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## North Coast Regional Water Quality Control Board

May 11, 2023

OG Kush Diet, LLC / Ivan Vlahov  
181 Oregon Mountain Road  
Junction City, CA 96048  
[ivlahov66@gmail.com](mailto:ivlahov66@gmail.com)

Dear Ivan Vlahov:

**Subject:** Notice of Violation, Transmittal of Inspection Report for April 13, 2023,  
Inspection of Trinity County Assessor's Parcel Number 024-010-044

**File:** Cannabis Program Inspections, Trinity County, 181 Oregon Mountain Road,  
CIWQS Place ID 838558

This letter is to notify you of observed violations of the requirements listed below, and cited in Attachment A, at the property identified as Trinity County Assessor's Parcel Number 024-010-044 (the Property):

1. State Water Resources Control Board (State Water Board) Order No. WQ 2019-0000-DWQ *General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities* (Cannabis General Order) various provisions
2. Water Quality Control Plan for the North Coast Region (Basin Plan) Section 4.2.1
3. California Water Code (Water Code) Section 13260 and 13264
4. Federal Clean Water Act Section 301

The cannabis cultivation operation located on this Property is enrolled for coverage under the Cannabis General Order as Tier 1, Low Risk. On April 13, 2023, North Coast Regional Water Quality Control Board (Regional Water Board) staff inspected the Property and observed disturbed riparian areas and other water quality violations identified in this Notice of Violation. Accordingly, this letter directs you to reassess the risk designation for this Property and to address the violations noticed herein. Within 14 days, please contact Regional Water Board staff to discuss your plan to correct the observed violations and to schedule a follow-up inspection.

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HECTOR BEDOLLA, CHAIR | VALERIE QUINTO, EXECUTIVE OFFICER

## **Background**

On March 4, 2019, Ivan Vlahov submitted information through the State Water Board's online portal for discharges of waste associated with cannabis cultivation related activities for the Property and listed himself as the landowner. Based on the information submitted, the cannabis cultivation activities were classified as Tier 1, Low Risk.

On April 13, 2023, staff from the Regional Water Board, accompanied by staff of the California Department of Fish and Wildlife, California Department of Cannabis Control, and Trinity County inspected the Property. The purpose of the inspection was to evaluate onsite development and conditions, and to identify and assess any impacts or threatened impacts to the quality and beneficial uses of waters of the state.

Attached is a copy of the water quality inspection report (Attachment B – Inspection Report). Please review the inspection report carefully and completely. The inspection report contains recommendations for correcting observed violations and advises you of the Regional Water Board permit necessary for instream work.

## **Relevant Requirements**

During the inspection, Regional Water Board staff identified several features and conditions on the Property that represent violations of water quality requirements and regulations. Attachment A – Regulatory Citations, provides references to these, and related, requirements and regulations.

## **Observed Violations**

As documented in the April 13, 2023, inspection report, Regional Water Board staff observed violations of the Basin Plan, the Water Code, and the Clean Water Act. In addition, staff observed violations of the Cannabis General Order Attachment A, Section 1 - General Requirements and Prohibitions Numbers 6-9, 12, 26, 27, 30, 34, and 37, and Section 2 - Requirements Related to Water Diversions and Waste Discharge for Cannabis Cultivation Numbers 1-4, 7, 8, 10, 15, 17, 21-23, 25, 26, 31, 33, 38-41, 48-50, 52, 56-59, 62-64, 119, 120, and 123. Staff observed these violations at Property locations identified in the inspection report as P1-P5, P7-P11, and A1.

## **Legal requirements and directive to reassess and modify enrollment in the Cannabis General Order**

Ivan Vlahov in their application for enrollment under the Cannabis General Order indicated that no portion of the disturbed area was located within the required setbacks from surface waters, and self-certified the site as Tier 1, Low Risk. During the April 13, 2023, inspection, staff observed land disturbances within and adjacent to surface waters. The Property does not meet the requirements to be considered a Tier 1, Low Risk site.

For the purposes of the Cannabis General Order, land disturbance is defined as including all activities whatsoever associated with developing or modifying land for cannabis cultivation, related activities, or access. Land disturbance activities include, but are not limited to, construction of roads, buildings, water storage areas, excavation, grading, and site clearing. Disturbed land includes cultivation areas and storage areas where soil or soil amendments (e.g., potting soil, compost, or biosolids) are located. All access roads and water crossings that have not been designed, constructed, and maintained consistent with the Handbook for Forest, Ranch, and Rural Roads and Attachment A of the Cannabis General Order, are considered disturbed areas, as well.

