



State Water Resources Control Board

NOTICE OF VIOLATION

October 20, 2023

OG Kush Diet, LLC
Attn: Ivan Vlahov
181 Oregon Mountain Road
Junction City, CA 96048
ivlahov66@gmail.com

CERTIFIED MAIL
NO. 7022 0410 0001 9243 6919

Subject: **Notice of Violation and Transmittal of Inspection Report for May 22, 2023, Inspection of Trinity County Assessor's Parcel Number (APN) 024-010-044-000**

File: Cannabis General Order Notice of Violation and Inspection, Trinity County, 2023; OG Kush Diet LLC, WDID: 1_53CC411330

THIS LETTER REQUESTS THAT YOU ACT WITHIN 30 DAYS

Dear Ivan Vlahov,

This letter is to notify you that OG Kush Diet, LLC (the Discharger) is in violation of the requirements listed below, and cited in Attachment A, of the State Water Resources Control Board's (State Water Board's) 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) at the property identified as Trinity County APN: 024-010-044-000 (Site).

1. Cannabis General Order - various provisions.
2. California Water Code (Water Code) Section 13260, 13264, 13350

North Coast Regional Water Quality Control Board (Regional Water Board) and State Water Board staff (collectively, Staff) observed, during the Site inspection, that the Discharger failed to implement best management practices necessary to protect water quality from sediment discharges associated with you're the cannabis cultivation activities on Site, and performed additional unpermitted instream work since the

Office of Enforcement | 801 K Street, Suite 2300 | Sacramento, CA 95814 | 916.341.5272
E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

April 13, 2023, inspection. Accordingly, to protect water quality and minimize enforcement liability, I advise that you address the violations noticed herein as soon as possible.

As soon as you can, within 30 days, please contact Staff to discuss your plan to correct the observed violations.

Background

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

On April 13, 2023, staff from the following four agencies inspected the site: Regional Water Board, California Department of Fish and Wildlife (CDFW), California Department of Cannabis Control (DCC), and Trinity County. On May 11, 2023, and June 5, 2023, respectively, the North Coast Water Board and CDFW issued Notices of Violation regarding actual and threatened discharges of waste to surface waters, and violations of water quality requirements and regulations observed during the April inspection. In its May 11, 2023, Notice of Violation, Regional Water Board staff required that the Discharger submit an application for Water Quality Certification/Waste Discharge Requirements for any instream work and a Disturbed Area Stabilization Plan to guide remediation of the Site and to meet permitting requirements. As of the date of this notice, Staff has not received these submittals.

On May 22, 2023, Staff met with Mr. Vlahov and Jess Gregory, with Gregory Engineering, Inc., to inspect the Site and evaluate Site conditions following cleanup efforts associated with the violations detailed in the Water Board's and CDFW's May 11, 2023, and June 5, 2023, respective notices of violation. The purpose of this inspection was to evaluate Site conditions, and to identify and assess any ongoing impacts or threatened impacts to the quality and beneficial uses of waters of the state.

Relevant Requirements

Staff identified several features and conditions on the Site that represent violations of water quality requirements and regulations. Attachment A, Regulatory Citations, provides references to the requirements and regulations.

Observed Violations

As documented in the May 22, 2023, Water Quality Inspection Memo (Attachment B), and in this notice, Staff observed violations of the Water Code, Water Quality Control Plan for the North Coast Region, and Cannabis General Order. Violations included sediment fill in ephemeral watercourse channels from access road crossings, unauthorized grading and excavation within the channels, and threatened sediment discharge to watercourses from unstable hillslopes.

The violated terms of the Cannabis General Order are the following from Attachment A:

Section 1, General Requirements and Prohibitions, terms: 1, 2, 3, 6, 7, 8, 9, 10, 12, 14, 25, 26, 27, 30, 32, 33, 34, 35, 36, and 37; and

Section 2, Requirements Related to Water Diversions and Waste Discharge for Cannabis Cultivation, terms: 2, 3, 4, 5, 7, 8, 10, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 33, 34, 35, 36, 37, 38, 39, 40, 41, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 59, 62, 63, 64, 104, 119, 120, and 123.

Additionally, pursuant to Order No. R1-2015-0023 (Waiver of Waste Discharge Requirements and General Water Quality Certification for Discharges of Waste), any person engaged in cultivating cannabis and/or associated activities that discharge waste to any area that could affect waters of the state, including stream crossing maintenance and improvement, are required to obtain a General Water Quality Certification. As provided in Water Code section 13264, no person shall initiate a new discharge of waste or make any material changes to any discharge prior to filing the report required by Water Code section 13260. At the time of inspection, Staff observed unpermitted discharges of sediment to ephemeral watercourses and the placement of water conveying infrastructure into an ephemeral watercourse and threat of discharge of waste into waters of the state; these discharges and threat of discharge represent material changes and initiation of discharges outside of your coverage under the Cannabis General Order.

