

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

**Cleanup and Abatement and
Investigative Order No. R1-2024-0037
for
Nezih Sabankaya, Semih Sabankaya and ICRS LLC**

**Trinity County
Assessor's Parcel Numbers
015-180-043, 015-180-044 and 015-180-046**

This Order is issued to Nezih Sabankaya, Semih Sabankaya and ICRS LLC (hereafter referred to as the Dischargers) based on provisions of Water Code section 13304, which authorizes the North Coast Regional Water Quality Control Board (Regional Water Board) to issue a Cleanup and Abatement Order, and Water Code section 13267, which authorizes the Regional Water Board to require the preparation and submittal of technical and monitoring reports (collectively, the Order).

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

1. Site Conditions

Site conditions on Trinity County Assessor's Parcel Numbers (APNs) 015-180-43, 015-180-44 and 015-180-46 (collectively the Property) have impacted and continue to pose threats to water quality and beneficial uses of water. The Dischargers caused or permitted the discharge and threatened discharge of waste to receiving waters through the development of the Property for commercial cannabis cultivation. Development since 2020 has included the widening and use of a half-mile private dirt driveway from Indian Creek Road, the construction of four acres of graded pads and surrounding dirt roads, installation of storm drain infrastructure, and the construction of buildings and water tanks. The Dischargers failed to adequately plan or stabilize the Property, resulting in erosion and sediment transport and delivery to receiving waters. Site conditions remain a threat to water quality.

2. Purpose of the Order

This Order requires the Dischargers to clean up and abate the effects of the construction and associated activities and the resulting discharges and threatened discharges of sediment from the Property, and to eliminate the threat of future discharges to unnamed tributaries of Reading Creek and Indian Creek. Investigation and cleanup actions required under this Order shall be conducted to comply with the Porter-Cologne Water Quality Control Act (Wat. Code § 13000 *et seq.*), the *Water Quality Control Plan for the North Coast Region* (Basin Plan), the State Water Resources Control Board's (State

Water Board's) *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.

3. Responsible Parties

This Order finds that the Dischargers are responsible parties based on the following:

- a. Parcel information available from the Trinity County Assessor's Office, as accessed via Digital Map Products' LandVision™ online service, indicates that Nezih Sabankaya and Semi Sabankaya purchased Trinity County Parcels APNs 015-180-043, 015-180-044 and 015-180-046 on or about August 5, 2019, and have continued to own the Property since that time, including the dates on which staff inspected the Property and documented discharges and threatened discharges of waste into waters of the state.
- b. On September 26, 2019, a consultant for ICRS LLC submitted information through the State Water Board's online portal for discharges of waste associated with cannabis cultivation related activities on the Property. The enrollment in the State Water Resources Control Board Order WQ 2017-0023-DWQ, as amended by WQ 2019-0001-DWQ, *General Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities* (Cannabis General Order)¹ identifies ICRS LLC as the cultivator.
- c. On January 15, 2020, Bervely Soruco submitted a Notice of Intent (NOI) to enroll the Property under the State Water Board Order No. 2009-0009-DWQ, as amended by Orders 2010-0014 DWQ and 2012-0006 DWQ, NPDES No. CAS000002, *National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities* (Construction General Permit, CGP), identifying themselves as the Legally Responsible Person (LRP). The NOI identifies ICRS LLC as the contractor/developer under the CGP.
- d. As a property owner and/or operator, Nezih Sabankaya, Semih Sabankaya and ICRS LLC had or should have had knowledge of the activities that resulted in discharges and threatened discharges, and had the legal ability to prevent those discharges from occurring. Additionally, these parties have the ability and legal responsibility to remediate the conditions on the Property that have discharged and threaten to discharge waste to waters of the state.

¹ Subsequent to ICRS LLC's enrollment, the Cannabis General Order was again amended by and WQ 2023-0102-DWQ.

- e. The Regional Water Board reserves the right to amend this Order, or issue a subsequent Order, to add additional responsible parties when/if those parties are identified.

4. Property Location and Description

The Property consists of three parcels totaling approximately 64-acres and is located at 1580, 1590 and 1640 Indian Creek Road, approximately five miles southeast of Douglas City and south of California State Route 299 in eastern Trinity County (Latitude 40.60359, Longitude -122.880479) (see Attachment 1 – Property Maps). The Property straddles a ridge, with numerous unnamed ephemeral Class III watercourses flowing off the Property into two unnamed ephemeral tributaries to Reading Creek and one unnamed ephemeral tributary to Indian Creek, which are identified on the U.S. Geological Survey's National Hydrography Dataset (NHD). Both Reading and Indian Creeks are tributary to the Trinity River in the Trinity Hydrologic Unit, the Middle Trinity Hydrologic Area, and Douglas City Hydrologic Subarea. The Trinity River is Clean Water Act section 303(d)-listed as impaired due to excess sedimentation and siltation. The United States Environmental Protection Agency established Total Maximum Daily Loads (TMDLs) for temperature and sediment for the Trinity River on December 20, 2001. Reading Creek and Indian Creek and their unnamed tributaries are waters of the state. Land disturbance activities occurred over the majority of the Property to develop multiple pads and buildings developed for cannabis cultivation, and extensive grading of the existing driveway that provides access to the Property and an adjacent parcel owned by another individual, as well as creation of additional driveways on the Property. These land disturbance activities extend beyond the Property onto the adjacent parcel and cut and slopes extend beyond the pre-existing driveway footprint.

5. Regulatory Coverage

- a. On September 26, 2019, a consultant for ICRS LLC submitted information through the State Water Board's online portal for discharges of waste associated with cannabis cultivation related activities for the Property and identified ICRS LLC as the cultivator. Based on the information submitted, the Property was enrolled as a Tier 2 Low Risk site under the Cannabis General Order, effective November 15, 2019, and was assigned Waste Discharge Identification (WDID) No. 1_53CC421210. The enrollment is active, and ICRS LLC is required to comply with the Cannabis General Order and Cannabis Cultivation Policy Principles and Guidelines for Cannabis Cultivation (Cannabis Cultivation Policy).
- b. On January 15, 2020, Bervely Soruco, on behalf of ICRS LLC, filed a Notice of Intent (NOI) to enroll the Property under the Construction General Permit. According to the NOI, project grading was anticipated on a 4-acre portion of the Property with construction activities expected

between March 4, 2020, and October 31, 2021. The Property is identified by CGP WDID No. 53C389202. Enrollment is active and ICRS LLC is required to comply with the standard requirements of the CGP.

