a Class III watercourse, referred to as Cultivation Area Five. Staff calculated the disturbed area of Cultivation Area Five, at approximately 0.06 acres with approximately 3.08 cubic yards of imported soil deposited within the watercourse. Cultivation was occurring in above-ground constructed lumber grow boxes containing imported potting soil that were placed directly on the native ground surface. Staff documented evidence of excavation within and adjacent to the watercourse to create a flat surface to accommodate the lumber grow boxes.
- i. On 10 April 2019, Central Valley Water Board staff issued a Draft Cleanup and Abatement Order (CAO) to the Discharger via certified mail.
 - 1) A comment period was included as part of the draft CAO issuance, extending 15 days from receipt of the draft CAO.
 - 2) The certified mail was signed for on 12 April 2019, and the certified mail receipt was received by Central Valley Water Board staff.
 - 3) Staff did not receive any comments on the draft CAO during the comment period, which ended 27 April 2019.

Beneficial Uses and Water Quality Objectives

6. The Basin Plan designates beneficial uses, establishes water quality objectives, contains implementation programs for achieving objectives, and incorporates by reference, plans and policies adopted by the State Water Resources Control Board. Soda Creek is tributary to Putah Creek and is therefore provided the same designated beneficial uses.

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- a. The designated beneficial uses for Putah Creek are Municipal and Domestic Supply (MUN), Irrigation and Stock Watering (ARG), Process (PROC) and Power (POW), Contact (REC-1), Other Noncontact Recreation (REC-2), Warm Freshwater Habitat (WARM), Cold Freshwater Habitat (COLD), Warm Water Spawning (SPWN), and Wildlife Habitat (WILD). Beneficial uses of any specifically identified water body generally apply to all of its tributaries.
- b. The designated beneficial uses of the underlying groundwater include municipal and domestic supply (MUN), agricultural supply (AGR), industrial service supply (IND), and industrial process supply (PRO).
- c. The Basin Plan lists specific water quality objectives for inland surface waters. These objectives include, in part, limitations on increased temperature, sediment, settleable and suspended material, and turbidity.

Unpermitted Activities

7. Central Valley Water Board staff determined that the grading, access roads, cultivation of cannabis, and the watercourse crossing at the Site occurred without coverage under any of the following regulatory permits:
 - a. Enrollment under Central Valley Water Board Cannabis General Order R5-2015-0113 or the State Water Resources Control Board Cannabis General Order WQ 2017-0063-DWQ;
 - b. Any waste discharge requirement, conditional waiver, or water quality certification issued by either the Central Valley Water Board or the State Water Board;
 - c. A Lake and Streambed Alteration (LSA) Agreement (1600 Agreement) from CDFW;
 - d. A Clean Water Act section 404 dredge or fill permit from the Army Corps of Engineers;
 - e. A permit, license, or registration for water storage from the Division of Water Rights

Legal Authority to Require Clean Up and Abatement

8. "Waste" is defined by Water Code section 13050, subdivision (d) as, 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 purposes of, disposal.

Sediment and sediment laden storm water, when discharged to waters of the State, is deemed a "waste" as defined in Water Code section 13050.

9. "Pollution" is defined by Water Code section 13050, subdivision (l)(1) as,

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an alteration of the quality of the waters of the State by waste to a degree which unreasonably affects either of the following:

i. The waters for beneficial uses;

ii. Facilities which serve these beneficial uses

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 adjacent channel bed or banks, and localized accumulation of deleterious materials. Additionally, such discharges directly threaten habitat for aquatic species dependent upon native sediment and vegetation characteristics (SPWN, 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 (AGR, and MUN). Sediment laden storm water discharges and the resulting turbidity within surface waters can also affect the recreational and aesthetic enjoyment of the surface waters (REC-1, REC-2).

The grading and clearing activities, cannabis cultivation, and placement of imported potting soil within Class III watercourses, access road construction and maintenance, watercourse crossing construction, improper storage of chemicals on Site, and improper storage of imported potting soil on Site have led to the unauthorized discharge and threat of discharge of wastes into surface waters and have created, or threaten to create, a condition of pollution by unreasonably affecting the beneficial uses of waters of the State. Soda Creek is tributary to Putah Creek and a tributary to the Sacramento River.

Accordingly, the beneficial uses of Putah Creek discussed above in Paragraph 6 also apply to all of its tributaries.

10. 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 to 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....Upon failure of any person to comply with the cleanup or abatement order, the Attorney General, at the request of the board, shall petition the superior court for that county for the issuance of an injunction requiring the person to comply with the order. In the suit, the court shall have jurisdiction to grant a prohibitory or mandatory injunction, either preliminary or permanent, as the facts may warrant.

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The Discharger, as the current owner and/or operator of the Site, caused or permitted waste in the form of sediment, imported potting soils, unknown and improperly stored liquids, and other deleterious materials to be discharged or deposited where it will be or has the potential to be discharged to surface waters which drain to Soda Creek, a tributary to Putah Creek, in violation of Water Code sections 13260 and 13376, which creates a condition of pollution subject to this Order in accordance with Water Code section 13304.

11. *Resolution 92-49* is incorporated into the Basin Plan as Appendix 9. *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 No. 68-16, the *Statement of Policy with Respect to Maintaining High Quality Waters in California (Antidegradation Policy)*. *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 which 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 proceed in a progressive sequence. To the extent practical, it directs the Central Valley Water Board to require and review for adequacy written work plans for each element and phase and written reports that describe the results of each phase of the investigation and cleanup.
12. The Central Valley Water Board, by adopting this Order, is not making any determination as to apportionment of liability among or between responsible parties, and nothing in this Order is intended to, or shall be interpreted as, limiting a responsible party's ability to seek reimbursement or indemnity from any and all other responsible parties.

Cleanup and Abatement Action Necessary

13. Graded and cleared areas of the Site are at risk of erosion and sediment discharge to waters of the State. Constructed cultivation areas within and adjacent to watercourses and placement of imported potting soil have resulted in the deposition of earthen fill directly into two Class III watercourses. A constructed watercourse crossing has resulted in the deposition of earthen fill materials directly into the watercourse channel and subsequent failures have led to the discharge of earthen fill material to waters of the State. Improper storage of unknown liquids and soils threaten to discharge wastes and pollutants to waters of the state. Lack of proper road drainage and maintenance on the access road has resulted in the threatened discharge of sediment laden run-off into a Class III watercourse. Cleanup and abatement is necessary to ensure that the existing condition of pollution is cleaned up, that unauthorized discharges and threats of discharge to surface waters originating from the Site are cleaned up, and that any impacts to beneficial uses are mitigated. The current condition of pollution is considered a priority violation as outlined in the State Water Board's Water Quality Enforcement Policy (Enforcement Policy), and the issuance of a cleanup and abatement order pursuant to Water Code section 13304 is appropriate and consistent with policies of the Central Valley Water Board.

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Technical Reports Required

14. Water Code section 13267(a) provides that the regional water board may investigate the quality of any water of the state within its region in connection with any action relating to the water quality control plan or any waste discharge requirements. Water Code section 13267, subdivision (b) provides that the regional water board, in conducting an investigation may require a discharger to furnish, under penalty of perjury, technical or monitoring reports. The burdens, including costs, of the technical reports required by this Order bear a reasonable relationship to the need for the reports. The technical reports required by this Order are necessary to assure compliance with this Order and to protect the waters of the State. The technical reports are further necessary to demonstrate that appropriate methods will be used to clean up waste discharged to surface waters and surface water drainage courses and to ensure that cleanup complies with Basin Plan requirements. In accordance with Water Code section 13267, subdivision (b), the findings in this Order provide the Discharger with a written explanation with regard to the need for remedial action and reports and identify the evidence that supports the requirement to implement cleanup and abatement activities and submit the reports. Per records from the Lake County Assessor-Recorder's Office, Maria Valencia purchased the Site, identified as APN 012-010-70, in May 2016. Accordingly, the Discharger named in this Order owns and/or operates or has owned and/or has operated the Site from which waste was discharged and thus is appropriately named as a party responsible for providing the reports.

California Environmental Quality Act

15. Issuance of this Order is an enforcement action taken 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) (Pubic 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 is an action by a regulatory agency for the protection of natural resources (Cal. Code Regs., tit. 14, § 15307) and an action by a regulatory agency for the protection of the environment (Cal. Code Regs., tit. 14, § 15308). To the extent that the Order requires earth disturbing and revegetation activities not to exceed five acres in size and to ensure restoration of stream habitat and prevent erosion, such actions are considered exempt from the provisions of CEQA pursuant to California Code of Regulations, title 14, section 15333. Should additional environmental review be required in connection with future discretionary regulatory actions at this site, the Central Valley Water Board may recover the costs associated with preparing and processing environmental documents from the discharger. (Pub. Res. Code, § 21089.)

No Limitation of Water Board Authority

16. This Order in no way limits the authority of the Central Valley Water Board to take any enforcement actions authorized by law.

REQUIRED ACTIONS

IT IS HEREBY ORDERED that, pursuant to Water Code sections 13267 and 13304, the Discharger shall clean up and abate the impacts to water quality associated with the discharge and threatened discharge of sediment, imported potting soils, unknown liquids, and other deleterious material to waters of the state as follows:

1. **Within 30 days following the effective date of this Order**, the Discharger shall provide a proposed **Restoration Monitoring and Mitigation Plan** (R MMP) prepared by a qualified professional, as described in Paragraph 6 below, describing planned stabilization and mitigation efforts to minimize erosion and future discharge of earthen fill materials, sediment, and chemicals to Soda Creek and its tributaries. Soda Creek is a tributary to Putah Creek and thereafter the Sacramento River. The R MMP shall include, but not be limited to, the following elements:
 - a. A detailed area map accurately depicting existing topography, graded areas, pre-existing cultivation areas, access roads, watercourse crossings, and all surface water courses/drainages,
 - b. Identification of all locations where sediment has discharged and threatens to discharge to surface water or surface water drainages courses,
 - c. Plans for Site restoration, including how long-term impacts from stormwater runoff generated at the Site will be abated (e.g., re-grading, establishing permanent ground cover, and watercourse crossing re-design), as well as proposed mitigation measures to restore beneficial uses and to compensate for and minimize any further impacts to Soda Creek and tributaries thereto. Site restoration shall include:
 - i. Removal of the imported potting soil deposited directly within and adjacent to tributaries to Soda Creek.
 - ii. Stabilization and revegetation of the disturbed areas created directly within and adjacent to tributaries of Soda Creek.
 - iii. Removal and proper storage of all unknown liquids and imported soils and any other deleterious material from areas where they may discharge to tributaries of Soda Creek.
 - iv. Erosion and sediment control measures to be applied to the graded areas in Cultivation Area Two.
 - v. Erosion and sediment control measures to be applied to the Main Access Road.
 - vi. Evaluation and reconstruction of the Watercourse Crossing to prevent additional discharges and potential diversion of the Class III watercourse.
 1. The evaluation shall assess the current crossing's ability to pass 100-year flood flows and plans for stabilization and/or replacement of the culvert.

2. If the culvert is determined to require replacement, the culvert shall be sized to accommodate 100-year flood flows along with associated debris loads. Reconstruction of the crossing shall include plans to address diversion potential and shall include adequate armoring to prevent erosion of the upstream and downstream fill slopes.
- vii. Proof of valid water right to divert and store the water currently being used for cannabis cultivation.
- d. The RMMP shall contain, at a minimum, design specifications and drawings, an implementation schedule, and a monitoring plan. Whenever feasible, the RMMP shall incorporate use of appropriate native or endemic species in any re-vegetation efforts.
- e. The implementation schedule in the RMMP shall include detailed project milestones that take into account the time anticipated to obtain all applicable local, state, and federal permits necessary to fulfill the requirements of this Order. The time for obtaining all necessary permits should be considered and accounted for when developing a RMMP that complies with the deadlines provided in this Order.