Note that the High Risk designation is considered to be a temporary condition, with the requirement that an enrollee of a High Risk site will take steps to develop and implement a Disturbed Area Stabilization Plan to stabilize the disturbed area and cease all cannabis cultivation-related activities located within the riparian setbacks. There is also a requirement to revegetate the disturbed areas with native riparian plants. Once the riparian setback area is stabilized and the Regional Water Board approves the work, you can request to reclassify the site as either low or moderate risk, depending upon the site conditions, allowing a lower annual fee to be assessed.

Pursuant to Water Code section 13260 and Cannabis General Order Provision C.2.i, the Regional Water Board requires you to modify your application information by doing the following:

Within 30 days of the date of this letter you must obtain appropriate coverage under the Cannabis General Order. To modify your enrollment, submit an Annual Monitoring Report through the online portal <https://public2.waterboards.ca.gov/cgo> and select the option to update your tier and risk level.

If you fail to take the action described above, the Regional Water Board may impose penalties of up to \$1,000 per day pursuant to Water Code section 13261 for violations of section 13260.

In addition, pursuant to Cannabis General Order Provision C.2.h, the Regional Water Board Executive Officer may terminate a Discharger's coverage under the Cannabis General Order for cause including, but not limited to, any of the following:

- i. Violation of any of the terms or conditions contained in the General Order.
- ii. Obtaining the General Order by misrepresentation, or failure to disclose fully all relevant facts.
- iii. A change in any condition that results in either a temporary or permanent need to reduce or eliminate the authorized discharge activities.
- iv. A material change in the activity, character, location, or volume of discharge.
- v. Adoption of a TMDL amendment, new TMDL, or TMDL alternative.

Termination of coverage under the Cannabis General Order may impact your ability to maintain a cannabis cultivation license with the California Department of Cannabis Control.

### **Additional Potential Liabilities**

The Regional Water Board is in the process of considering whether the violations of the Water Code and the Basin Plan warrant further enforcement. We encourage you to take steps to correct the violations as soon as possible, including securing any applicable permits from this and other agencies prior to conducting work. Please note that the existing conditions, as observed and documented in the inspection report, may represent continuing violations of the Water Code and Basin Plan.

Please note that correcting the conditions of non-compliance at the Property does not preclude enforcement for the violations alleged in this notice. As noted above, the Regional Water Board reserves its right to fully enforce the law against any violation and threatened violation by taking enforcement actions such as a cleanup and abatement order, time schedule order, administrative civil liabilities, and referral to the California Attorney General's office. Administrative civil liabilities may be assessed on a daily basis in the amount up to \$5,000 for each day the violation occurs or up to \$10 per gallon, but not both, pursuant to Water Code section 13350.

Administrative civil liabilities may be assessed on a daily basis in the amount up to \$10,000 for each day the violation occurs and \$10/gallon beyond the first 1,000 gallons not cleaned up for actual discharges to waters of the United States without a permit pursuant to Water Code section 13385.

### **Inspection Report Recommendations**

As mentioned above, the inspection report provides recommendations to correct the alleged violations, as well as to address features and conditions that threaten to impact water quality. **Within 14 days of this letter**, please contact Regional Water Board staff Kate Hawken by email at [Katherine.Hawken@waterboards.ca.gov](mailto:Katherine.Hawken@waterboards.ca.gov) or by phone at 707-445-6127 to advise of your intentions, plan, and schedule to implement recommendations in the inspection report and to schedule a follow-up inspection.

Future correspondence regarding this matter will be sent to you at this address unless an alternative address is provided to the Regional Water Board. Failure to accept mail from the Regional 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.

You may also contact me at [Mona.Dougherty@waterboards.ca.gov](mailto:Mona.Dougherty@waterboards.ca.gov) or by phone at 707-445-6129. Additionally, we are available to meet with you if you wish to discuss



this letter or our waste discharge regulatory programs in further detail.