6. Property History

- a. On December 22, 2020, California Department of Fish and Wildlife (CDFW) personnel conducted an inspection of the Property and observed active winter-period road work, inadequate BMP implementation, and resulting discharge and threatened discharge of sediment waste into waters of the state.
- b. On December 30, 2020, State Water Board and Regional Water Board staff (Staff) and CDFW personnel conducted a follow-up compliance inspection of the Property and identified threats to water quality primarily associated with ground disturbing equipment work during the winter period², missing and ineffective erosion and sediment controls, road construction, and improperly installed ditch relief culverts with delivery of sediment laden water to waters of the state.
- c. On January 15, 2021, CDFW issued Nezih Sabankaya a Notice of Violation (NOV) documenting sediment transport and delivery into nearby streams from recent construction activities. CDFW's NOV documented freshly graded areas without stabilization measures, uncompacted earthen material on the surface of the driveway and ditch relief culverts without armoring, with threatened and actual discharges of sediment into waters of the state.
- d. Based on documented observations made during inspection of the Property on December 30, 2020, and on February 16, 2021, the State Water Board issued an NOV³, incorporated herein by reference, for violations of the Cannabis General Order and threats of discharge of sediment waste to waters of the state, including:
 - i. Without notification to the Regional Water Board, Nezih Sabankaya performed the unauthorized grading and construction work to widen the driveway from Indian Creek Road and at the area of the graded pads during the 2020/2021 winter period, in violation of the Cannabis General Order.
 - ii. Nezih Sabankaya constructed two levels of graded pads with near vertical cut-slopes, overly steep fill slopes, and did not install sufficient erosion and sediment controls or adequate

² Winter period is defined in the Cannabis General Order as November 15- April 1.

³ February 16, 2021 State Water Resources Control Board Notice of Violation and Transmittal of Report of December 30, 2020 Inspection

drainage, such that erosion of the fill slopes and downslope hillsides was evident to Staff.

- iii. The driveway lacked shaping for functional drainage and was only partially surfaced with inadequate materials; the cut banks were freshly exposed, not stabilized and eroding. Without cross sloping of the road and without an inboard drainage ditch, stormwater flows concentrated down the road and caused erosion of exposed surfaces. Installation of BMPs to prevent erosion and transport of sediment were incomplete and inadequate to prevent sediment discharge into downstream receiving waters.
- iv. Nezih Sabankaya installed eight ditch relief culverts (DRCs) along the driveway with inlets below the cut bank. The lack of an adequate inside ditch limited the effectiveness of the DRCs and left them prone to plugging with sediment. The outlets of the DRCs lacked appropriate and adequate armoring and relied on inadequate and temporary BMPs. Staff documented threats of sediment discharge to waters of the state at the outlets of the DRCs.
- v. In response to the CDFW and State Water Board NOVs, Allen Boyd, P.E., an engineer working for the Dischargers, submitted eight reports for inspections that they conducted between January 20, 2021, and April 29, 2021. On May 5, 2021, Mr. Boyd signed and stamped a letter stating that the driveway construction, including drainage and ditch relief culverts, had been installed according to the guidelines of the Handbook for Forest, Ranch, and Rural Roads. Based upon the submissions by Mr. Boyd, on June 29, 2021, the State Water Board sent a letter to ICRS LLC and Nezih Sabankaya stating the requirements of the February 26, 2021 NOV had been met.
- e. On December 5, 2022, Staff and CDFW personnel conducted a follow-up compliance inspection of the Property and found that Nezih Sabankaya had again conducted unauthorized winter-period equipment work that created conditions resulting in discharges and threat of discharges and impacts to waters of the state. Staff documented continued excessive sediment transport and discharge due to failing and unprotected slopes and embankments, missing, ineffective, or improper installation or use of erosion and sediment control BMPs across the entire site. The dirt driveway still contained poorly designed flow conveyances and drainage systems with hydrologic connectivity and sediment discharges and threat of discharges to downstream ephemeral watercourse channels. Overall, the Property had an inadequate level of erosion and sediment control

BMPs to comply with the applicable regulations and protect receiving waters from erosion and sediment discharge. On the following two dates, CDFW and the Regional Water Board issued NOVs documenting violations identified during the December 5, 2022, inspection:

- i. On December 29, 2022, CDFW issued Nezih Sabankaya an NOV documenting that he had sidecast spoils during unauthorized winter road work, resulting in rill erosion and discharge of sediment to waters of the state at three of the DRCs along the driveway, each hydrologically connected to unnamed tributaries to Reading Creek.
 - ii. On May 18, 2023, the Regional Water Board sent ICRS LLC and Nezih Sabankaya two NOVs⁴ identifying multiple violations of the Cannabis General Order and the Construction General Permit (, incorporated herein by reference. According to the NOVs, ICRS LLC violated multiple regulatory requirements related to the driveway, including the road surface, the inboard ditch, inboard embankment and drainage systems, as well as the graded pad areas, cutbank and associated fill slope embankments and roadways. ICRS LLC also violated the Construction General Permit due to deficiencies in the Property's Stormwater Pollution Prevention Plan (SWPPP) and failure to comply with the CGP's Monitoring and Reporting Requirements.
- f. On November 9, 2023, Staff and CDFW personnel inspected the Property and documented in inspection reports (Regional Water Board Report of November 9, 2023 Construction Stormwater Inspection and State Water Board Report of November 9, 2023 Cannabis Inspection), incorporated herein by reference, ongoing significant issues resulting in discharge and threatened discharge of sediment to waters of the state, including, but not limited to, the following:
- i. Rills and gullies that had formed and were identified in the previous inspection, conducted December 5, 2022, were neither repaired nor protected from continued erosion.
 - ii. Areas of exposed soil that were initially disturbed during construction were unchanged since the previous inspection and still were not protected with erosion and sediment control BMPs.
 - iii. Appropriate BMPs for conveyance of concentrated stormwater flows were not implemented.

⁴ May 22, 2023 Regional Water Board Notice of Violation of Cannabis General Order and Transmittal of Report of December 6, 2022 Inspection and May 22, 2023 Regional Water Board Notice of Violation of Construction General Permit and Transmittal of Report of December 6, 2022 Inspection.

- iv. The site did not appear to have any new or different BMPs installed since the last inspection.
 - v. There was no evidence that BMP maintenance had been performed on existing BMPs since the last inspection. The existing BMPs were often overburdened by accumulated sediment, were highly deteriorated, and were ineffective.
 - vi. Over-steepened cut slopes adjacent to the driveway, construction access roads, and the lower graded pad had evidence of significant erosion and were not corrected since the previous inspection.
 - vii. Inappropriate driveway surfacing material was not removed, replaced, or covered with standard road maintenance aggregates allowing for significant fine sediment transport and discharge from the Property.
 - viii. Driveway inboard ditches were not properly designed and/or installed to receive and/or convey stormwater runoff.
 - ix. Culvert inlets were not properly designed and/or installed to collect concentrated stormwater flow.
 - x. A significant amount of fine sediment remains in locations where it can be washed into waters of the state.
 - xi. Culvert outlets were not properly designed and/or installed with energy dissipaters.
 - xii. Cannabis cultivation activities, associated infrastructure and materials, and disturbed ground areas that lacked BMPs to prevent discharge.
 - xiii. Improper storage of cultivation-related waste, miscellaneous waste, and vegetative slash piles that lacked containment measures and BMPs.
 - xiv. Improper storage of water storage tanks lacked containment measures, overflow prevention devices, and BMPs.
 - xv. Improperly graded and surfaced areas resulted in slope failures and sediment transport and discharge.
- g. On June 20, 2024, consultants for ICRS LLC, submitted documentation of a site assessment identifying changes since the November 9, 2023 inspection, incorporated herein by reference, identifying that:
- i. Some slopes, especially the gentler slopes have some vegetation growing over previously bare areas, some slopes and terraces remain bare;