Central Valley Water Board staff will review the RMMP in a timely manner upon receipt and provide written concurrence with or necessary revisions to the Discharger or Discharger's representative. Once staff has issued final written concurrence with the RMMP, work may begin immediately, but no later than, the deadlines as outlined by this order.

2. **Within 30 days following issuance of final written concurrence with the RMMP**, the Discharger shall begin implementing the RMMP.
3. **Within 120 days following issuance of final written concurrence with the RMMP**, the Discharger shall complete all restoration and mitigation measures described in the RMMP.
4. **Within 150 days following issuance of final written concurrence with the RMMP**, the Discharger shall submit a **Completion Report** for the RMMP to the Central Valley Water Board. The Completion Report shall accurately depict all construction and/or mitigation measures and document that the above plan to restore, compensate for, and minimize any further impacts to Soda Creek has been fully implemented.
5. **By October 1 of each year** (starting 1 October 2020), the Discharger shall submit an annual monitoring report to the Board. The Annual Monitoring Report shall summarize monitoring results of the RMMP and shall continue for three years after successful completion of the RMMP unless the Assistant Executive Officer, in his discretion, determines that monitoring is no longer required and provides written documentation of this determination to the Discharger before the end of the three-year monitoring period.

GENERAL REQUIREMENTS AND NOTICES

Duty to Use Qualified Professionals

6. All technical reports required herein that involve planning, investigation, evaluation, or design, or other work requiring interpretation and proper application of engineering or geological sciences, shall be prepared by or under the direction of persons registered to practice in California pursuant to California Business and Professions Code sections 6735, 7835, and 7835.1. As required by these laws, completed technical reports must bear the signature(s) and seal(s) of the registered professional(s) in a manner such that all work can be clearly attributed to the professional responsible for the work.

Signatory Requirements

7. All technical reports submitted by the Discharger shall include a cover letter signed by the Discharger, 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 or her knowledge, the report is true, complete, and accurate. The Discharger shall also state if he or she agrees with any recommendations/proposals and whether he or she approves implementation of said proposals. 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."

Notice of Onsite Work

8. The Discharger or his or her authorized agent(s) shall notify Central Valley 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 or that has not been fully described in the RMMP.

Notice of Change in Ownership or Occupancy

9. The Discharger shall file a written report of any changes in the Site's ownership or occupancy. This report shall be filed with the Central Valley Water Board no later than 30 days prior to a planned change and shall reference the number of this Order.

Submissions

10. All monitoring reports, technical reports, or notices required under this Order shall be submitted to:

Central Valley Water Board
Attn: Michael Parker

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364 Knollcrest Dr., Ste. 205
Redding, CA 96002
michael.parker@waterboards.ca.gov

Other Regulatory Requirements

11. The Discharger shall obtain all applicable local, state, and federal permits necessary to fulfill the requirements of this Order prior to beginning the work. For example, Fish and Game Code section 1602 requires a person or entity to notify CDFW before: (1) substantially diverting or obstructing the natural flow of a river, stream, or lake; (2) substantially changing the bed, channel, or bank of a river, stream, or lake; (3) using any material from the bed, channel, or bank of a river, stream, or lake; and/or (4) depositing or disposing of debris, waste, material containing crumbled, flaked, or ground pavement where it may pass into a river, stream, or lake. Failure to notify CDFW constitutes a violation of Fish and Game Code section 1602. The Discharger may be required to complete additional studies and plans to satisfy local requirements for remediation and to satisfy any additional county code violations not mentioned in this order.

Cost Recovery

12. Pursuant to Water code section 13304, the Regional Water Board is entitled to, and may seek reimbursement for, all reasonable costs it actually incurs investigating and abating the effects of the unauthorized discharges of waste and to oversee/supervise the cleanup of such waste, or other remedial action, required by this Order. The Discharger 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 Central Valley Water Board.

Delayed Compliance

13. If, for any reason, the Discharger is 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 Assistant Executive Officer, the Discharger 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 be granted by revision of this Order or by a letter from the Assistant Executive Officer. The Board acknowledges that local, state, and federal permits may cause a delay beyond the control of the Discharger and will take all the available relevant facts into consideration when considering whether or not to grant an extension request.

If, in the opinion of the Assistant Executive Officer, the Discharger fails to comply with the provisions of this Order, the Assistant Executive Officer may refer this matter to the Attorney General for judicial enforcement, may issue a complaint for administrative civil liability, or may take other enforcement actions. Failure to comply with this Order may result in the assessment of Administrative Civil Liability of up to \$10,000 per violation, per day, depending on the violation, pursuant to the Water Code, including sections 13268, 13350 and 13385. The Central Valley Water Board reserves the right to take any enforcement actions authorized by law.

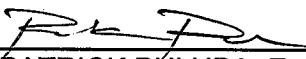
CLEANUP AND ABATEMENT ORDER R5-2019-0703
MARIA VALENCIA
ASSESSOR PARCEL 012-010-070
LAKE COUNTY

Any person aggrieved by this action of the Central Valley 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, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after 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 by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at:

http://www.waterboards.ca.gov/public_notices/petitions/water_quality

or will be provided upon request.

This Order is issued under authority delegated to the Executive Officer by the Central Valley Water Board pursuant to Resolution R5-2019-0703 and is effective upon signature.


PATRICK PULUPA, Executive Officer

6/11/2019
(Date)

Attachment A – 8 August 2018 Notice of Violation and 22 May 2018 Inspection Report
Attachment B – 16 November 2018 Notice of Violation and 18 September 2018 Inspection Report



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Central Valley Regional Water Quality Control Board

NOTICE OF VIOLATION

8 August 2018

CERTIFIED MAIL:
7017 3040 0001 0264 9570

Maria Valencia
953 Quiet Calle
Santa Rosa, CA 95409

UNLAWFUL DISCHARGE OF WASTE AND THREAT OF DISCHARGE TO UNNAMED TRIBUTARIES TO SODA CREEK, LAKE COUNTY ASSESSOR PARCEL 012-010-70, LOWER LAKE, LAKE COUNTY

You are receiving this Notice of Violation because, based on information available to Central Valley Regional Water Quality Control Board (Central Valley Water Board) staff, you are responsible for unlawful discharges of waste and threatened discharges of waste into waters of the state.

On 18 May 2018, the California Department of Fish and Wildlife (CDFW) obtained a search warrant allowing staff from the State Water Resources Control Board and the Central Valley Water Board to access and perform an inspection of Lake County Assessor's Parcel 012-010-70 (Site) for the purpose of identifying and documenting Site conditions and impacts to water quality, and to determine if any wastes, including sediment, or other materials, were discharging to Soda Creek or tributaries thereto. Soda Creek is a Class I watercourse and is a water of the state.

On 22 May 2018, staff performed a Site inspection in coordination with CDFW. Staff observed a Class III watercourse crossing that showed evidence of past failure and sediment discharge, four cannabis cultivation areas, and improper storage of unknown liquids on Site. Conditions at the site present a risk of future discharge, and show evidence of past discharges, of sediment and other deleterious materials to several Class III watercourses, which are tributaries to Soda Creek.

The discharge and threatened discharge of earthen fill, imported potting soils, sediment, and unknown liquids constitutes discharges of "waste" as defined in the California Water Code (Water Code) section 13050. Such discharges and threatened discharges to waterbodies lead to adverse effects to the beneficial uses of waters of the state.

It has been determined that, based on the findings in the attached inspection report, you are in violation of Water Code Section 13260 for discharging waste and threatening to discharge waste without filing a report of waste discharge. Mitigation measures to prevent waste from discharging to waters of the state must be implemented.

KARL E. LONGLEY ScD, P.E., CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER

11020 Sun Center Drive #200, Rancho Cordova, CA 95670 | www.waterboards.ca.gov/centralvalley

Response Required

Please submit to this office a work plan for Site restoration and proposed mitigation that addresses past discharges and the threat of future discharges to Soda Creek and its tributaries within **30 days** of the date of this letter. The work plan should at a minimum address the following:

- Reconstruction of the Watercourse Crossing to standards capable of withstanding a 100 hundred year flood event and associated debris.
- Restoration of the Class III watercourse that has been impacted by Cultivation Areas Two and Three. This should include the stabilization of disturbed areas within the Class III watercourse to prevent erosion and sediment discharge, removal of imported potting soils from within the Class III watercourse channel, and the removal of any vegetative slash or other debris from within the Class III watercourse channel.
- Implement road Best Management Practices (BMPs) such as gravel surfacing, and proper road drainage such as water bars, on the property access roads and the Ridge Access Road to reduce erosion. Examples of appropriate BMPs can be found on the following website, listed as Attachment A:

https://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/2017/final_cannabis_policy_with_att_a.pdf#page=33

- Cleanup and proper disposal of discharged debris, potting soil, and improperly stored unknown liquid containers.

Site mitigation and restoration may also require additional permitting, which may include:

- A Lake and Streambed Alteration (LSA) Agreement from CDFW.

The work plan must be prepared by an appropriately licensed professional and contain a time schedule for addressing the violations. Failure to submit this plan and conduct the necessary mitigation measures will subject the discharger to further enforcement action by the Central Valley Water Board. Such enforcement could include the issuance of a cleanup and abatement order and/or potential administrative civil liability.

The Central Valley Water Board retains full enforcement authority and discretion to bring formal enforcement for all violations and threatened violations. Future correspondence regarding this matter will be sent to you at this address unless an alternative address is provided to the Central Valley Water Board. Failure to accept mail from the Central Valley 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.

Maria Valencia
Santa Rosa, CA

- 3 -

8 August 2018

For any questions on this matter, please contact Michael Parker at (530) 224-3216,
michael.parker@waterboards.ca.gov.



Clint E. Snyder, P.G.
Assistant Executive Officer

MPP: ch

Enclosure: Inspection Report and all appendices

cc w/ encl
via email:

Heather Mapes, State Water Board, Office of Enforcement, Sacramento
Dan Kippen, State Water Board, Office of Enforcement, Sacramento
Jeremy Valverde, California Department of Fish and Wildlife
Wyatt Moore, California Department of Fish and Wildlife, North Coast Region

CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD

INSPECTION REPORT

8 August 2018

DISCHARGER/LAND OWNER:	<u>Owner</u> Maria Valencia 953 Quieto Calle, Santa Rosa, CA 95409
FACILITY:	Lake County Assessor Parcel: 012-010-70 22433 Morgan Valley Road, Lower Lake, CA
INSPECTION DATE:	22 May 2018
INSPECTED BY:	Michael Parker, Engineering Geologist, Central Valley Regional Water Quality Control Board Kelly Hickcox, Engineering Geologist, Central Valley Regional Water Quality Control Board
ACCOMPANIED BY:	California Department of Fish and Wildlife California State Water Resources Control Board, Division of Water Rights
CONSENT/WARRANT:	Search warrant obtained by California Department of Fish and Wildlife
WDID:	5A17MJ00071
PURPOSE:	Assessment of Cannabis Cultivation Site
ATTACHMENTS:	Appendix A – Figures 1 and 2 Appendix B – Photographs 1–26

BACKGROUND

In May of 2017, California Department of Fish and Wildlife (CDFW) Wardens contacted the Central Valley Regional Water Quality Control Board (Central Valley Water Board) and the California State Water Resources Control Board (State Water Board) regarding environmental impacts stemming from cannabis cultivation sites in Lake County. One of the sites suspected of environmental impacts was identified as:

Lake County Assessor Parcel Number 012-010-70
22433 Morgan Valley Road, Lower Lake, CA 95457

On 18 May 2018, CDFW Wardens obtained a search warrant allowing staff from the State Board and Central Valley Water Board access to the above referenced site for the purpose of identifying and documenting site conditions and impacts to water quality.