Sincerely,

**Mona  
Dougherty**



Digitally signed by  
Mona Dougherty  
Date: 2023.05.11  
14:47:19 -07'00'

Mona Dougherty, P.E.  
Senior Water Resource Control Engineer

Attachments:            Attachment A - Regulatory Citations  
                                 Attachment B – Inspection Report

**cc:    North Coast Regional Water Quality Control Board**  
[Northcoast.Cannabis@waterboards.ca.gov](mailto:Northcoast.Cannabis@waterboards.ca.gov)  
Kason Grady, [Kason.Grady@waterboards.ca.gov](mailto:Kason.Grady@waterboards.ca.gov)

**Department of Cannabis Control**  
Robert Hogan, [Robert.hogan@cannabis.ca.gov](mailto:Robert.hogan@cannabis.ca.gov)

**Department of Fish and Wildlife**  
Helen Bowman, [helen.bowman@wildlife.ca.gov](mailto:helen.bowman@wildlife.ca.gov)

**Trinity County Building and Development**  
Cody Smith, [csmith@trinitycounty.org](mailto:csmith@trinitycounty.org)

**Trinity County Cannabis**  
Aida Tavakoli, [atavakoli@trinitycounty.org](mailto:atavakoli@trinitycounty.org)  
Daniel Marvel, [dmarvel@trinitycounty.org](mailto:dmarvel@trinitycounty.org)  
Steven Swisley, [sswisley@trinitycounty.org](mailto:sswisley@trinitycounty.org)

**Trinity County Environmental Health**  
Rikki Townzen, [rtownzen@trinitycounty.org](mailto:rtownzen@trinitycounty.org)

## Attachment A – Regulatory Citations

Regulatory Section	Citation
Basin Plan Section 4.2.1, Prohibition 1	Prohibits “[t]he 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 watercourse in the basin in quantities deleterious to fish, wildlife, or other beneficial uses.”
Basin Plan Section 4.2.1, Prohibition 2	Prohibits “[t]he 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 which could be deleterious to fish, wildlife, or other beneficial uses.”
California Water Code Section 13260(a)	<p>“Each of the following persons shall file with the appropriate regional board a report of the discharge, containing the information that may be required by the regional board:</p> <p style="padding-left: 40px;">(1) A person discharging waste, or proposing to discharge waste, within any region that could affect the quality of the waters of the state, other than into a community sewer system.</p> <p style="padding-left: 40px;">(2) A person who is a citizen, domiciliary, or political agency or entity of this state discharging waste, or proposing to discharge waste, outside the boundaries of the state in a manner that could affect the quality of the waters of the state within any region.”</p>
California Water Code Section 13261(a)	“A person who fails to furnish a report or pay a fee under Section 13260 when so requested by a regional board is guilty of a misdemeanor and may be liable civilly in accordance with subdivision (b).”
California Water Code Section 13264(a)	“No person shall initiate any new discharge of waste or make any material changes in any discharge, or initiate a discharge to, make any material changes in a discharge to, or construct, an injection well, prior to the filing of the report required by Section 13260...”
Cannabis Policy and General Order No. WQ 2019- 0001-DWQ	<p>State Water Resources Control Board Cannabis Cultivation Policy and General Waste Discharge Requirements Order No. WQ 2019-0001-DWQ for Discharges of Waste Associated with Cannabis Cultivation Activities  <a href="https://www.waterboards.ca.gov/water_issues/programs/cannabis/docs/policy/final_cannabis_policy_with_attach_a.pdf">https://www.waterboards.ca.gov/water_issues/programs/cannabis/docs/policy/final_cannabis_policy_with_attach_a.pdf</a>            and  <a href="https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2019/wqo2019_0001_dwq.pdf">https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2019/wqo2019_0001_dwq.pdf</a></p>
Federal Clean Water Act Section 301 (a):	Section 301(a) provides that subject to certain exceptions, “the discharge of any pollutant by any person shall be unlawful.” 33 U.S.C. § 1311(a). One of the exceptions allowed for under the Clean Water Act is the discharge from a dredge and fill activity under the auspices of § 404 and 401 of the Clean Water Act. 33 U.S.C. § 1342. The Clean Water Act prohibits the discharge of any pollutant from a point source into waters of the United States without a section 404 dredge and fill permit and a section 401 state water quality certification.