- ii. Some rilled areas are beginning to revegetated and some have ongoing moderate rilling, and one area of extreme rilling;
 - iii. The slopes upslope of the driveway are of greatest concern, with areas of ongoing surface erosion evident;
 - iv. The improper installation, or lack thereof, of appropriate BMPs along these terraces likely contributed to increased erosion. Improper drainage and lack of linear slope interrupter BMPs are the major contributor to construction-related erosion; and
 - v. The Dischargers are ready and willing to undertake corrective action to come into compliance with applicable laws and regulations.
- h. As part of Staff's efforts on this matter, Staff reviewed several reports required under ICRS LLC's regulatory coverage, including the following:
- i. As a Tier 2, Low Risk site enrolled under the Cannabis General Order, ICRS LLC was required to submit a Site Management Plan (SMP) (due February 13, 2020) and a Nitrogen Management Plan, due February 13, 2020. On behalf of ICRS LLC, Flowra submitted an SMP for the Property on February 18, 2022, and a Nitrogen Management Plan on September 7, 2022. In review of these reports, Staff found inaccuracies in the site map and the overall scope and threat to water quality resulting from the development and the activities that were documented in the SMP as compared to Staff's observations of site conditions during the inspections.
 - ii. ICRS LLC's enrollment under the Construction General Permit required the submission of a SWPPP. On behalf of ICRS LLC, SJ~J2 Engineering, Inc prepared a SWPPP that Bervely Soruco uploaded to the Stormwater Multiple Application and Report Tracking System (SMARTS) on January 15, 2020.

As documented in the May 18, 2023 CGP NOV, ICRS LLC's SWPPP failed to address current site conditions, all pollutants and their sources, and was not designed with measures to eliminate or reduce pollutants in stormwater discharges. The Regional Water Board's December 5, 2022 Inspection Report further documented deficiencies in ICRS LLC's SWPPP, including missing or inaccurate construction site layout and boundaries, drainage areas, discharge locations, sampling locations, areas of soil disturbance, location of erosion control BMPs, and other required elements. The SWPPP did not identify driveway widening, road construction or driveway widening, ditch construction, or culvert installations. Though

required by the CGP, the Dischargers did not file amendments reflecting design changes to the site development plan in the submitted SWPPP.

- iii. On November 22, 2023, in response to CDFW's December 2022 NOV, Nezih Sabankaya submitted a Draft Road Stabilization Plan by civil engineering consultants Omsberg Preston to CDFW. The draft plan documented their assessment and recommendations resulting from a site visit on November 16 and 17, 2023. The stated goal in the plan was to minimize erosion and sediment transport over the winter months, until more thorough roadwork can be conducted during the dry season. The Draft Road Stabilization Plan identified measures to be completed prior to winter rains, including installation of a suite of recommended sediment and erosion control BMPs, replacement of existing BMPs with appropriate BMPs, placement of rock energy dissipaters below culvert outlets, placement of angular rock along bare inboard ditches and replacement of inboard ditch cobbles with angular rock. Based on communications between Staff and CDFW personnel, as of the date of this Order, the Draft Road Stabilization Plan was not approved, and the Dischargers have not submitted a final plan to either CDFW or the Regional Water Board.
- iv. As of the date of this Order, despite several years of regulatory requirements and compliance assistance from Staff, the Dischargers have failed to produce adequate technical reports to address the impacts and continued erosion and site failures causing threats to water quality from developed features, including the driveway, the graded flats and the surrounding roads for their stability and sediment and erosion control measures, site drainage, hydrologic connectivity to downstream receiving waters and impacts to waters of the state.

7. Factual Basis of Order

As documented by both Staff during inspections conducted on December 30, 2020, December 5, 2022, and November 9, 2023, as outlined in the Property History section above and detailed in the referenced documents, the Dischargers' activities on the Property have caused or permitted, causes or permits, or threatens to cause or permit waste to be discharged or deposited where it has been, or probably will be, discharged into the waters of the state and creates or threatens to create a condition of pollution. The Dischargers developed the Property for cannabis cultivation by widening half a mile of an existing dirt driveway and constructing graded flats using cut and fill construction, resulting in near vertical cutbanks and overly steep and long fill slope embankments, all without adequate drainage measures to prevent

concentrated runoff, erosion, transport, and delivery of sediment to waters of the state.

- a. As of the most recent inspection by Staff, conducted on November 9, 2023, the Dischargers did not: 1) repair previously eroded slopes; 2) correct over-steepened slopes; 3) control concentrated stormwater flows; 4) protect concentrated flow conveyances with appropriate armoring; 5) clear concentrated flow conveyances of inappropriate materials (cobble); 6) clear concentrated flow conveyances of deposited sediment; 7) install sediment control slope interrupters; 8) maintain and/or replace existing sediment control BMPs; 9) protect exposed soil with erosion control BMPs; 10) correct culvert inlets to capture concentrated flows; 11) protect culvert outlets with permanent energy dissipation; or 12) correct the placement of inadequate surfacing material on the driveway.
- b. The failure to adequately plan the development of the Property and implement sufficient erosion and sediment control measures has resulted in the unauthorized discharges and ongoing threatened discharges of sediment waste to waters of the state.
- c. Additionally, the Dischargers failed to submit adequate technical reports, as required by ICRS LLC's regulatory coverage under the Cannabis General Order and the Construction General Permit, to evaluate the developed features and guide appropriate BMPs necessary to protect water quality.

8. Beneficial Uses, Basin Plan Prohibitions, and Water Quality Objectives:

The Basin Plan⁵ designates beneficial uses of water within Hydrologic Subareas, establishes water quality objectives, contains implementation programs for achieving objectives, and incorporates by reference the plans and policies adopted by the State and Regional Water Boards.

- a. Beneficial Uses: Existing and potential beneficial uses for the Douglas City Hydrologic Subarea include the following: Municipal and Domestic Supply (MUN); Agricultural Supply (AGR); Industrial Service Supply (IND); Industrial Process Supply (PRO); Groundwater Recharge (GWR); Freshwater Replenishment (FRSH); Navigation (NAV); Hydropower Generation (POW); Water Contact Recreation (REC-1); Non-Contact Water Recreation (REC-2); Commercial Sport Fishing (COMM); Cold Freshwater Habitat (COLD); Wildlife Habitat (WILD); Rare, Threatened, or Endangered Species (RARE); Migration of Aquatic Organisms (MIGR); Spawning, Reproduction, and/or Early Development (SPWN); and Aquaculture (AQUA).