INSPECTION OBSERVATIONS

On 22 May 2018, staff travelled to 22433 Morgan Valley Road (Site) at approximately 1300 hours, after CDFW Wardens secured the Site (Appendix A, Figure 1) and served the search warrant.

Staff entered the Site via Morgan Valley Road. Over the course of the inspection, staff noted three main areas of concern:

- Watercourse Crossing
- Cultivation Areas
- Ridge Access Road Erosion

Watercourse Crossing

Staff entered the Site on a private road off Morgan Valley Road (Appendix B, Photo 1). Along the private road staff documented a plugged corrugated metal pipe (CMP) watercourse crossing (Watercourse Crossing, Appendix A, Figure 2). The Watercourse Crossing (Appendix B, Photo 2), was constructed in an unnamed Class III watercourse that is a tributary of Soda Creek. Upon initial inspection it was apparent that the inlet of the CMP was plugged due to accumulation of large angular rock and fine sediment, resulting in further accumulation of fine sediment in the drainage basin above the CMP and in a nearby road drainage ditch (Appendix B, Photo 3-5). Staff noted that along the outlet side of the Watercourse Crossing the road fill material had failed and created a vertical cut-bank directly above the CMP outlet, resulting in an accumulation of material at the base of the CMP outlet (Appendix B, Photos 6-8). Staff measured the CMP dimensions at approximately 2.6 feet in diameter, and 22 feet in length. Staff measured the dimensions of the fill surrounding the CMP at approximately 19.5 feet wide by 27 feet long, and 5 feet vertical. Utilizing these measurements, staff calculated that approximately **22 cubic yards** of earthen material had been deposited within the Class III watercourse during construction of the crossing. Additionally, staff documented an erosional gully in the road surface west of the Watercourse Crossing. It was determined that the erosional gully was a direct result of ponding of surface water above the plugged CMP inlet, causing water to divert out of the natural channel and flow over the top the road surface leading to erosion of the road surface (Appendix B, Photos 9 & 10).

Cultivation Areas

Four cultivation areas were identified on the Site. Cultivation Area One (Appendix A, Figure 2) is located directly east of a permanent shop and was created using two hoop house structures, covered with removable plastic sheeting (Appendix B, Photo 11). Cultivation was occurring in above ground plastic grow pots, that were placed directly on the native ground surface, containing imported potting soil as evident by a difference in color and texture when compared to native soils on the Site. Staff documented a stock pile of imported potting soil located directly north of the hoop house structures. The stock pile was not properly covered and had no containment best management practices (BMPs) implemented (Appendix B, Photo 12). Staff calculated the area of Cultivation Area One, utilizing a Garmin Rino 655t global position system unit (GPS), at approximately 0.1 acres. Also located in this area was a permanent shop constructed on an impermeable concrete pad that was used for general purposes such as a cooking area, household material storage, pesticides, fertilizer and petroleum storage (Appendix B Photo, 13 & 14). The permanent shop was built on a larger graded pad that was calculated,

utilizing a GPS, at approximately 0.5 acres. Cultivation Area One was located within this larger 0.5 acres graded pad. The larger graded pad fill slopes were well vegetated and were armored with rock slope protection (RSP), (Appendix B, Photo 15). The placement of the graded pad filled in an unnamed Class III watercourse. The Class III watercourse was redirected into a drainage ditch along the graded pad and continued down the access road. Located on the western edge of the graded pad was an uncapped well that had rubber tubing extending down the well with an electrical extension cord for power supply from a nearby generator (Appendix B, Photo 16).

Located west of Cultivation Area One staff documented Cultivation Area Two (Appendix A, Figure 2). Cultivation Area Two consisted of one wooden hoop house structure that was built on a graded pad (Appendix B, Photo 17). Cultivation was done in above ground plastic grow pots, placed directly on the native ground surface, containing imported potting soil. Vegetation was established on a majority of the pad with piles of imported potting soil from past cultivation. Staff calculated the area of the graded pad used for Cultivation Area Two, utilizing a Garmin GPS, at approximately 0.13 acres. The toe of the fill slope of the graded pad was measured at approximately 5 feet from an unnamed Class III watercourse, a tributary to Soda Creek. Vegetative slash was piled on the fill slope of the graded pad and within the Class III watercourse channel (Appendix B, Photos 18-19).

Located up slope from Cultivation Area Two, and within a Class III watercourse channel, staff documented Cultivation Area Three (Appendix A, Figure 2). Cultivation Area Three consisted of a hoop house that was constructed directly within an unnamed Class III watercourse. Cultivation was done in above ground plastic grow pots containing imported potting soil, that were placed directly on the native ground surface (Appendix B, Photo 20). Vegetation was well established and it appeared that grading did not occur to accommodate Cultivation Area Three. Staff calculated the disturbed area of Cultivation Area Three, utilizing a Garmin GPS, at approximately 0.04 acres. Staff measured the dimensions of the imported potting soil in the individual grow pots at approximately 2 feet in diameter by 10 inches high. Utilizing these measurements of the 90 above ground plastic grow pots, staff calculated that approximately **9 cubic yards** of imported soil have been deposited within the Class III watercourse. Cultivation Area Three was accessed via a foot path from the main access road that measured approximately 59 feet in length and consisted of native soil and pieces of cut vegetation (Appendix B, Photo 21).

Located up slope from the other three cultivation areas, near the top of a ridge, staff documented Cultivation Area Four (Appendix A, Figure 2). Cultivation Area Four consisted of a hoop house on a graveled graded pad, and cultivation was done in above ground plastic grow pots containing imported potting soil (Appendix B, Photo 22). Staff calculated the area of the graded pad of Cultivation Area Four, utilizing a Garmin GPS, at approximately 0.05 acres. Located on the northern edge of the graded pad, staff documented two Intermediate Bulk Containers (IBC's) each estimated to store up to 275 gallons (Appendix B, Photo 23). The IBC's contained an unknown liquid. In the same vicinity staff documented another unknown liquid, stored in an uncovered 50-gallon barrel (Appendix B, Photo 24).

Ridge Access Road Erosion on Steep Grade

Located between Cultivation Area Three and Cultivation Area Four, staff documented erosion on the Ridge Access Road due to a lack of proper road drainage, leading to concentration of surface water flow (Appendix A, Figure 2). In addition to the lack of proper drainage features, staff documented that sections of the road were constructed on steep gradients, measuring up

to 25%, which exacerbated rill erosion of the road surface. Rill erosion which extended 265 feet and discharged onto a well vegetated hill slope (Appendix B, Photo 25 & 26).

SUMMARY

Based on staff observations made during the Site inspection, the Site represents numerous water quality concerns. Threats of discharge, and evidence of past discharges, exist due to the ground disturbance from cannabis cultivation, an improperly designed Watercourse Crossing, and poor road drainage on the Ridge Access Road. Should these conditions not be remediated, discharges of sediment and other deleterious materials will occur during rain events and times of elevated surface water flow.

The Watercourse Crossing shows evidence of plugging and overtopping, leading to the erosion and discharge of earthen fill materials directly into a Class III watercourse, and is at risk of complete failure. The placement of Cultivation Area Two, and associated grading, has led to the placement of vegetative slash within a Class III watercourse and creates threats of sediment discharge due to the proximity of the cultivation area to the Class III watercourse. The placement of Cultivation Area Three has led to the placement of approximately 9 cubic yards of imported potting soil within a Class III watercourse channel. Inadequate construction and drainage on the Ridge Access Road, leading up to Cultivation Area Four, has created rill erosion of the road surface and threatens to discharge to nearby Class III watercourses.

ENFORCEMENT DISCRETION

Observations in this report will be assessed for additional violations of the California Water Code. The Central Valley Water Board and the State Water Board reserve the right to take any enforcement action authorized by law.

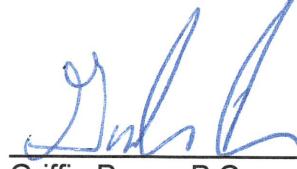
Inspectors

Original Signed by

Michael Parker
Engineering Geologist


Kelly Hickcox
Engineering Geologist

Reviewer


Griffin Perea, P.G.
Senior Engineering Geologist

Attachments:

Appendix A – Figures 1 and 2
Appendix B – Photographs 1-26

Appendix A

22433 Morgan Valley Road Inspection Report

Figures 1 & 2

Figure 1: 22433 Morgan Valley Road Location Map



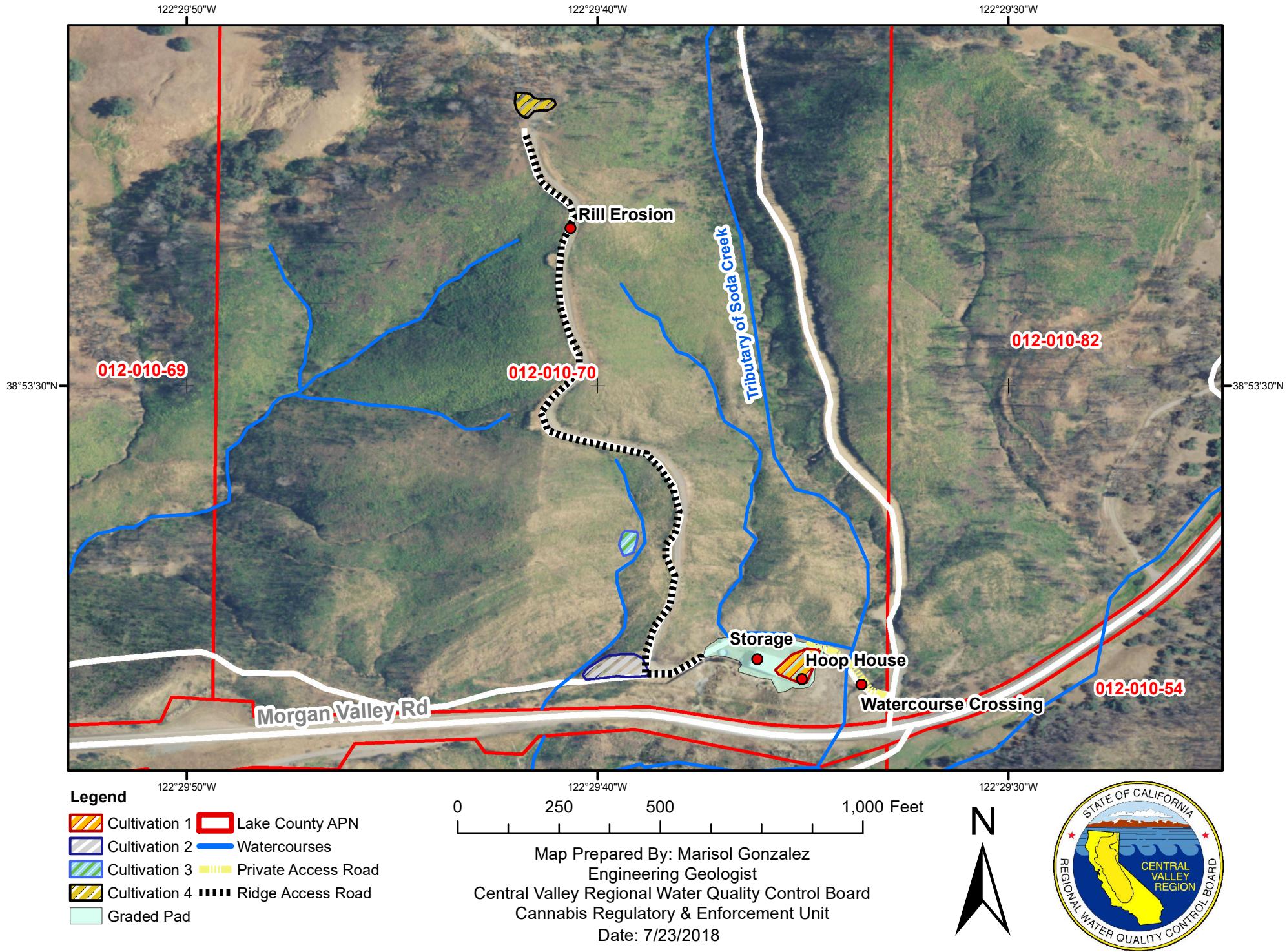
0 0.25 0.5 1 Miles

Map Prepared By: Marisol Gonzalez
Engineering Geologist
Central Valley Regional Water Quality Control Board
Cannabis Regulatory & Enforcement Unit

Date: 7/23/2018



Figure 2: 22433 Morgan Valley Road Site Map



Appendix B

22433 Morgan Valley Road Inspection Report

Photos 1-26



Photo taken by M. Parker, 22 May 2018

Photo 1. View looking at the private road and Morgan Valley Road.