# North Coast Regional Water Quality Control Board

Og Kush Diet LLC, WDID 1\_53CC411330

Inspection Date and Time			
Inspection Date	April 13, 2023		
Inspection Start Time:	10:30	Inspection End Time:	13:30
Site Location			
Address/Location	181 Oregon Mountain Road, Junction City CA 96048		
County	Trinity		
Assessor's Parcel Number (APN)	024-010-044-000		
Watershed	Lower Trinity River		
Property Owner and Cultivator Contact Information			
Property <b>Owner's</b> Legal Name and Company	Ivan Vlahov		
Mailing Address	181 Oregon Mountain Road, Junction City CA 96048		
Phone Number/E-mail Address	847-627-9909, ivlahov66@gmail.com		
Property <b>Cultivator's</b> Legal Name or Company	Og Kush Diet LLC, Ivan Vlahov		
Mailing Address	181 Oregon Mountain Road, Junction City CA 96048		
Phone Number/E-mail Address	847-627-9909, ivlahov66@gmail.com		
Consent to Inspect			
Full Name of Person Giving Consent	Ivan Vlahov		
Title of Person Giving Consent (e.g., owner, attorney)	Landowner		
Means of Giving Consent	Verbal		

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 Cannabis Water Quality Inspection Report - Og Kush Diet LLC, WDID 1\_53CC411330

<b>Lead Inspector, Team Members, Other Agencies and Personnel Onsite</b>	
Lead Inspector Name	Katherine Hawken
Lead Inspector's Credentials	Water Resource Control Engineer
Office/Regional Board	North Coast Regional Water Quality Control Board
Other Personnel Onsite	Daniel Marvel, Cody Smith, Rikki Townzen, Steven Swisley, Aida Tavakoli, Trinity County Rob Hogan, California Department of Cannabis Control Helen Bowman, California Department of Fish and Wildlife
Author of Report	Katherine Hawken
<b>Database Identifier</b>	
Permit ID (CIWQS WDID) or Place ID	1_53CC411330
Permit Status	Active
Current Tier/Risk	1L

Point features P1-P11 and polygon feature A1 are mapped in Figure 1 and described in Table 1.

**Recommendations:**

Retain a qualified professional to prepare a Disturbed Area Stabilization Plan (DASP) and 401 Water Quality Certification (401) application to address the recommendations below.

P1 and P9: Store stockpile fill, grow bags, slash, trash, and any other materials at least 50 feet away from Class III watercourses, 100 feet away from Class II watercourses, and 150 feet away from Class I watercourses (riparian setbacks).

P2, P7, and P9: Apply for a 401 Water Quality Certification to install culvert stream crossings to replace dirt fords.

P3: Relocate grow bags outside of riparian setbacks. Clean up spilled soil to prevent further discharge of sediment and nutrients/ chemicals to surface waters.

P4 and P11: Remove trash from watercourse. Contain and regularly dispose of trash outside of riparian setbacks in a permitted transfer station or landfill.

P5: Submit a proposal through a 401 Water Quality Certification application to remove the stockpiled fill from the watercourse, to realign the watercourse with its channel, and to revegetate the banks with native riparian plants.

P8 and P11: Apply for a 401 Water Quality Certification to replace the misaligned and undersized culvert stream crossings.

P10: Retain a licensed geologist or engineer to assess the stability of the greenhouse flat.