⁵ (https://www.waterboards.ca.gov/northcoast/water_issues/programs/basin_plan/)

- b. Basin Plan Prohibitions: The Basin Plan contains specific standards and provisions for maintaining high-quality waters of the state that provide protection to the beneficial uses identified. The Basin Plan's *Action Plan for Logging, Construction, and Associated Activities* includes the following waste discharge prohibitions (See section 4.2.1 of the Basin Plan):
- i. Prohibition 1 – “The discharge of soil, silt, bark, slash, sawdust, or other organic and earthen material from any logging, construction, or associated activity of whatever nature into any stream or watercourse⁶ in the basin in quantities deleterious to fish, wildlife, or other beneficial uses is prohibited.”
 - ii. Prohibition 2 – “The placing or disposal of soil, silt, bark, slash, sawdust, or other organic and earthen material from any logging, construction, or associated activity of whatever nature at locations where such material could pass into any stream or watercourse in the basin in quantities deleterious to fish, wildlife, or other beneficial uses is prohibited.”
- c. Basin Plan Water Quality Objectives: Chapter 3 of the Basin Plan contains water quality objectives not to be exceeded as a result of waste discharges. The water quality objectives that are considered of particular importance in protecting the beneficial uses from unreasonable effects due to waste discharges from land development activities include the following:
- iii. 3.3.11 Sediment: “The suspended sediment load and suspended sediment discharge rate of surface waters shall not be altered in such a manner as to cause nuisance or adversely affect beneficial uses.”
 - iv. 3.3.12 Settleable Material: “Waters shall not contain substances in concentrations that result in deposition of material that causes nuisance or adversely affect beneficial uses.”
 - v. 3.3.13 Suspended Material: “Waters shall not contain suspended material in concentrations that cause nuisance or adversely affect beneficial uses.”
 - vi. 3.3.17 Turbidity: “Turbidity shall not be increased more than 20 percent above naturally occurring background levels. Allowable

⁶ As provided in section 4.2.2, paragraph B.2, of the Basin Plan, “[t]he definition for ‘stream or watercourse’ as those terms are used in the waste discharge prohibitions relative to logging and construction activities shall be interpreted by the Regional Water Board to mean the following: Natural watercourse as designated by a solid line or dash and three dots symbol shown in blue on the largest scale United State Geological Survey Topographic Map most recently published.”

zones of dilution within which higher percentages can be tolerated may be defined for specific discharges upon the issuance of discharge permits or waiver thereof.”

9. Regional Water Board Resolutions

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

To address sources of elevated water temperature to reduce impairments to waters of the state and prevent further impairment, the Regional Water Board adopted the Policy for Implementation of the Water Quality Objective for Temperature in the North Coast Region (Temperature Implementation Policy) through Resolution R1-2014-0006. On nonfederal lands, parties conducting activities associated with agriculture that discharge waste or have the potential to discharge waste shall implement riparian management measures that meet the riparian shade load allocations (shade consistent with full potential vegetation conditions) and water quality standards. On nonfederal lands, parties conducting activities associated with agriculture that discharge waste or have the potential to discharge waste shall implement riparian management measures that meet the riparian shade load allocations (shade consistent with full potential vegetation conditions) and water quality standards.

10. State Water Board Resolutions

State Water Board Resolution 92-49 sets forth the policies and procedures to be used during an investigation and cleanup of a polluted site and requires that cleanup levels be consistent with State Water Board Resolution 68-16, *Statement of Policy with Respect to Maintaining High Quality Waters in California* (“Resolution 68-16”). Resolution 92-49 requires waste to be cleaned up in a manner that promotes attainment of either background water quality, or the best water quality that is reasonable if background levels of water quality cannot be restored. Any alternative cleanup level to background must: (1) be consistent with the maximum benefit to the people of the state; (2) not unreasonably affect present and anticipated beneficial use of such

water; and (3) not result in water quality less than that prescribed in the Basin Plan and applicable Water Quality Control Plans and Policies of the State Water Board. Resolution 92-49 directs that investigations and cleanup and abatement proceed in a progressive sequence. To the extent practical, it directs the Regional Water Board to require and review for adequacy written work plans for each element and phase, and the written reports that describe the results of each phase of the investigation and cleanup.

11. Legal Authority to Require Cleanup and Abatement:

Water Code section 13304, subdivision (a) states, in relevant part: “A person who has discharged or discharges waste into waters of this state in violation of any waste discharge requirements or other order or prohibition issued by a regional board or the state board, or who has caused or permitted, causes or permits, or threatens to cause or permit any waste to be discharged or deposited where it is, or probably will be, discharged into the waters of the state and causes, or threatens to create, a condition of pollution or nuisance, shall upon order of the regional board clean up the waste or abate the effects of the waste, or, in the case of threatened pollution or nuisance, take other necessary remedial action, including, but not limited to, overseeing cleanup and abatement efforts....”

12. Waste

“Waste” is defined by Water Code section 13050, subdivision (d) to include, 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.”

Earthen material, including sediment, when discharged to waters of the state, is a “waste” as defined in Water Code section 13050, subdivision (d). The Dischargers’ activities on the Property, including construction of graded flats and cut and fill slopes for cannabis cultivation, conducting equipment work during the winter period, widening of the driveway using cut and fill construction, creating overly steep slopes and failing to implement adequate site stabilization measures and leaving developed features prone to erosion, and installation of ditch relief culverts in locations that deliver concentrated stormwater runoff and sediment to headwater streams, , has caused or permitted, or threatens to cause or permit, waste to be discharged or deposited where it is, or probably will be, discharged into the waters of the state in a manner that has created or threatens to create a condition of pollution by altering the quality of the waters of the state to a degree that unreasonably affects the waters for beneficial uses.

The sediment described above that threatens to discharge to receiving waters in violation of Prohibition 2 of the Action Plan for Logging, Construction, and

Associated Activities contained within the Basin Planis also a “waste” as defined in Water Code section 13050, subdivision (d) and could become deleterious to fish, wildlife, or other beneficial uses.

13. Pollution

“Pollution” is defined by Water Code section 13050, subdivision (l)(1) as, an alteration of the quality of the waters of the state by waste to a degree that unreasonably affects either waters of the state for beneficial use or facilities that serve these beneficial uses.

Sediment from construction and grading activities on the Property with drainage to the adjacent unnamed tributaries can alter the quality of those and downstream waters and unreasonably affect beneficial uses.

- a. Discharges of sediment and other inert material can alter the hydrologic and sediment transport regimes of surface waters by affecting the flow of water and establishment of vegetation. Such changes may lead to adverse conditions such as flooding, increases in suspended sediment and turbidity, accelerated erosion of the watercourse bed or banks, and localized accumulation of deleterious materials. Additionally, such discharges directly threaten wildlife habitat and aquatic species (beneficial uses impacted: RARE, MIGR, SPWN, COLD, COMM, and WILD). The unnamed tributaries provide habitat for amphibians and are tributary to streams that provide habitat for salmonids. Increased sedimentation and turbidity can also result in increased treatment and/or maintenance costs for downstream agricultural and municipal users that withdraw and treat the water (beneficial uses impacted: AGR and MUN). Sediment-laden storm water can also discharge to surface water and result in increased turbidity that may affect the recreational and aesthetic enjoyment of the surface waters (beneficial uses impacted: REC-1 and REC-2).
- b. The discharge of sediment is especially problematic in this watershed since the Middle Trinity River is Clean Water Act section 303(d)-listed as impaired due to elevated temperature and sediment. Sediment delivery to streams impacts the migration, spawning, reproduction, and early development of cold-water fish such as fall run Chinook salmon, Coho salmon, and steelhead trout.
- c. Sediment delivery to headwater streams is especially problematic for amphibian species. Sediment Deposition (i.e. bottom deposits) in headwater streams can result in direct impacts to native amphibians that rely on clean substrate to burrow in and access cold, clean water.
- d. Suspended sediment in surface waters can cause harm to aquatic organisms by abrasion of surface membranes, interference with respiration, and sensory perception in aquatic fauna. Suspended sediment can reduce photosynthesis and survival of aquatic life by

limiting the transmittance of light. The Basin Plan contains a water quality objective for sediment, which requires that the suspended sediment load and suspended sediment discharge rate of surface waters shall not be altered in such a manner as to cause nuisance or adversely affect beneficial uses.