Photo taken by M. Parker, 22 May 2018

Photo 2. View looking at the location of the Watercourse Crossing. Red arrow points at approximate location of the Watercourse Crossing.



Photo taken by M. Parker, 22 May 2018

Photo 3. View looking at the plugged Inlet of the corrugated metal pipe (CMP). Inlet basin is filled with cobble and fine sediment.



Photo taken by M. Parker, 22 May 2018

Photo 4. View looking northwest towards a drainage ditch that has been impacted with fine sediment from the plugged CMP.



Photo taken by M. Parker, 22 May 2018

Photo 5. View looking at class III watercourse channel where large amounts of fine sediment have accumulated behind the plugged Watercourse Crossing.



Photo taken by M. Parker, 22 May 2018

Photo 6. View looking at the eroded vertical fill slope above the outlet of the Watercourse Crossing. Large boulders and cobbles have obstructed the outlet. Red arrow points to the outlet of the culvert.



Photo taken by M. Parker, 22 Mayr 2018

Photo 7. View looking at the plugged outlet of the Watercourse Crossing.



Photo taken by M. Parker, 22 May 2018

Photo 8. View looking at the overall condition of the outlet of the Watercourse Crossing. Culvert outlet is plugged with sediment and woody debris.

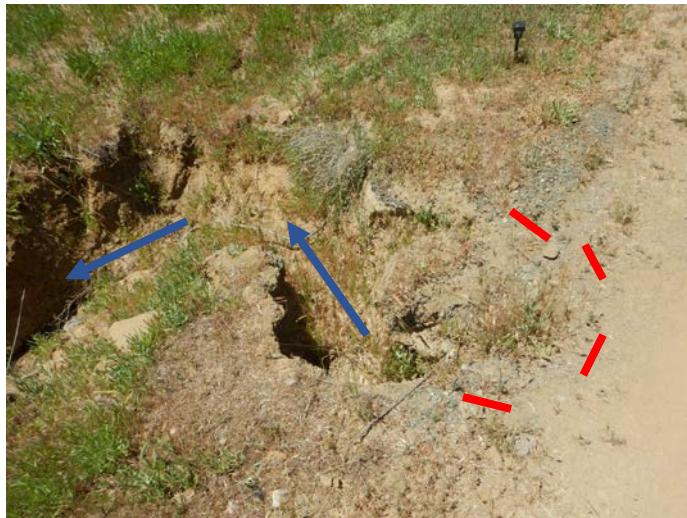


Photo taken by M. Parker, 22 May 2018

Photo 9. View of the fill slope west of the culvert outlet. The gully in the road has created a head cut into the road surface. Blue arrows depict flow path. Red dashes show propagating head cut.



Photo taken by M. Parker, 22 May 2018

Photo 10. View of the gully west of the Watercourse Crossing. Blue arrow depicts flow direction.



Photo taken by R. Ditto, 3 October 2017

Photo 11. Cultivation Area One, Visible in view are two constructed hoop houses with mature cannabis plants being cultivated in plastic pots.



Photo taken by R. Ditto, 3 October 2017

Photo 12. View of the stock pile of imported potting soil. Stock pile is not covered nor has the proper containment best management practices (BMP's).



Photo taken by M. Parker, 22 May 2018

Photo 13. A capped bottle of insecticide stored in the permanent shop. The insecticide is a commonly used biological insecticide that is Organic Materials Review Institute (OMRI) certified.



Photo taken by M. Parker, 22 May 2018

Photo 14. Variety of petroleum products stored permanent shed. The uncovered white and green five-gallon buckets on the lower left of the photo contained an unknown liquid.



Photo taken by M. Parker, 22 May 2018

Photo 15. Well vegetated fill slopes of the graded pad, with rock slope protection (RSP). Permanent shop and Cultivation Area One are located to the left of the photo.



Photo taken by M. Parker, 22 May 2018

Photo 16. View of the well. The well head is uncapped, with rubber tubing and an extension cord extending down the hole.



Photo taken by M. Parker, 22 May 2018



Photo taken by M. Parker, 22 May 2018

Photo 17. View of Cultivation Area Two looking south west. The graded pad was mostly vegetated with remnants of past cultivation activities with small exposed piles of imported potting soil.

Photo 18. View of vegetation slash on the fill slope of the graded pad. Blue arrowed line shows general location of the Class III watercourse and flow direction.



Photo taken by M. Parker, 22 May 2018



Photo taken by M. Parker, 22 May 2018

Photo 19. View of the Class III watercourse location under the vegetated slash at Cultivation Area Two.

Photo 20. View of Cultivation Area Three which is placed within a low gradient portion of a Class III watercourse.



Photo taken by M. Parker, 22 May 2018

Photo 21. View looking at the foot path that accesses Cultivation Area Three.



Photo taken by M. Parker, 22 May 2018

Photo 22. View looking south east at Cultivation Area Four.



Photo taken by M. Parker, 22 May 2018

Photo 23. View looking at northern edge of Cultivation Four and the two IBC's and one 50-gallon barrel. These were filled with an unknown liquid.



Photo taken by M. Parker, 22 May 2018

Photo 24. View looking at the uncovered 50-gallon barrel containing an unknown liquid.



Photo taken by M. Parker, 22 May 2018

Photo 25. View looking up grade of the Ridge Access Road. Slope was measured at 25% grade at spot of rill erosion on road surface.



Photo taken by M. Parker, 22 May 2018

Photo 26. View looking down grade of the Ridge Access Road. It is evident in the photo that scouring from concentrated flow on the road surface has begun to cause rill erosion. Red arrow shows surface flow outlet onto a well-vegetated slope.



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Central Valley Regional Water Quality Control Board

NOTICE OF VIOLATION

16 November 2018

Maria Valencia
953 Quiet Calle
Santa Rosa, CA 95409

CERTIFIED MAIL:
7018 1130 0001 8556 2749

UNLAWFUL DISCHARGE OF WASTE AND THREAT OF DISCHARGE TO UNNAMED TRIBUTARIES TO SODA CREEK, LAKE COUNTY ASSESSOR PARCEL 012-010-70, LOWER LAKE, LAKE COUNTY

You are receiving this Notice of Violation because, based on information available to Central Valley Regional Water Quality Control Board (Central Valley Water Board) staff, you are responsible for unlawful discharges of waste and threatened discharges of waste into waters of the state generated from activities on Lake County Assessor's Parcel 012-010-70 (Site).

On 8 August 2018, staff sent a Notice of Violation along with a 22 May 2018 Site inspection report documenting unpermitted active cannabis cultivation that disturbed native soil conditions adjacent and within two Class III watercourses. The Notice of Violation required you to submit a work plan for Site restoration and proposed mitigation that addressed past discharges and the threat of future discharges to Soda Creek and its tributaries within **30 days** of the date of the Notice of Violation. Central Valley Water Board staff has yet to receive the required work plan from you.

On 17 September 2018, the California Department of Fish and Wildlife (CDFW) obtained a search warrant allowing staff from the State Water Resources Control Board and the Central Valley Water Board to access and perform an inspection of the Site for the purpose of identifying and documenting Site conditions and impacts to water quality, and to determine if any wastes, including sediment, or other materials, were discharging to Soda Creek or tributaries thereto. Soda Creek is a Class I, fish bearing watercourse and is a water of the State.

On 18 September 2018, staff performed a second Site inspection in coordination with CDFW. Staff observed the Class III watercourse crossing which showed evidence of past failure and sediment discharge in the same condition as observed and documented during the 22 May 2018 inspection; four cannabis cultivation areas, two of which expanded since the 22 May 2018 inspection; and an additional new cultivation area. Staff also observed evidence of past discharges of sediment and other deleterious materials to several Class III watercourses that are tributaries to Soda Creek.

Several cultivation areas identified in the attached inspection report represent the direct and deliberate discharge of waste to surface waters. The operation and associated grading of Cultivation Area Two has led to the placement of vegetative slash within a Class III watercourse

KARL E. LONGLEY ScD, P.E., CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER

364 Knollcrest Drive, Suite 205, Redding, CA 96002 | www.waterboards.ca.gov/centralvalley

and creates additional threat of sediment discharge due to the proximity of the cultivation area to the Class III watercourse. The operation of Cultivation Area Three has led to the placement of approximately 7 cubic yards of imported potting soil within a Class III watercourse channel. The development and operation of Cultivation Area Five has also led to the placement of approximately 3 cubic yards of imported potting soil within a Class III watercourse channel.

The discharge and continued threatened discharge of earthen fill, imported potting soils, sediment, and unknown liquids constitutes discharges of "waste" as defined in the California Water Code (Water Code) section 13050. Such discharges and threatened discharges to waterbodies lead to adverse effects to the beneficial uses of waters of the State.

It has been determined that, based on the findings in the attached inspection report, you are in violation of Water Code Section 13260 for discharging waste and threatening to discharge waste without filing a report of waste discharge. Mitigation measures to prevent waste from discharging to waters of the state must be implemented.

Response Required

Please submit to this office a Work Plan for Site restoration and proposed mitigation that addresses past discharges and the threat of future discharges to Soda Creek and its tributaries within **30 days** of the date of this letter. The Work Plan should at a minimum address the following:

- Reconstruction of the Watercourse Crossing identified in the May 2018 inspection report and 8 August 2018 Notice of Violation to standards capable of withstanding a 100 year flood event and associated debris.
- Restoration of the Class III watercourse that has been impacted by Cultivation Areas Two, Three and the new Cultivation Area Five. This should include the stabilization of disturbed areas within and adjacent to the Class III watercourse to prevent erosion and sediment discharge, removal of imported potting soils from within the Class III watercourse channel, and the removal of any vegetative slash or other debris from within the Class III watercourse channel.
- Implement road Best Management Practices (BMPs) such as gravel surfacing, and proper road drainage such as water bars, on the property access roads and the Ridge Access Road (identified in the May 2018 inspection report and 8 August NOV) to reduce erosion. Examples of appropriate BMPs can be found on the following website, listed as Attachment A:
https://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/2017/final_cannabis_policy_with_att_a.pdf#page=33
- Cleanup and proper disposal of discharged debris, potting soil, and improperly stored unknown liquid containers.

Site mitigation and restoration may also require additional permitting, which may include:

- A Lake and Streambed Alteration (LSA) Agreement from CDFW for activities such as constructing a watercourse crossing.