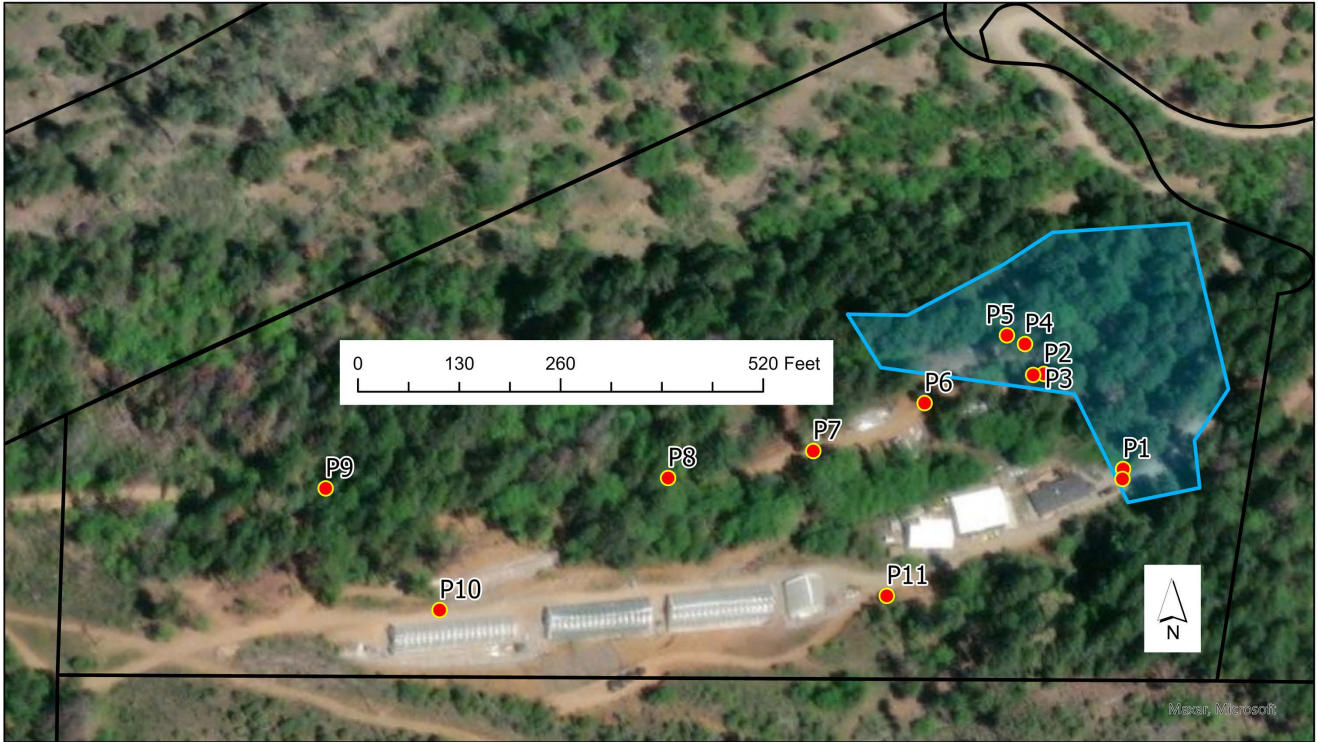
A1: Submit a proposal through the DASP to pull back loose fill from riparian areas, and stockpile in compliance with the riparian setbacks. Be careful not to drive machinery on the banks of, or into, any watercourses on the property. Install sediment and erosion controls with the aim of revegetating and stabilizing all disturbed areas.

See DASP requirements here:

[https://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/water\\_quality/2019/wqo2019\\_0001\\_dwq.pdf#page=66](https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2019/wqo2019_0001_dwq.pdf#page=66) and 401 application here:

[https://www.waterboards.ca.gov/northcoast/water\\_issues/programs/cannabis/pdf/220615/rb1\\_cannabis\\_wqc401.pdf](https://www.waterboards.ca.gov/northcoast/water_issues/programs/cannabis/pdf/220615/rb1_cannabis_wqc401.pdf) **Please note the DASP and 401 require approval prior to implementation.**

**Figure 1: Site Map with parcel boundaries, points of interest P1-P11, and polygon area A1**








**Table 1: SITE FEATURES**

GPS data and photos taken by Katherine Hawken using an Apple iPad.

**Point Features**




<b>P1</b>	
<b>Category:</b> Riparian Areas (RA)	<b>Violation Present?</b> Yes
<b>Description:</b> Extensive earthwork was done during the rainy season. I observed mounds of bare, unconsolidated soil encroaching on riparian areas. Ivan stated he owns an excavator and that a contractor had used it as recently as three days prior to develop a parking area, gather rocks, and move material from a mud slide.	
	Photo Number: 1
	Photo Description: Watercourse with downed trees on left bank. Loose earthen material is piled on the right bank and in the watercourse.
	Facing Southwest
	Photo Number: 2
	Photo Description: Excavator tracks on watercourse bank.
	Facing East
	Photo Number: 3
	Photo Description: Looking uphill at watercourse coming out of culvert stream crossing under access road. The channel was full of debris and lacked vegetation.