- e. Suspended sediment can also physically damage gills causing fish mortality; increased physiological stress; reduce reproduction; impair normal feeding and predator avoidance behaviors, resulting in impacts to commercial and recreational fishing resources; increase water temperature; and fill in lagoons and wetlands converting them from aquatic to terrestrial habitat.
- f. Impacts to beneficial uses occur both during sediment transport and sediment deposition. In addition to the problems associated with suspended sediment, sediment is also an excellent transport mechanism for toxics (e.g., metals and synthetic organics) and nutrients, which bind to sediment particles. (Beneficial Uses impacted: REC1, REC-2, COLD, SPWN, RARE, MIGR, COMM, MUN, and WILD).

14. Cleanup and Abatement Action Necessary

Cleanup and abatement is necessary to ensure that any discharge of waste or existing condition of pollution is cleaned up, that the threat of unauthorized discharges to waters of the state from the Property that may create a condition of pollution are prevented, that the background water quality or the best water quality that is feasible is restored, and that any impacts to beneficial uses are mitigated. The issuance of a cleanup and abatement order pursuant to Water Code section 13304 is appropriate and consistent with the policies of the Regional Water Board and State Water Board.

15. Technical Reports Required

Water Code section 13267, subdivision (a) provides that the Regional Water Board, "in establishing or reviewing any water quality control plan or waste discharge requirements, or in connection with any action relating to any plan or requirement authorized by this division [Division 7], may investigate the quality of any water of the state within its region." Water Code section 13267, subdivision (b) provides that the Regional Water Board, in conducting an investigation, may require a discharger to furnish, under penalty of perjury, technical or monitoring program reports. The burden, including costs, of preparing these reports must bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. This Order requires four types of technical and monitoring reports. Staff estimate the total cost of technical reports required by this Order to be approximately \$20,340

to \$62,880.⁷ The costs of the technical or monitoring reports required by this Order bear a reasonable relationship to the need for these reports and the benefit to be gained by these reports, as discussed below:

- a. The Cleanup, Restoration and Monitoring Plan (CRMP) is a technical report that is necessary to: (1) assess impacts to waters of the state resulting from the development and use of the Property including cut and fill and grading and installation of drainage facilities, resulting in hydrologic and geomorphic impacts to watercourses, and the discharge and threatened discharge of sediment and stormwater runoff; (2) determine the appropriate remedial work to correct those impacts; and (3) create a plan along with an implementation schedule that will guide the scope of work to clean up and abate the discharges and threat of discharges of waste on or from the Property. By requiring the Dischargers to submit a CRMP, the Regional Water Board or its delegated officer will have the opportunity to review and approve the scope of the proposed restoration and corrective actions to confirm that the proposed work will adequately remediate site conditions and prevent the discharges of sediment and other wastes from further impacting the beneficial uses of sensitive water bodies. As previously mentioned, the Middle Trinity River is Clean Water Act section 303(d)-listed as impaired due to elevated temperature and sediment, thereby heightening the need for this technical report to reduce further impairment to waters of the state. The CRMP requirements (i.e., field inspection and report preparation) are comparable to that of preparing a combined Site Management Plan and Site Erosion and Sediment Control Plan as presented in the 2017 Direct Cost Analysis, which is estimated to cost between \$3,660 and \$11,720.

⁷ The State Water Board considered the estimated costs associated with various technical reports regarding site characterization, stabilization, and restoration during the adoption and amendment of the Cannabis Cultivation Policy and General Order. Estimated costs for technical reports were presented in the State Water Board's 2017 Direct Cost Analysis for the Proposed Cannabis Cultivation Policy (2017 Direct Cost Analysis)

(https://www.waterboards.ca.gov/water_issues/programs/cannabis/docs/policy/20171017_cannabis_cultivation_policy_cost_analysis.pdf).

The costs to develop the technical reports required in this Order are anticipated to be comparable to the preparation of reports presented in the 2017 Direct Cost Analysis, as detailed in Paragraph 1, subparagraphs a-d.

Additionally, costs related to CGP-related report estimates are based on the CalTrans "Estimating Guidance for CGP" dated September 2010, which can be found here:

<https://dot.ca.gov/-/media/dot-media/programs/design/documents/estimating-guidance-for-cgp-092010-a11y.pdf>

- b. The Monthly Progress Reports are periodic reports that the Dischargers must prepare to demonstrate and communicate progress on implementation of the CRMP. Monthly Progress Reports are necessary to ensure that the restoration and corrective actions are being performed consistent with the approved CRMP and that implementation of the CRMP will be completed by the deadline contained in this Order. Timely implementation is crucial to ensure the Property is restored and erosion control measures are in place prior to the next winter season to prevent discharges of sediment into waters of the state. The cost of preparing a Monthly Progress Report is based on the cost estimated in the 2017 Direct Cost Analysis for report production of a Site Closure Report which is estimated to cost \$120 an hour. Staff has estimated that it will take 4-8 hours to prepare a Monthly Progress Report, resulting in a cost between \$480 and \$960 per report, for a total cost between \$5,760 and \$11,520 to prepare twelve monthly reports during the period of September 2024 through September 2025 when on-site restoration activities are required under the Order.
- c. A Completion Report is necessary to demonstrate that the Dischargers have successfully completed implementation of the CRMP in a timely manner in accordance with this Order. The benefit derived from a Completion Report is the Regional Water Board's, or its delegated officer's, ability to verify that remedial activities and BMPs were adequately implemented to ensure that cleanup and abatement activities remedy all water quality threats and impacts. The cost of a Completion Report (i.e., field inspection and report preparation) is comparable to the report preparation component of a combined Site Management Plan and Site Erosion and Sediment Control Plan as described in the 2017 Direct Cost Analysis, which are each estimated to cost between \$2,760 and \$7,920. Therefore, the estimated cost to prepare the Completion Report is between \$5,520 and \$15,840.
- d. Annual Monitoring Reports are necessary to allow the Regional Water Board, or its delegated officer, to confirm the long-term stability of restored areas, to identify any areas where restoration is failing or needs improvement, and to demonstrate the effectiveness of erosion control measures in preventing sediment discharges to waters of the state. Given the condition of the Property as a result of the Dischargers' activities, observation and maintenance of the completed project for a period of five years is needed to ensure that the anticipated water quality benefits are achieved in the long-term and that CRMP components continue to function and remain effective. The cost to prepare an Annual Monitoring Report (i.e., field inspection and report preparation) are comparable to that of a Site Closure Report as presented in the 2017 Direct Cost Analysis, which is estimated to cost

between \$1,080-\$4,760. Therefore, the cost to prepare five Annual Monitoring Reports is estimated to be between \$5,400 and \$23,800.

The Dischargers named in this Order currently own and operate the Property and thus are appropriately named responsible parties for providing the reports.