Maria Valencia
Santa Rosa, CA

- 3 -

16 November 2018

The Work Plan must be prepared by an appropriately licensed professional and contain a time schedule for addressing the violations. Failure to submit this plan and conduct the necessary mitigation measures will subject you, the Discharger, to further enforcement action by the Central Valley Water Board. Such enforcement could include the issuance of a cleanup and abatement order and/or potential administrative civil liability.

The Central Valley Water Board retains full enforcement authority and discretion to bring formal enforcement for all violations and threatened violations. Future correspondence regarding this matter will be sent to you at this address unless an alternative address is provided to the Central Valley Water Board. Failure to accept mail from the Central Valley 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.

For any questions on this matter, please contact Michael Parker at (530) 224-3216,
michael.parker@waterboards.ca.gov.



Clint E. Snyder, P.G.
Assistant Executive Officer
Central Valley Regional Water Quality Control Board, Redding

MPP: ch

Enclosure: Inspection Report and all appendices

cc via email: Heather Mapes, State Water Board, Office of Enforcement, Sacramento
Jeremy Valverde, California Department of Fish and Wildlife
Wyatt Moore, California Department of Fish and Wildlife, North Coast Region
Douglas Wilson, California Department of Fish and Wildlife, North Coast Region

CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD

INSPECTION REPORT

16 November 2018

DISCHARGER/LAND OWNER: Owner
Maria Valencia
953 Quieto Calle, Santa Rosa, CA 95409

FACILITY: Lake County Assessor Parcel: 012-010-70
22433 Morgan Valley Road, Lower Lake, CA

INSPECTION DATE: 18 September 2018

INSPECTED BY: Michael Parker, Engineering Geologist, Central Valley
Regional Water Quality Control Board
Nicole Damin, Engineering Geologist, Central Valley
Regional Water Quality Control Board
Casey Yearout, Water Resource Control Engineer, State
Water Resources Control Board

ACCOMPANIED BY: California Department of Fish and Wildlife

CONSENT/WARRANT: Search warrant obtained by California Department of Fish
and Wildlife

WDID: 5A17MJ00071

PURPOSE: Assessment of Cannabis Cultivation Site

ATTACHMENTS: Appendix A – Figures 1 and 2
Appendix B – Photographs 1–20
Attachment A – 22 May 2018 Notice of Violation and
Inspection Report

BACKGROUND

In May of 2018 and September of 2018, California Department of Fish and Wildlife (CDFW) Wardens contacted the Central Valley Regional Water Quality Control Board (Central Valley Water Board) and the California State Water Resources Control Board (State Water Board) regarding environmental impacts stemming from unpermitted cannabis cultivation sites in Lake County. One of the sites suspected of environmental impacts was identified as:

Lake County Assessor Parcel Number 012-010-70
22433 Morgan Valley Road, Lower Lake, CA 95457

On 22 May 2018 and 17 September 2018, CDFW Wardens obtained a search warrant allowing staff from the State Board and Central Valley Water Board access to the above referenced site for the purpose of identifying and documenting site conditions and impacts to water quality. Surface water from the Site drains into multiple unnamed Class III tributaries to Soda Creek that ultimately flows into Putah Creek, a tributary to the Sacramento River. Observations made during the 22 May 2018 inspection were documented in a Notice of Violation and Inspection Report which was mailed to Maria Valencia on 8 August 2018 (Included as Attachment A to this report).

INSPECTION OBSERVATIONS

On 18 September 2018, staff travelled to 22433 Morgan Valley Road (Site) at approximately 1820 hours, after CDFW Wardens secured the Site (Appendix A, Figure 1) and served the search warrant. Observations contained in this report represent changes to the Site from the 22 May 2018 inspection. All areas and observations made in the 22 May 2018 Inspection Report remain in the same condition, aside from any additional observations noted in this Inspection Report.

Staff entered the Site via Morgan Valley Road. Over the course of the inspection, staff noted the following main areas of concern:

- Previously Documented Watercourse Crossing
- Expansion of Cultivation Areas Two, Three, and Four
- Addition of Cultivation Area Five

Watercourse Crossing

Located along the private road staff documented that the plugged corrugated metal pipe (CMP) Watercourse Crossing (Appendix A, Figure 2; Appendix B, Photos 1-2) was in the same condition as documented during the 22 May 2018 Site inspection (Attachment A). Additionally, staff documented the erosional gully in the road fill surface west of the Watercourse Crossing was still in the same condition as previously documented (Appendix B, Photo 3; Attachment A).

Cultivation Areas

In the 22 May 2018 Inspection Report, staff identified four cultivation areas (Attachment A). On the 18 September 2018 Site inspection, staff identified that Cultivation Area Two, Three and Four were expanded outside of the original documented areas, along with the addition of a new cultivation area, now identified as Cultivation Area Five. Staff were unable to properly document the expansion in Cultivation Area Four due to the lack of daylight, therefore it will not be discussed in this report. Cultivation Area One (Appendix A, Figure 2) had active cannabis cultivation, above ground, in constructed lumber grow boxes, containing imported potting soil as evident by a difference in color and texture when compared to native soils on the Site (Appendix B, Photo 4 & 5). Staff observed an uncapped well that had rubber tubing extending down the well, with an electrical extension cord for power supply from a nearby breaker box, supplying an Intermediate Bulk Container, approximately half full, with an unknown liquid substance (Appendix B, Photo 6).

Cultivation Area Two (Appendix A, Figure 2) which consisted of one wooden hoop house structure, built on a graded pad, had active cannabis cultivation occurring on the perimeter of the graded pad. Cultivation was done above ground, in constructed lumber grow boxes,

containing imported potting soil, placed directly on the native ground surface (Appendix B, Photo 7). Staff measured the dimensions of the imported potting soil in the individual lumber grow boxes at approximately 3 feet by 3 feet by 8 inches high. Utilizing these measurements and the total of 14 above ground constructed lumber grow boxes, staff calculated that approximately **3.08 cubic yards** of imported soil have been deposited within 50 feet of a Class III watercourse. Staff calculated the area of the graded pad used for Cultivation Area Two, utilizing a Garmin GPS, at approximately 0.14 acres, a slight expansion from the disturbed area of 0.13 acres measured in the 22 May 2018 Inspection Report (Attachment A, Page 3). Staff observed that the disturbed area was still in the same condition as documented during the 22 May 2018 inspection, with cannabis refuse and infrastructure within 50 feet of an unnamed Class III watercourse, a tributary to Soda Creek. Vegetative slash was still placed on the fill slope of the graded pad and within the Class III watercourse channel (Appendix B, Photo 8).

At Cultivation Area Three, located within a Class III watercourse channel, staff documented active cannabis cultivation and that the disturbed area had increased (Appendix A, Figure 2). Cultivation Area Three consisted of a hoop house that was constructed directly within an unnamed Class III watercourse (Appendix B, Photo 9) with active cultivation occurring around this structure. Cultivation had expanded in all directions from the original documented disturbed area (Appendix B, Photo 10-13). Cultivation was done in above ground plastic grow pots and constructed lumber grow boxes containing imported potting soil, that were placed directly on the native ground surface (Appendix B, Photo 14). Staff documented that excavation was done within the watercourse to create a flat surface to accommodate the lumber grow boxes (Appendix B, Photo 13). Staff calculated the disturbed area of Cultivation Area Three, utilizing a Garmin GPS, at approximately 0.14 acres, an expansion from the disturbed area of 0.04 acres documented in the 22 May 2018 Inspection (Attachment A). Staff measured the dimensions of the imported potting soil in the individual plastic grow pots at approximately 1.83 feet in diameter by 1 foot high. Staff measured the dimensions of the imported potting soil in the constructed lumber grow boxes at approximately 3 feet by 3 feet by 8 inches high. Utilizing these measurements of the 21 above ground plastic grow pots and the 25 constructed lumber grow boxes, staff calculated that approximately **7.82 cubic yards** of imported potting soil have been deposited within the Class III watercourse.

Located directly east of Cultivation Area Three, staff documented a newly developed cultivation area referred to as Cultivation Area Five (Appendix B, Photo 15). Cultivation Area Five was located within a Class III watercourse that was located above the Graded Pad, Storage, and Cultivation Area One (Appendix A, Figure 2). Cultivation was done in above ground constructed lumber grow boxes containing imported potting soil, that were placed directly on the native ground surface (Appendix B, Photo 16). Staff documented that excavation was done within and adjacent to the watercourse to create a flat surface to accommodate the lumber grow boxes (Appendix B, Photo 17-19). Staff calculated the area of the disturbed area of Cultivation Area Five, utilizing a Garmin GPS, at approximately 0.06 acres. Staff measured the dimensions of the imported potting soil in the constructed lumber grow boxes at approximately 3 feet by 3 feet by 8 inches high. Utilizing these measurements of the 14 constructed lumber grow boxes, staff calculated that approximately **3.08 cubic yards** of imported soil have been deposited within the Class III watercourse.

SUMMARY

Based on staff observations made during the inspection, the Site presents numerous water quality concerns. Threats of discharge, and evidence of past discharges exist due to the existing and expanded ground disturbances from cannabis cultivation activities, an improperly designed

Watercourse Crossing, and poor road drainage on the Ridge Access Road (Appendix B, Photo 20; Attachment A). Should these conditions not be remediated, discharges of sediment and other deleterious materials will continue to occur during rain events and times of elevated surface water flow.

Staff documented that the threats previously documented in the 22 May 2018 inspection report and NOV have not been addressed on Site. Furthermore, the operation of Cultivation Area Three has led to the direct placement of approximately 7 cubic yards of imported potting soil within a Class III watercourse and the operation of Cultivation Area Five has led to the direct placement of approximately 3 cubic yards of imported potting soil within a Class III watercourse channel.

ENFORCEMENT DISCRETION

Observations in this report will be assessed for additional violations of the California Water Code. The Central Valley Water Board and the State Water Board reserve the right to take any enforcement action authorized by law.

Inspectors



Michael Parker
Engineering Geologist

Original Signed by

Nicole Damin
Engineering Geologist

Reviewer



Griffin Perea, P.G.
Senior Engineering Geologist

Attachments:

- Appendix A – Figures 1 and 2
- Appendix B – Photographs 1-20
- Attachment A – 22 May 2018 Inspection Report