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		<p>Facing Southeast</p>
		<p>Photo Number: 4</p> <p>Photo Description: Looking downhill at watercourse. Burning stump visible on right bank. Watercourse traversing road surface visible in back left of photo.</p> <p>Facing Northwest</p>
<p><b>P2</b></p>		
<p><b>Category:</b> Watercourse Crossings (WC)</p>		<p><b>Violation Present?</b> Yes</p>
<p><b>Description:</b> Dirt ford stream crossing.</p>		






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	Photo Number: 1
	Photo Description: Looking uphill at watercourse from lower road.
	Facing Southeast
	Photo Number: 2
	Photo Description: Watercourse traversing dirt road.
	Facing East
	Photo Number: 3
	Photo Description: View of watercourse downstream of ford crossing.
	Facing West



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<b>P3</b>	
<b>Category:</b> Soil and Growing Medium (S)	<b>Violation Present?</b> Yes
<b>Description:</b> Approximately 300 grow bags with spent soil stockpiled on watercourse banks.	
	Photo Number: 1
	Photo Description: Potting soil discharging to watercourse.
	Facing West
	Photo Number: 2
	Photo Description: Excavator tracks through watercourse.
	Facing North
	Photo Number: 3
	Photo Description: Bags stockpiled on watercourse bank.
	Facing Southeast
	Photo Number: 4
	Photo Description: View of bags on both sides of watercourse.

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Facing Southeast

**P4**

**Category:** Domestic Waste (DW)

**Violation Present?** Yes

**Description:** Domestic waste in watercourse.

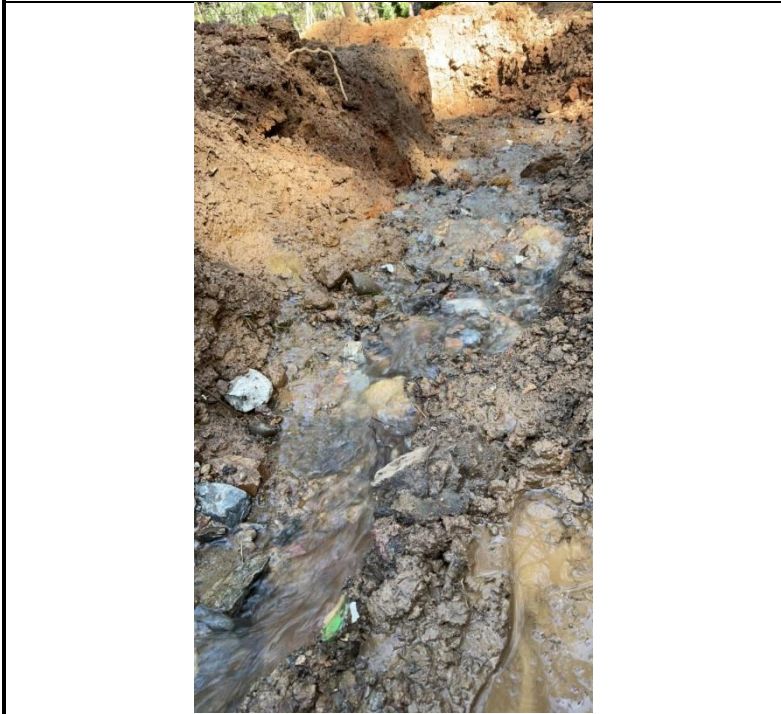


Photo Number: 1

Photo Description: Trash in watercourse.

Facing Northwest

**P5**

**Category:** Riparian Areas (RA)

**Violation Present?** Yes

**Description:** Fill placed in 3- to 4-foot-high piles. Watercourse diverted from channel by fill.

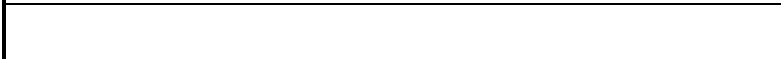





Photo Number: 1






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	<p>Photo Description: Mound of fill with excavator tracks blocking watercourse channel.</p>
	<p>Facing East</p>
	<p>Photo Number: 2</p>
	<p>Photo Description: Dry, blocked watercourse channel full of fill.</p>
	<p>Facing Northwest</p>
	<p>Photo Number: 3</p>
	<p>Photo Description: Watercourse channel on right side. Fill piled around tree.</p>
	<p>Facing South</p>



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	Photo Number: 4
	Photo Description: Slash in watercourse channel.
	Facing Southwest
	Photo Number: 5
	Photo Description: Slash stockpile on bank of watercourse channel.
	Facing Southwest
	Photo Number: 6
	Photo Description: Water finding new route through fill.
	Facing East

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<b>P6</b>	
<b>Category:</b> Miscellaneous or Other (M)	<b>Violation Present?</b> No
<b>Description:</b> Ivan's excavator.	
	Photo Number: 1
	Photo Description: Excavator on site.
	Facing South
<b>P7</b>	
<b>Category:</b> Watercourse Crossings (WC)	<b>Violation Present?</b> Yes
<b>Description:</b> Two dirt fords. Stream diverted down road.	
	Photo Number: 1
	Photo Description: First dirt ford crossing.