16. California Environmental Quality Act

Issuance of this Order is being taken for the protection of the environment and to enforce the laws and regulations administered by the Regional Water Board and, as such, is exempt from provisions of the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et seq.) in accordance with California Code of Regulations, title 14, sections 15307, 15308, and 15321. This Order generally requires the Dischargers to submit plans for approval prior to implementation of cleanup, abatement, and restoration activities at the Property. Mere submittal of plans is exempt from CEQA as submittal will not cause a direct or indirect physical change in the environment and/or is an activity that cannot possibly have a significant effect on the environment. CEQA review at this time would be premature and speculative, as there is simply not enough information concerning the Dischargers' proposed remedial activities and possible associated environmental impacts. To the extent that the Order requires earth-disturbing and re-vegetation activities not to exceed five acres in size and to assure restoration of stream habitat and prevent erosion, this Order is exempt from provisions of CEQA pursuant to California Code of Regulations, title 14, section 15333. If the Regional Water Board determines that implementation of any plan required by this Order will have a significant effect on the environment that is not otherwise exempt from CEQA, the Regional Water Board will conduct the necessary and appropriate environmental review prior to implementation of the applicable plan. Should additional environmental review be required in connection with the requirements of this Order, the Regional Water Board's may recover costs associated with preparing and submitting any documents necessary for environmental review. If necessary, the Dischargers and a consultant acceptable to the Regional Water Board shall enter into a memorandum of understanding with the Regional Water Board regarding such costs prior to undertaking any environmental review.

REQUIRED ACTIONS

IT IS HEREBY ORDERED, pursuant to Water Code sections 13267 and 13304, that the Dischargers shall clean up the wastes and abate the impacts to water quality in accordance with the scope and schedule set forth below and submit the technical and monitoring reports as further described below.

1. Submit a Cleanup, Restoration, and Monitoring Plan

By **August 23, 2024**, the Dischargers shall submit a proposed Cleanup Restoration and Monitoring Plan (CRMP), subject to review and concurrence by the Regional Water Board or its delegated officer. The CRMP shall include evaluation of the current site conditions and propose remedial actions to protect water quality, ensure site stabilization, and control of all potential discharges of waste related to the development. The CRMP must address all developed features on the Property that are discharging or threatening to discharge to waters of the state, including the driveway, including the cutbank, inside ditch, driveway drainage, roadbed and surface, outboard edge and drainage facilities, and hydrologic connections. The CRMP shall include, but not be limited to, the following:

- a. **An impacts assessment** of all direct and indirect potential impacts to any waters of the state from the Property, including, but not limited to, rivers, streams, seeps, springs, bogs, and wetlands, caused by the site development and disturbed areas, including all associated earthwork and drainage. Impact assessment findings shall serve as the basis for the CRMP.
 - i. The impacts assessment shall be completed by an appropriately qualified professional and must, at a minimum, address surface water hydrology, bed and bank stability, riparian and aquatic habitat and loss thereof, channel slope stability, active or potential erosion and sedimentation sites, stability of graded and developed features, culverts, and other stream crossings, as well as roads and all disturbed areas on the Property.
 - ii. The impacts assessment must, at a minimum, include the following:
 1. Characterization of the topography, hydrology, soil, and vegetation of the Property under natural conditions and under current conditions.
 2. A facility map and description that includes characterization of areas disturbed by development and maintenance activities including site clearing, grading, sloping, armoring, and include as-builts of the graded flats, driveway, access roads and drainage systems.
 3. A forensic evaluation of waters of the state that could be impacted by the water discharges from the Property, including ground water wells and surface waters on the Property, including streams, seeps, springs, bogs, and wetlands, and the pre- versus post project surface water features (including dimensions

and channel length), drainage structures, stream crossings instream structures, and the functional status of these features.

4. Site stormwater drainage, including the routing of stormwater and comparing pre-project to current hydrographs and adequate sizing of all drainage features.
 5. A stability assessment and sediment source inventory of all slopes and graded features including an evaluation of their potential for erosion, transport and delivery of sediment, and other waste, from the Property to waters of the state. The assessment shall include a description of current erosion and sediment control efforts and their effectiveness at preventing discharges of waste and ensuring protection of water quality.
 6. Topographic maps, aerial photographs and/or satellite images, LIDAR, site photographs and schematics, and technical reports (e.g., receiving waters assessment, geotechnical reports, grading plans).
- b. **A proposed plan for** Property cleanup and restoration including a description of how long-term impacts from erosion and sedimentation sources will be abated (e.g., immediate implementation of erosion and sediment controls and re-grading and reengineering, removal of accumulated sediment, graveling or paving road surfaces, etc.), as well as a proposal to restore beneficial uses of any waters of the state that were adversely impacted or threatened by the site development/disturbance activities, including the tributaries to Reading and Indian Creeks. The CRMP shall contain, at a minimum, design specifications for roads, slope stabilization, graded areas, spoils disposal areas, drainage systems, in-stream structures, riparian and aquatic habitat restoration, surface drainage controls, and erosion and sediment controls and shall include a proposal to accomplish the following:
- i. Decommissioning and restoration or regrading and stabilization to ensure the long-term stability of the developed features, including cut banks, fill slope embankments, sidecast spoil materials, roadways, inboard ditches, and inboard embankment;
 - ii. Provide for free-draining, dispersed runoff from all disturbed surfaces, such that hydrologic modification is eliminated,

gullyng and rilling is prevented, and water is directed to stable slope areas;

- iii. Roadway surfacing and regrading to prevent sediment discharge associated with road surface erosion and ensure long-term integrity for year-round uses;
 - iv. Restore the vegetative and hydrological functions of the damaged streams, wetlands, and drainages to ensure the long-term recovery of the affected surface waters;
 - v. Replant slopes and streamside areas with native vegetation to increase shading, prevent erosion and provide streamside protection; and
 - vi. Control erosion and sediment delivery prior to, during and following all sitework, including site restoration efforts, until vegetation is established. BMPs shall be applied to all current and planned work associated with construction activities on the Property impacting, or having the potential to impact, Indian and Reading Creeks and their unnamed tributaries. The proposed CRMP shall provide details and specifications, both in the narrative plan and as applicable in design drawings, for seasonal restrictions and site winterization, as needed, to minimize and control erosion and sediment delivery over winter periods while implementation of the CRMP work is underway.
- c. **An implementation schedule** that includes a time schedule for submitting the CRMP for review and approval by the Regional Water Board or its delegated officer and the required permit applications to all applicable local, state, and federal agencies; and detailed project milestones to fulfill the requirements of this Order. If the permitting requires mitigation to compensate for any temporal and/or permanent impacts to waters of the state that have resulted from the development activities on the Property, the implementation schedule shall include the proposed implementation schedule for mitigation requirements.
 - d. **Propose success criteria** that will be utilized to determine the effectiveness of specified cleanup actions in the proposal, including the implementation and effectiveness of management measures and success criteria, according to the schedule approved in the plan.

2. Implement the approved CRMP

No more than **15 days** after concurrence with the CRMP by the Regional Water Board or its delegated officer, and no later than **September 15, 2024**, the Dischargers shall begin implementation of an approved CRMP.

3. Submit monthly CRMP Progress Reports

Submit monthly progress reports beginning the first day of the month following the approval date of the CRMP, through completion of cleanup, stabilization, restoration, and mitigation work. Include photographs at each photo monitoring point, as depicted on site maps/figures.

4. Complete the Cleanup and Restoration

By September 15, 2025, the Dischargers shall complete all work to clean up and abate all discharges and threats of discharge on or from the Property, consistent with the CRMP approved by the Regional Water Board or its delegated officer.