Appendix A

22433 Morgan Valley Road Inspection Report

Figures 1 & 2

Figure 1: 22433 Morgan Valley Road Location Map



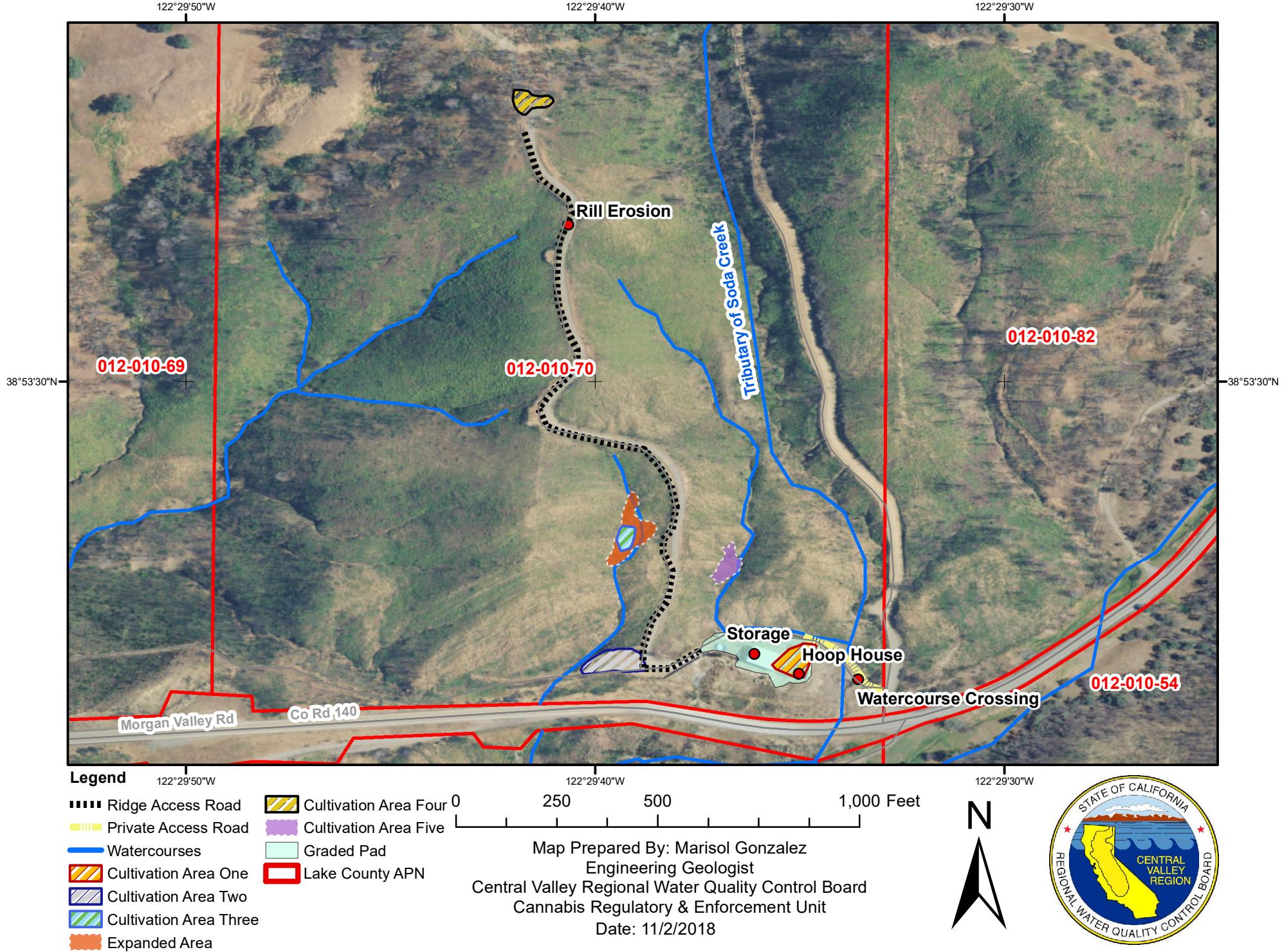
0 0.25 0.5 1 Miles

Map Prepared By: Marisol Gonzalez
Engineering Geologist
Central Valley Regional Water Quality Control Board
Cannabis Regulatory & Enforcement Unit

Date: 7/23/2018



Figure 2: 22433 Morgan Valley Road Site Map



Appendix B

22433 Morgan Valley Road Inspection Report

Photos 1-20



Photo taken by M. Parker, 18 September 2018

Photo 1. View looking at the plugged inlet of the corrugated metal pipe at the Watercourse Crossing.



Photo taken by M. Parker, 18 September 2018

Photo 2. View looking at the eroded vertical fill slope above the outlet of the Watercourse Crossing.



Photo taken by M. Parker, 18 September 2018

Photo 3. View looking at the erosional gully in the road fill on the western side of the Watercourse Crossing. Staff documented that it was in the same condition as the previous inspection.



Photo taken by M. Parker, 18 September 2018

Photo 4. View looking at active cultivation located at Cultivation Area One.



Photo taken by M. Parker, 18 September 2018

Photo 5. View looking at active cannabis cultivation in Cultivation Area One.



Photo taken by M. Parker, 18 September 2018

Photo 6. View looking at the uncapped well with a rubber line feeding an Intermediate Bulk Container (IBC), filled with an unknown liquid substance.



Photo taken by M. Parker, 18 September 2018

Photo 7. View looking at the active cannabis cultivation in Cultivation Area Two.



Photo taken by M. Parker, 18 September 2018

Photo 8. View looking at the vegetative slash placed adjacent to and within the unnamed Class III watercourse at Cultivation Area Two.



Photo taken by M. Parker, 18 September 2018

Photo 9. Cultivation Area Three, looking south and downstream. View looking at the inactive hoop house and the expanded disturbed area downstream. Cultivation was active within the Class III watercourse channel at this location. Blue arrow shows location of the flow path of the Class III watercourse.



Photo taken by M. Parker, 18 September 2018

Photo 10. View of active cultivation adjacent to and within the Class III watercourse in Cultivation Area Three.



Photo taken by M. Parker, 18 September 2018

Photo 11. View looking Northeast at the active cultivation and the expanded disturbed area upslope and upstream at Cultivation Area Three. Blue arrows show location and direction of flow of the Class III watercourse.



Photo taken by M. Parker, 18 September 2018

Photo 12. View of active cannabis cultivation in Cultivation Area Three. The dashed blue line shows the approximate location of the defined Class III watercourse channel.



Photo taken by M. Parker, 18 September 2018



Photo taken by M. Parker, 18 September 2018

Photo 13. View of the upstream expanded area and the location of the excavation and constructed lumber grow boxes in proximity of the Class III watercourse in Cultivation Area Three. Dashed blue lines show the approximate location of the channel.

Photo 14. View of the two types of cultivation containers used in the expanded area of Cultivation Area Three.



Photo taken by M. Parker, 18 September 2018

Photo 15. View looking east at the Cultivation Area Five, located in a Class III watercourse.



Photo taken by M. Parker, 18 September 2018

Photo 16. View of the constructed lumber grow boxes placed on the native soil surface containing imported potting soil in Cultivation Area Five.



Photo taken by M. Parker, 18 September 2018

Photo 17. View looking at the proximity of the constructed lumber grow boxes to the Class III watercourse in Cultivation Area Five. Note, dashed and arrowed blue line shows approximate path of flow of Class III watercourse.



Photo taken by M. Parker, 18 September 2018

Photo 18. View of the soil disturbance and placement of excavated soil in and near the Class III watercourse in Cultivation Area Five. Note, dashed and arrowed blue line shows approximate path of flow of Class III watercourse.



Photo taken by M. Parker, 18 September 2018

Photo 19. Excavated native soil placed in the Class III watercourse in Cultivation Area Five. Note, dashed and arrowed blue line shows approximate path of flow of Class III watercourse.



Photo taken by M. Parker, 18 September 2018

Photo 20. View looking up grade of the Ridge Access Road with rill erosion still present with no installed drainage features to mitigate the surface flow on the road.

Attachment A

8 August 2018 Notice of Violation
and 22 May 2018 Inspection Report



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Central Valley Regional Water Quality Control Board

NOTICE OF VIOLATION

8 August 2018

CERTIFIED MAIL:
7017 3040 0001 0264 9570

Maria Valencia
953 Quiet Calle
Santa Rosa, CA 95409

UNLAWFUL DISCHARGE OF WASTE AND THREAT OF DISCHARGE TO UNNAMED TRIBUTARIES TO SODA CREEK, LAKE COUNTY ASSESSOR PARCEL 012-010-70, LOWER LAKE, LAKE COUNTY

You are receiving this Notice of Violation because, based on information available to Central Valley Regional Water Quality Control Board (Central Valley Water Board) staff, you are responsible for unlawful discharges of waste and threatened discharges of waste into waters of the state.

On 18 May 2018, the California Department of Fish and Wildlife (CDFW) obtained a search warrant allowing staff from the State Water Resources Control Board and the Central Valley Water Board to access and perform an inspection of Lake County Assessor's Parcel 012-010-70 (Site) for the purpose of identifying and documenting Site conditions and impacts to water quality, and to determine if any wastes, including sediment, or other materials, were discharging to Soda Creek or tributaries thereto. Soda Creek is a Class I watercourse and is a water of the state.

On 22 May 2018, staff performed a Site inspection in coordination with CDFW. Staff observed a Class III watercourse crossing that showed evidence of past failure and sediment discharge, four cannabis cultivation areas, and improper storage of unknown liquids on Site. Conditions at the site present a risk of future discharge, and show evidence of past discharges, of sediment and other deleterious materials to several Class III watercourses, which are tributaries to Soda Creek.

The discharge and threatened discharge of earthen fill, imported potting soils, sediment, and unknown liquids constitutes discharges of "waste" as defined in the California Water Code (Water Code) section 13050. Such discharges and threatened discharges to waterbodies lead to adverse effects to the beneficial uses of waters of the state.

It has been determined that, based on the findings in the attached inspection report, you are in violation of Water Code Section 13260 for discharging waste and threatening to discharge waste without filing a report of waste discharge. Mitigation measures to prevent waste from discharging to waters of the state must be implemented.

KARL E. LONGLEY ScD, P.E., CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER

11020 Sun Center Drive #200, Rancho Cordova, CA 95670 | www.waterboards.ca.gov/centralvalley

Response Required

Please submit to this office a work plan for Site restoration and proposed mitigation that addresses past discharges and the threat of future discharges to Soda Creek and its tributaries within **30 days** of the date of this letter. The work plan should at a minimum address the following:

- Reconstruction of the Watercourse Crossing to standards capable of withstanding a 100 hundred year flood event and associated debris.
- Restoration of the Class III watercourse that has been impacted by Cultivation Areas Two and Three. This should include the stabilization of disturbed areas within the Class III watercourse to prevent erosion and sediment discharge, removal of imported potting soils from within the Class III watercourse channel, and the removal of any vegetative slash or other debris from within the Class III watercourse channel.
- Implement road Best Management Practices (BMPs) such as gravel surfacing, and proper road drainage such as water bars, on the property access roads and the Ridge Access Road to reduce erosion. Examples of appropriate BMPs can be found on the following website, listed as Attachment A:

https://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/2017/final_cannabis_policy_with_att_a.pdf#page=33

- Cleanup and proper disposal of discharged debris, potting soil, and improperly stored unknown liquid containers.

Site mitigation and restoration may also require additional permitting, which may include:

- A Lake and Streambed Alteration (LSA) Agreement from CDFW.

The work plan must be prepared by an appropriately licensed professional and contain a time schedule for addressing the violations. Failure to submit this plan and conduct the necessary mitigation measures will subject the discharger to further enforcement action by the Central Valley Water Board. Such enforcement could include the issuance of a cleanup and abatement order and/or potential administrative civil liability.

The Central Valley Water Board retains full enforcement authority and discretion to bring formal enforcement for all violations and threatened violations. Future correspondence regarding this matter will be sent to you at this address unless an alternative address is provided to the Central Valley Water Board. Failure to accept mail from the Central Valley 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.

Maria Valencia
Santa Rosa, CA

- 3 -

8 August 2018

For any questions on this matter, please contact Michael Parker at (530) 224-3216,
michael.parker@waterboards.ca.gov.