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	<p>Facing South</p>
	<p>Photo Number: 2 Photo Description: Second dirt ford crossing. Logs stockpiled on watercourse. Facing East</p>
	<p>Photo Number: 3 Photo Description: Algae growth under log stockpile where watercourse is diverting across road. Facing Northeast</p>

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	Photo Number: 4
	Photo Description: Ford crossing eroding dirt road.
	Facing South
<b>P8</b>	
<b>Category:</b> Watercourse Crossings (WC)	<b>Violation Present?</b> Yes
<b>Description:</b> Culvert stream crossing with perched outlet.	
	Photo Number: 1
	Photo Description: Perched culvert outlet.
	Facing Northwest
	Photo Number: 2
	Photo Description: Looking uphill at stream diverted into ditch. Culvert inlet on right side.



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		Facing East
<b>P9</b>		
<b>Category:</b> Watercourse Crossings (WC)		<b>Violation Present?</b> Yes
<b>Description:</b> Dirt ford stream crossing.		
		Photo Number: 1 Photo Description: Evidence of watercourse crossing road. Facing East

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Photo Number: 2  
Photo Description: Evidence of watercourse diverting down road to left.  
Facing Southwest





Photo Number: 3  
Photo Description: Downstream view of watercourse channel.  
Facing Northwest



Photo Number: 4  
Photo Description: Cultivation related material stockpiled near watercourse.  
Facing Northeast



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			Photo Number: 5
		Photo Description: Trash in watercourse.	
		Facing South	
			Photo Number: 6
		Photo Description: Soil stockpile under tarp 5 feet from watercourse.	
		Facing Southeast	
<b>P10</b>			
<b>Category:</b> Miscellaneous or Other (M)		<b>Violation Present?</b> No	

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**Description:** Rock was installed on top of hillside. Area collapsed following significant rainfall. Trees bowing below and above.



Photo Number: 1

Photo Description: Greenhouse on eroding flat. Trees bowing on hillside.

Facing Northwest



Photo Number: 2

Photo Description: View uphill of greenhouse.

Facing South

**P11**

**Category:** Watercourse Crossings (WC)

**Violation Present?** Yes

**Description:** Culvert stream crossing. Tire marks 5 feet from stream. Stream diverts down road.





Photo Number: 1



Photo Description: Upstream of culvert.



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		Facing East
		Photo Number: 2 Photo Description: Culvert outlet and downspout. Facing Northwest
		Photo Number: 3


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		<p>Photo Description: Downstream of culvert. Plastic pots, metal cans, and other waste in watercourse.</p> <hr/> <p>Facing Northwest</p>
		<p>Photo Number: 4</p> <hr/> <p>Photo Description: Downstream side. Watercourse diverts down road to right and across road to log pile.</p> <hr/> <p>Facing Northwest</p>
		<p>Photo Number: 5</p> <hr/> <p>Photo Description: Stream diverts to right into trash pile.</p>



		Facing Northeast
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**Polygon Features**

<b>A1</b>	
<b>Category:</b> Erosion and Sediment Control (ES)	<b>Violation Present?</b> Yes
<b>Description:</b> Large recently graded area with no erosion or sediment controls.	
	Photo Number: 1 Photo Description: Graded area. Facing South
	Photo Number: 2 Photo Description: Graded area.

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	<p>Facing Southwest</p>
	<p>Photo Number: 3          Photo Description: Graded area.          Facing Southwest</p>
	<p>Photo Number: 4          Photo Description: Graded area.          Facing West</p>
	<p>Photo Number: 5          Photo Description: Graded area.</p>



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		Facing Southwest
		Photo Number: 6 Photo Description: Graded area. Facing Northwest