5. Submit a Completion Report for the CRMP

Within 60 days after fully completing implementation of the CRMP, **but no later than December 1, 2025**, the Dischargers shall submit a Completion Report for the CRMP for approval by the Regional Water Board or its delegated officer. The Completion Report shall include accurate depictions, documentation, and as-built designs and quantification of all completed restoration, construction and/or abatement measures included in the approved CRMP to demonstrate the CRMP has been fully implemented. This report shall also include pre- and post-construction photographs taken at each photo point, as depicted on site maps/figures.

6. Submit Annual Monitoring Reports

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

GENERAL REQUIREMENTS AND NOTICES

1. Duty to Use Qualified Professionals

The Dischargers shall provide documentation that identifies plans and reports required under this Order are prepared under the direction of appropriately qualified professionals. As required by the California Business and Professions Code sections 6735, 7835, and 7835.1, engineering and geologic evaluations and judgments shall be performed by or under the direction of registered professionals competent and proficient in the fields pertinent to the required activities. The Dischargers shall include a statement of qualification and registration numbers of the responsible lead professionals in all plans and reports required under this Order. The lead professional shall sign and

affix their registration stamp to the report, plan, or document. The required activities must be implemented by the appropriately qualified/licensed professional as otherwise required by law.

2. Signatory Requirements

All technical reports submitted by the Dischargers shall include a cover letter signed by the Dischargers, or a duly authorized representative, certifying under penalty of law that the signer has examined and is familiar with the report and that to his/her knowledge, the report is true, complete, and accurate. The Dischargers shall also state in the cover letter whether he/she will implement the recommendations/proposals provided in the report and the schedule for implementation.

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

3. Notice of Onsite Work

The Dischargers, or a duly authorized agent, shall notify Regional Water Board staff at least 48 hours prior to any onsite work, testing, or sampling that pertains to environmental remediation and investigation and is not routine monitoring, maintenance, or inspection. The Dischargers shall contact Adona White at 707-576-2672 or by email Adona.White@waterboards.ca.gov.

4. Notice of Change in Ownership or Occupancy

The Dischargers shall file a written report on any changes in the Property's ownership or occupancy. This report shall be submitted to Regional Water Board staff no later than 30 days prior to a planned change and shall reference the number of this Order.

5. Reasonable Access

The Dischargers shall allow Regional Water Board and State Water Board staff, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to enter at reasonable times to inspect the Property and any records that must be kept under the conditions of this Order for the purposes of assuring compliance with this Order or as otherwise authorized by the Water Code.

6. Submissions

The CRMP and all monitoring reports, technical reports, or notices required under this Order shall be submitted to Regional Water Board staff at the

addresses provided below. Regional Water Board staff will coordinate to obtain approval of the required submittals.

By email (preferred) to: Adona White, Water Resource Control Engineer, <mailto:Adona.White@Waterboards.ca.gov> and Walt.Dragaloski@waterboards.ca.gov and upload all submissions to SMARTS.

Or by mail to:

North Coast Regional Water Quality Control Board
Attn: Adona White
5550 Skylane Blvd, Suite A
Santa Rosa, CA 95403

7. Other Regulatory Requirements

The Dischargers shall obtain all applicable local, state, and federal permits necessary to fulfill the requirements of this Order prior to beginning the work. Additionally, the Dischargers shall ensure they obtain consent from all applicable landowners for any access or work required under this Order.

8. Cost Recovery

Pursuant to Water code section 13304, the State or Regional Water Board is entitled to all reasonable costs it actually incurs to investigate and abate the effects of unauthorized discharges of waste and to oversee/supervise the cleanup of such waste, or other restoration action, required by this Order. If requested by the Regional Water Board or State Water Board, the Dischargers shall enroll in the State Water Board's Cost Recovery Program and shall reimburse the State of California for all reasonable costs actually incurred by the State Water Board and Regional Water Board.

9. Delayed Compliance

If for any reason, the Dischargers are unable to perform any activity or submit any document in compliance with the schedule set forth herein, or in compliance with any work schedule submitted pursuant to this Order and approved by the Regional Water Board or its delegated officer, the Dischargers may request, in writing, an extension of the time specified. The extension request shall include justification for the delay. Any extension request shall be submitted as soon as a delay is recognized and prior to the compliance date. An extension may only be granted by modification of this Order or by a letter from the Executive Officer. The Regional Water Board acknowledges that local, state, and federal permits may cause a delay beyond the control of the Dischargers and will take all the available relevant facts into consideration when considering whether or not to exercise its enforcement authority.

10. Modifications

Any modification to this Order shall be in writing and approved by the Regional Water Board or its delegated officer including any potential extension requests.

11. Enforcement Authority and Potential Liability

If the Dischargers fail to comply with the requirements of this Order, this matter may be referred to the Attorney General for judicial enforcement or a complaint for administrative civil liability may be issued by the Regional Water Board. Failure to comply with this Order may result in the assessment of an administrative civil liability of up to \$10,000 per violation per day and/or up to \$10 per gallon when the violation results in the discharge of waste, pursuant to Water Code sections 13268, 13350, and/or 13385. The Regional Water Board reserves its right to take any enforcement actions authorized by law, including, but not limited to, violation of the terms and conditions of this Order.

12. No Limitation of Water Board Authority

This Order in no way limits the authority of the Regional Water Board to pursue additional enforcement actions or to require additional investigation and cleanup of the Property consistent with the Water Code. This Order may be revised as additional information becomes available.

13. Requesting Review by the State Water Board

Any person aggrieved by this action of the Regional Water Board may petition the State Water Board to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, section 2050 et al. The State Water Board must receive the petition no later than 5:00 p.m., 30 days following the date of this Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday, the petition must be received on the next business day. [Copies of the law and regulations applicable to filing petitions](#) may be found on the Internet at: (http://www.waterboards.ca.gov/public_notices/petitions/water_quality) or will be provided upon request.

This Order is effective upon the date of signature.

Valerie Quinto
Executive Officer

Nezih Sabankaya, Semih Sabankaya and
ICRS LLC Property
ORDER NO. R1-2024-0037

List of Attachments:

Attachment 1: Property maps

**Attachment 1:
Property Maps**



- Unnamed Ephemeral Watercourse Channels
- Unnamed Ephemeral Tributary to Reading Creek
- Parcel Boundaries
- Inactive Cannabis Cultivation Area on Upper Graded Pad
- Ditch Relief Culvert with past Sediment Discharge to Channel
- Ditch Relief Culverts
- Storm Water Drains
- Steel Water Storage Tanks

Image: Google Earth, July 2, 2021
Figure prepared by C. Yearout

Figure 1. Site map of 1580, 1590, and 1640 Indian Creek Road, Douglas City, Trinity County Assessor Parcel Numbers (APNs) 015-180-043, 015-180-044 and 015-180-046, with discharge points identified.