Clint E. Snyder, P.G.
Assistant Executive Officer

MPP: ch

Enclosure: Inspection Report and all appendices

cc w/ encl
via email:

Heather Mapes, State Water Board, Office of Enforcement, Sacramento
Dan Kippen, State Water Board, Office of Enforcement, Sacramento
Jeremy Valverde, California Department of Fish and Wildlife
Wyatt Moore, California Department of Fish and Wildlife, North Coast Region

CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD

INSPECTION REPORT

8 August 2018

DISCHARGER/LAND OWNER: Owner
Maria Valencia
953 Quieto Calle, Santa Rosa, CA 95409

FACILITY: Lake County Assessor Parcel: 012-010-70
22433 Morgan Valley Road, Lower Lake, CA

INSPECTION DATE: 22 May 2018

INSPECTED BY: Michael Parker, Engineering Geologist, Central Valley
Regional Water Quality Control Board
Kelly Hickcox, Engineering Geologist, Central Valley
Regional Water Quality Control Board

ACCOMPANIED BY: California Department of Fish and Wildlife
California State Water Resources Control Board, Division
of Water Rights

CONSENT/WARRANT: Search warrant obtained by California Department of Fish
and Wildlife

WDID: 5A17MJ00071

PURPOSE: Assessment of Cannabis Cultivation Site

ATTACHMENTS: Appendix A – Figures 1 and 2
Appendix B – Photographs 1–26

BACKGROUND

In May of 2017, California Department of Fish and Wildlife (CDFW) Wardens contacted the Central Valley Regional Water Quality Control Board (Central Valley Water Board) and the California State Water Resources Control Board (State Water Board) regarding environmental impacts stemming from cannabis cultivation sites in Lake County. One of the sites suspected of environmental impacts was identified as:

Lake County Assessor Parcel Number 012-010-70
22433 Morgan Valley Road, Lower Lake, CA 95457

On 18 May 2018, CDFW Wardens obtained a search warrant allowing staff from the State Board and Central Valley Water Board access to the above referenced site for the purpose of identifying and documenting site conditions and impacts to water quality.

INSPECTION OBSERVATIONS

On 22 May 2018, staff travelled to 22433 Morgan Valley Road (Site) at approximately 1300 hours, after CDFW Wardens secured the Site (Appendix A, Figure 1) and served the search warrant.

Staff entered the Site via Morgan Valley Road. Over the course of the inspection, staff noted three main areas of concern:

- Watercourse Crossing
- Cultivation Areas
- Ridge Access Road Erosion

Watercourse Crossing

Staff entered the Site on a private road off Morgan Valley Road (Appendix B, Photo 1). Along the private road staff documented a plugged corrugated metal pipe (CMP) watercourse crossing (Watercourse Crossing, Appendix A, Figure 2). The Watercourse Crossing (Appendix B, Photo 2), was constructed in an unnamed Class III watercourse that is a tributary of Soda Creek. Upon initial inspection it was apparent that the inlet of the CMP was plugged due to accumulation of large angular rock and fine sediment, resulting in further accumulation of fine sediment in the drainage basin above the CMP and in a nearby road drainage ditch (Appendix B, Photo 3-5). Staff noted that along the outlet side of the Watercourse Crossing the road fill material had failed and created a vertical cut-bank directly above the CMP outlet, resulting in an accumulation of material at the base of the CMP outlet (Appendix B, Photos 6-8). Staff measured the CMP dimensions at approximately 2.6 feet in diameter, and 22 feet in length. Staff measured the dimensions of the fill surrounding the CMP at approximately 19.5 feet wide by 27 feet long, and 5 feet vertical. Utilizing these measurements, staff calculated that approximately **22 cubic yards** of earthen material had been deposited within the Class III watercourse during construction of the crossing. Additionally, staff documented an erosional gully in the road surface west of the Watercourse Crossing. It was determined that the erosional gully was a direct result of ponding of surface water above the plugged CMP inlet, causing water to divert out of the natural channel and flow over the top the road surface leading to erosion of the road surface (Appendix B, Photos 9 & 10).

Cultivation Areas

Four cultivation areas were identified on the Site. Cultivation Area One (Appendix A, Figure 2) is located directly east of a permanent shop and was created using two hoop house structures, covered with removable plastic sheeting (Appendix B, Photo 11). Cultivation was occurring in above ground plastic grow pots, that were placed directly on the native ground surface, containing imported potting soil as evident by a difference in color and texture when compared to native soils on the Site. Staff documented a stock pile of imported potting soil located directly north of the hoop house structures. The stock pile was not properly covered and had no containment best management practices (BMPs) implemented (Appendix B, Photo 12). Staff calculated the area of Cultivation Area One, utilizing a Garmin Rino 655t global position system unit (GPS), at approximately 0.1 acres. Also located in this area was a permanent shop constructed on an impermeable concrete pad that was used for general purposes such as a cooking area, household material storage, pesticides, fertilizer and petroleum storage (Appendix B Photo, 13 & 14). The permanent shop was built on a larger graded pad that was calculated,

utilizing a GPS, at approximately 0.5 acres. Cultivation Area One was located within this larger 0.5 acres graded pad. The larger graded pad fill slopes were well vegetated and were armored with rock slope protection (RSP), (Appendix B, Photo 15). The placement of the graded pad filled in an unnamed Class III watercourse. The Class III watercourse was redirected into a drainage ditch along the graded pad and continued down the access road. Located on the western edge of the graded pad was an uncapped well that had rubber tubing extending down the well with an electrical extension cord for power supply from a nearby generator (Appendix B, Photo 16).

Located west of Cultivation Area One staff documented Cultivation Area Two (Appendix A, Figure 2). Cultivation Area Two consisted of one wooden hoop house structure that was built on a graded pad (Appendix B, Photo 17). Cultivation was done in above ground plastic grow pots, placed directly on the native ground surface, containing imported potting soil. Vegetation was established on a majority of the pad with piles of imported potting soil from past cultivation. Staff calculated the area of the graded pad used for Cultivation Area Two, utilizing a Garmin GPS, at approximately 0.13 acres. The toe of the fill slope of the graded pad was measured at approximately 5 feet from an unnamed Class III watercourse, a tributary to Soda Creek. Vegetative slash was piled on the fill slope of the graded pad and within the Class III watercourse channel (Appendix B, Photos 18-19).

Located up slope from Cultivation Area Two, and within a Class III watercourse channel, staff documented Cultivation Area Three (Appendix A, Figure 2). Cultivation Area Three consisted of a hoop house that was constructed directly within an unnamed Class III watercourse. Cultivation was done in above ground plastic grow pots containing imported potting soil, that were placed directly on the native ground surface (Appendix B, Photo 20). Vegetation was well established and it appeared that grading did not occur to accommodate Cultivation Area Three. Staff calculated the disturbed area of Cultivation Area Three, utilizing a Garmin GPS, at approximately 0.04 acres. Staff measured the dimensions of the imported potting soil in the individual grow pots at approximately 2 feet in diameter by 10 inches high. Utilizing these measurements of the 90 above ground plastic grow pots, staff calculated that approximately **9 cubic yards** of imported soil have been deposited within the Class III watercourse. Cultivation Area Three was accessed via a foot path from the main access road that measured approximately 59 feet in length and consisted of native soil and pieces of cut vegetation (Appendix B, Photo 21).

Located up slope from the other three cultivation areas, near the top of a ridge, staff documented Cultivation Area Four (Appendix A, Figure 2). Cultivation Area Four consisted of a hoop house on a graveled graded pad, and cultivation was done in above ground plastic grow pots containing imported potting soil (Appendix B, Photo 22). Staff calculated the area of the graded pad of Cultivation Area Four, utilizing a Garmin GPS, at approximately 0.05 acres. Located on the northern edge of the graded pad, staff documented two Intermediate Bulk Containers (IBC's) each estimated to store up to 275 gallons (Appendix B, Photo 23). The IBC's contained an unknown liquid. In the same vicinity staff documented another unknown liquid, stored in an uncovered 50-gallon barrel (Appendix B, Photo 24).

Ridge Access Road Erosion on Steep Grade

Located between Cultivation Area Three and Cultivation Area Four, staff documented erosion on the Ridge Access Road due to a lack of proper road drainage, leading to concentration of surface water flow (Appendix A, Figure 2). In addition to the lack of proper drainage features, staff documented that sections of the road were constructed on steep gradients, measuring up

to 25%, which exacerbated rill erosion of the road surface. Rill erosion which extended 265 feet and discharged onto a well vegetated hill slope (Appendix B, Photo 25 & 26).

SUMMARY

Based on staff observations made during the Site inspection, the Site represents numerous water quality concerns. Threats of discharge, and evidence of past discharges, exist due to the ground disturbance from cannabis cultivation, an improperly designed Watercourse Crossing, and poor road drainage on the Ridge Access Road. Should these conditions not be remediated, discharges of sediment and other deleterious materials will occur during rain events and times of elevated surface water flow.

The Watercourse Crossing shows evidence of plugging and overtopping, leading to the erosion and discharge of earthen fill materials directly into a Class III watercourse, and is at risk of complete failure. The placement of Cultivation Area Two, and associated grading, has led to the placement of vegetative slash within a Class III watercourse and creates threats of sediment discharge due to the proximity of the cultivation area to the Class III watercourse. The placement of Cultivation Area Three has led to the placement of approximately 9 cubic yards of imported potting soil within a Class III watercourse channel. Inadequate construction and drainage on the Ridge Access Road, leading up to Cultivation Area Four, has created rill erosion of the road surface and threatens to discharge to nearby Class III watercourses.

ENFORCEMENT DISCRETION

Observations in this report will be assessed for additional violations of the California Water Code. The Central Valley Water Board and the State Water Board reserve the right to take any enforcement action authorized by law.

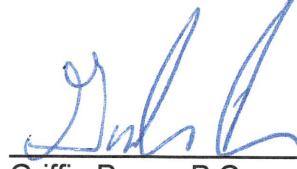
Inspectors

Original Signed by

Michael Parker
Engineering Geologist


Kelly Hickcox
Engineering Geologist

Reviewer


Griffin Perea, P.G.
Senior Engineering Geologist

Attachments:

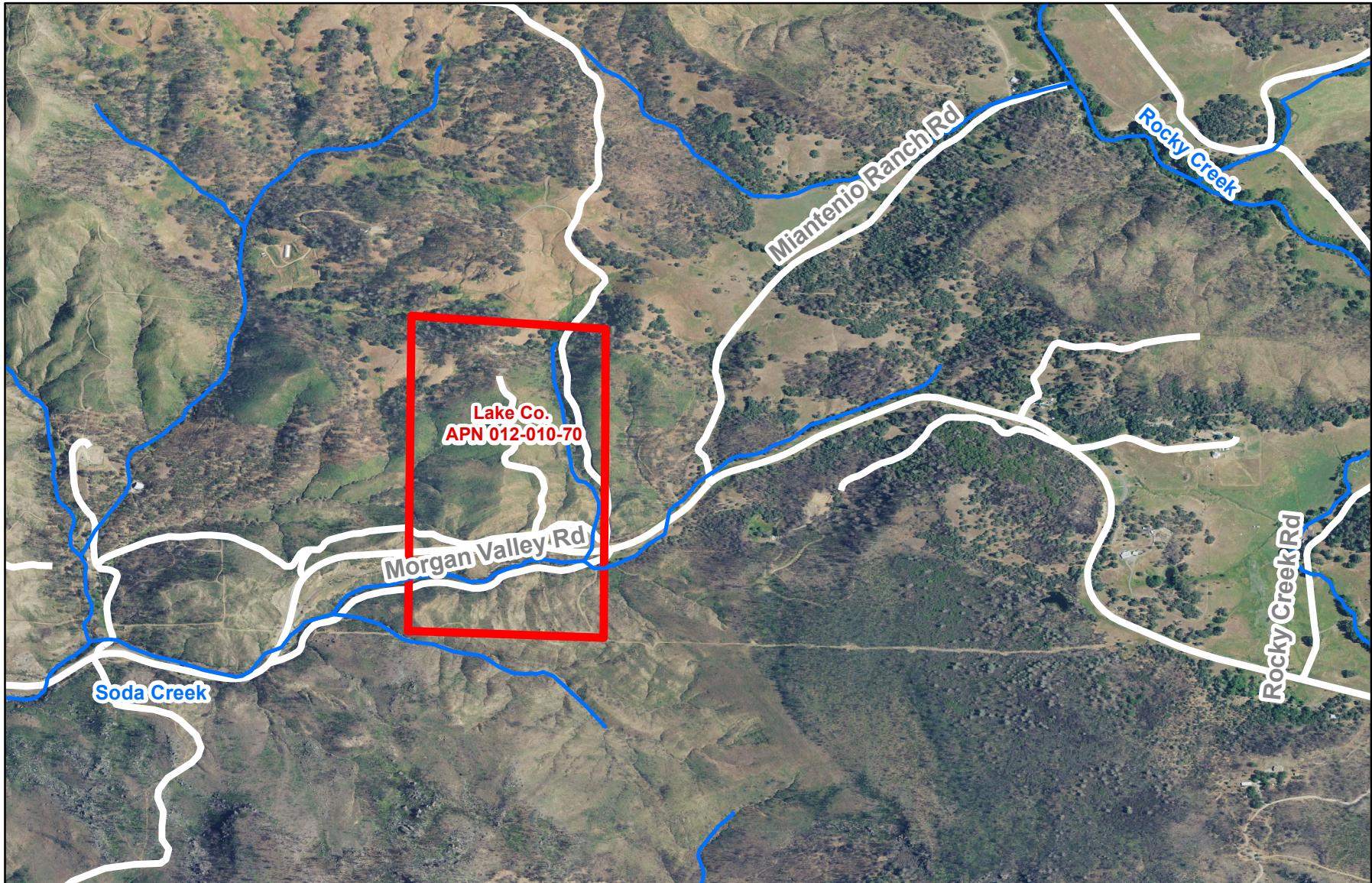
Appendix A – Figures 1 and 2
Appendix B – Photographs 1-26

Appendix A

22433 Morgan Valley Road Inspection Report

Figures 1 & 2

Figure 1: 22433 Morgan Valley Road Location Map



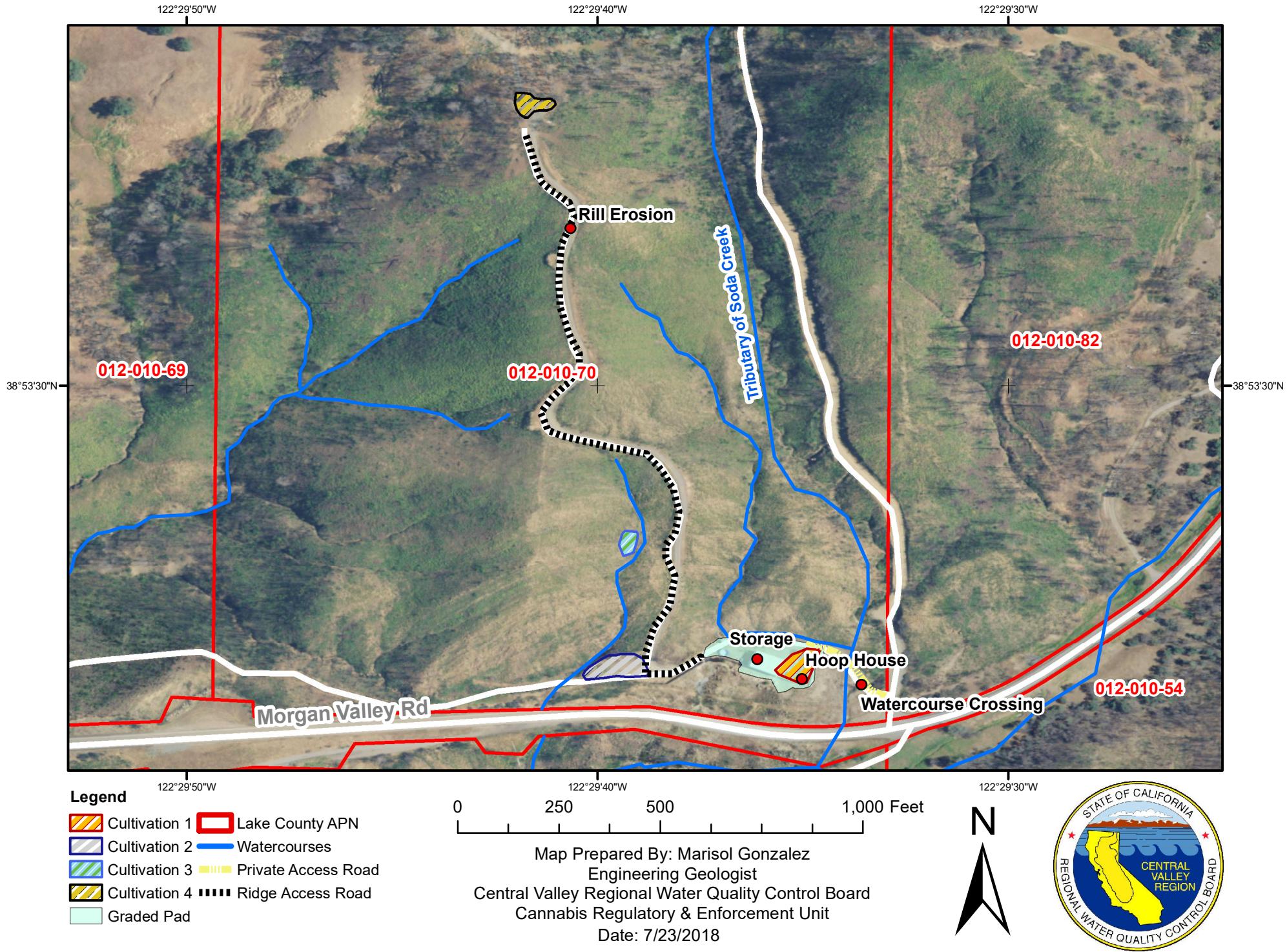
0 0.25 0.5 1 Miles

Map Prepared By: Marisol Gonzalez
Engineering Geologist
Central Valley Regional Water Quality Control Board
Cannabis Regulatory & Enforcement Unit

Date: 7/23/2018



Figure 2: 22433 Morgan Valley Road Site Map



Appendix B

22433 Morgan Valley Road Inspection Report

Photos 1-26



Photo taken by M. Parker, 22 May 2018

Photo 1. View looking at the private road and Morgan Valley Road.



Photo taken by M. Parker, 22 May 2018

Photo 2. View looking at the location of the Watercourse Crossing. Red arrow points at approximate location of the Watercourse Crossing.



Photo taken by M. Parker, 22 May 2018

Photo 3. View looking at the plugged Inlet of the corrugated metal pipe (CMP). Inlet basin is filled with cobble and fine sediment.



Photo taken by M. Parker, 22 May 2018

Photo 4. View looking northwest towards a drainage ditch that has been impacted with fine sediment from the plugged CMP.



Photo taken by M. Parker, 22 May 2018

Photo 5. View looking at class III watercourse channel where large amounts of fine sediment have accumulated behind the plugged Watercourse Crossing.



Photo taken by M. Parker, 22 May 2018

Photo 6. View looking at the eroded vertical fill slope above the outlet of the Watercourse Crossing. Large boulders and cobbles have obstructed the outlet. Red arrow points to the outlet of the culvert.



Photo taken by M. Parker, 22 Mayr 2018

Photo 7. View looking at the plugged outlet of the Watercourse Crossing.



Photo taken by M. Parker, 22 May 2018

Photo 8. View looking at the overall condition of the outlet of the Watercourse Crossing. Culvert outlet is plugged with sediment and woody debris.

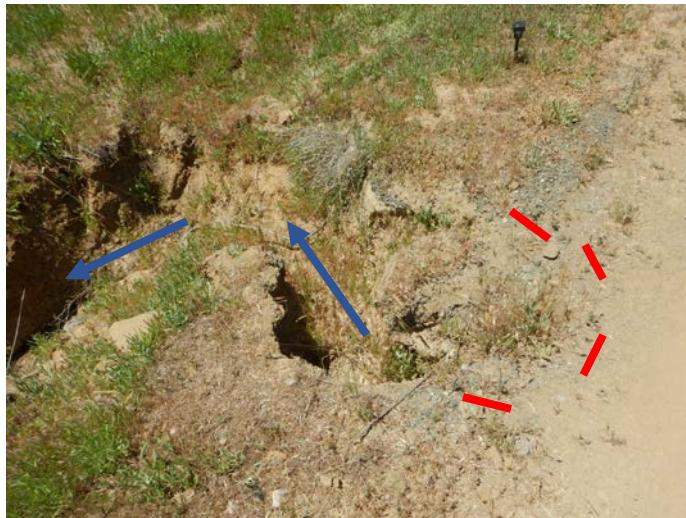


Photo taken by M. Parker, 22 May 2018

Photo 9. View of the fill slope west of the culvert outlet. The gully in the road has created a head cut into the road surface. Blue arrows depict flow path. Red dashes show propagating head cut.



Photo taken by M. Parker, 22 May 2018

Photo 10. View of the gully west of the Watercourse Crossing. Blue arrow depicts flow direction.



Photo taken by R. Ditto, 3 October 2017

Photo 11. Cultivation Area One, Visible in view are two constructed hoop houses with mature cannabis plants being cultivated in plastic pots.



Photo taken by R. Ditto, 3 October 2017

Photo 12. View of the stock pile of imported potting soil. Stock pile is not covered nor has the proper containment best management practices (BMP's).



Photo taken by M. Parker, 22 May 2018

Photo 13. A capped bottle of insecticide stored in the permanent shop. The insecticide is a commonly used biological insecticide that is Organic Materials Review Institute (OMRI) certified.



Photo taken by M. Parker, 22 May 2018

Photo 14. Variety of petroleum products stored permanent shed. The uncovered white and green five-gallon buckets on the lower left of the photo contained an unknown liquid.



Photo taken by M. Parker, 22 May 2018

Photo 15. Well vegetated fill slopes of the graded pad, with rock slope protection (RSP). Permanent shop and Cultivation Area One are located to the left of the photo.



Photo taken by M. Parker, 22 May 2018

Photo 16. View of the well. The well head is uncapped, with rubber tubing and an extension cord extending down the hole.



Photo taken by M. Parker, 22 May 2018



Photo taken by M. Parker, 22 May 2018

Photo 17. View of Cultivation Area Two looking south west. The graded pad was mostly vegetated with remnants of past cultivation activities with small exposed piles of imported potting soil.

Photo 18. View of vegetation slash on the fill slope of the graded pad. Blue arrowed line shows general location of the Class III watercourse and flow direction.



Photo taken by M. Parker, 22 May 2018



Photo taken by M. Parker, 22 May 2018

Photo 19. View of the Class III watercourse location under the vegetated slash at Cultivation Area Two.

Photo 20. View of Cultivation Area Three which is placed within a low gradient portion of a Class III watercourse.



Photo taken by M. Parker, 22 May 2018

Photo 21. View looking at the foot path that accesses Cultivation Area Three.



Photo taken by M. Parker, 22 May 2018

Photo 22. View looking south east at Cultivation Area Four.



Photo taken by M. Parker, 22 May 2018

Photo 23. View looking at northern edge of Cultivation Four and the two IBC's and one 50-gallon barrel. These were filled with an unknown liquid.



Photo taken by M. Parker, 22 May 2018

Photo 24. View looking at the uncovered 50-gallon barrel containing an unknown liquid.



Photo taken by M. Parker, 22 May 2018

Photo 25. View looking up grade of the Ridge Access Road. Slope was measured at 25% grade at spot of rill erosion on road surface.



Photo taken by M. Parker, 22 May 2018

Photo 26. View looking down grade of the Ridge Access Road. It is evident in the photo that scouring from concentrated flow on the road surface has begun to cause rill erosion. Red arrow shows surface flow outlet onto a well-vegetated slope.