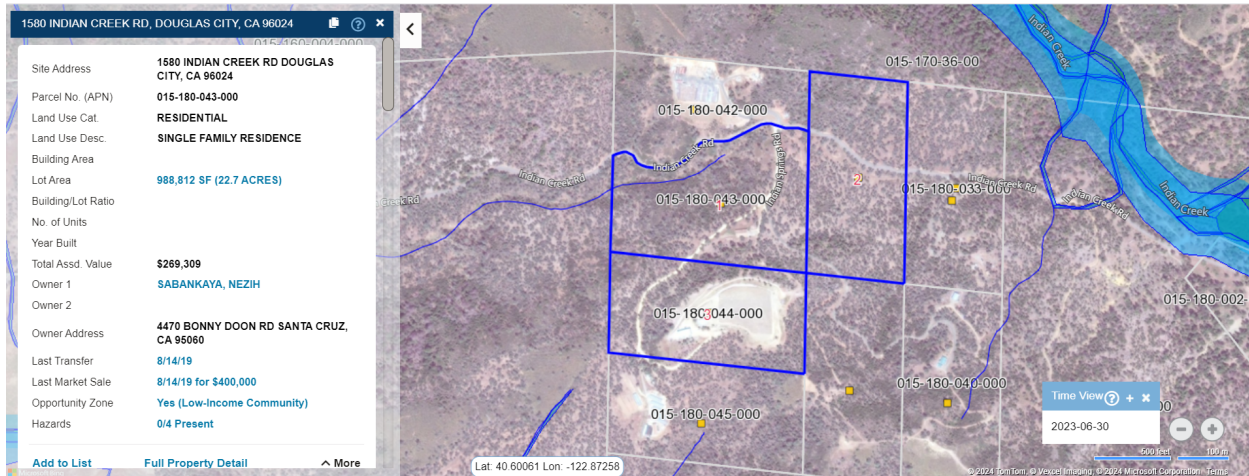


Figure 2. Property map and ownership information. Image capture from LandVision.



Figure 3. Aerial imagery with pre-development topographic contour lines. Image capture from USGS.

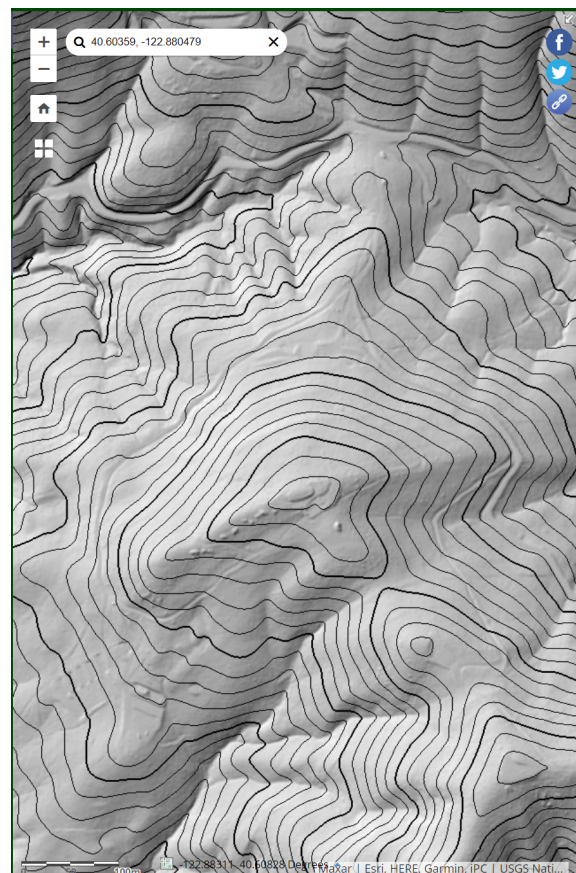


Figure 4. Hillshade of Light Detection and Ranging (LiDAR) Digital Elevation Model (DEM) with pre-development topographic contours. Image capture from USGS.

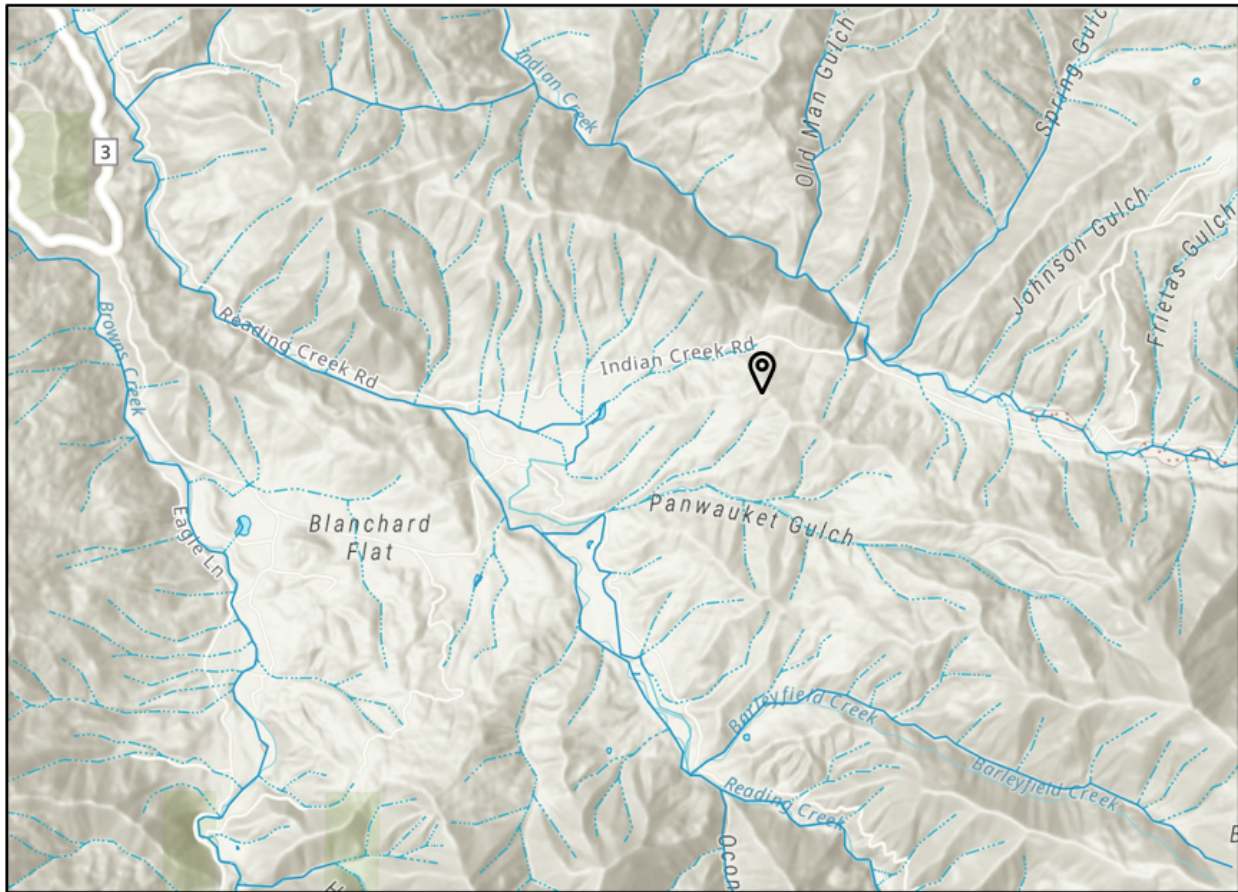


Figure 5. Location map. Property has runoff to Reading Creek and Indian Creek, both of which are tributary to the Trinity River.