Staff observed these violations at the Site during the May 22, 2023 inspection and they must be remedied through cleanup, stabilization, and restoration because they pose a threat to water quality and violate applicable regulations. Any work in waters of the state, including streams or wetlands, requires a water quality certification prior to conducting the work. Pursuant to Water Code section 13260, the Regional Water Board requires you to submit a report of waste discharge associated with the existing instream work and the need for remedial work. That report of waste discharge can be provided through the submission of a complete application¹ for water quality certification and waste discharge requirements and payment of the appropriate fee, which is in addition to (separate from) the fees paid for enrollment in the Cannabis General Order because the scope of work associated with the instream work is beyond the scope of your enrollment in the Cannabis General Order.

Additionally, since the current Low Risk enrollment designation in the Cannabis General Order does not reflect site conditions, modification of the enrollment Risk Level is necessary. I, hereby, recommend that the Regional Water Board Executive Officer utilize her authority pursuant to Cannabis General Order Provision C.2.i, to require you to modify your application information from Low to High Risk. You can accomplish this recommended enrollment modification by submitting an Annual Monitoring Report

¹ Requirements for a complete application can be found in the California Code of Regulations Title 23. Waters Division 3 State Water Resources Control Board Chapter 28. Certifications: https://www.waterboards.ca.gov/northcoast/water_issues/programs/cannabis/pdf/220615/rb1_cannabis_wqc401.pdf

through the online portal <https://public2.waterboards.ca.gov/cgo> and select the option to update your tier and risk level.

Additional Potential Liability

The Regional Water Board is considering whether the observed violations warrant further enforcement.

Please note that the existing conditions, as observed and documented in the attached Water Quality Inspection Memo, may represent continuing violations of the Water Code and site conditions, if not improved, may result in the accrual of additional enforceable violations.

Correcting the conditions of non-compliance at the Site does not preclude enforcement of the violations alleged in this notice. The Regional Water Board reserves its right to fully enforce against any violation and threatened violation by taking additional actions such as issuance of a cleanup and abatement order, time schedule order, administrative civil liability, and/or referral to the California Attorney General's Office. Administrative civil liability may be assessed for unauthorized discharges of waste into waters of the state in violation of waste discharge requirements or prohibitions on a daily basis in an amount up to \$5,000 for each day the violation occurs or up to \$10 per gallon, pursuant to Water Code section 13350.

Recommended Actions

Within 30 days of this letter, please advise Staff of your intentions, plan, and schedule to correct these violations. If you have questions about what is required of you to comply with the requirements outlined above, and to advise us as to your plan and schedule to correct the alleged violations, please contact Casey Yearout at Casey.Yearout@waterboards.ca.gov or by phone at 916-341-5629.

In addition, as an enrolled Site you are required to implement the Winterization Requirements detailed in Cannabis General Order Attachment A, prior to the start of the wet season (no later than November 15th). Under Attachment A of the Cannabis General Order, cannabis cultivators shall stabilize all disturbed areas, construction entrances (specifically roadways) and clear any culverts or drainage features of debris before the wet season. Refer to Attachment A for additional information and details.

Additionally, pursuant to General Reporting Requirement, Provision C.3.a, of the Cannabis General Order, you are required to notify Regional Water Board staff by telephone if you cannot comply with the General Order or will be unable to implement an applicable Best Practicable Treatment Control measure contained in Attachment A by November 15th.

Future correspondence regarding this matter will be sent to you at the address listed above unless an alternative address is provided to Staff. Failure to accept mail from the Regional Water Board or State 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 Jordan.Zakaria@waterboards.ca.gov or by phone at 916-323-0579. Additionally, Staff is available to meet with you if you wish to discuss this letter or our waste discharge regulatory programs in further detail.

Sincerely,

Jordan Zakaria  Digitally signed by Jordan Zakaria
Date: 2023.10.20 15:53:45 -07'00'

Jordan Zakaria, REHS
Supervising Environmental Scientist
Office of Enforcement

Attachments: Attachment A – Regulatory Citations
Attachment B – May 22, 2023, Inspection Report

ec: North Coast Regional Water Quality Control Board

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California Department of Fish and Wildlife

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California Department of Cannabis Control

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Trinity County Environmental Health

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Consultant

Jess Gregory, jgregory@gregoryengineering.net

Attachment A – Regulatory Citations

<u>Regulatory Section</u>	<u>Citation</u>
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>(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>(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	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 https://www.waterboards.ca.gov/water_issues/programs/cannabis/docs/policy/final_cannabis_policy_with_attach_a.pdf and https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2019/wqo2019_0001_dwq.pdf
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.

SECTION 1 – GENERAL REQUIREMENTS AND PROHIBITIONS

The following general requirements and prohibitions apply to any cannabis cultivator.

General Requirements and Prohibitions

#	TERM
1.	<p>Prior to commencing any cannabis cultivation activities, including cannabis cultivation land development or alteration, the cannabis cultivator shall comply with all applicable federal, state, and local laws, regulations, and permitting requirements, as applicable, including but not limited to the following:</p> <ul style="list-style-type: none"> • The Clean Water Act (CWA) as implemented through permits, enforcement orders, and self-implementing requirements. When needed per the requirements of the CWA, the cannabis cultivator shall obtain a CWA section 404 (33 U.S.C. § 1344) permit from the United States Army Corps of Engineers (Army Corps) and a CWA section 401 (33 U.S.C. § 1341) water quality certification from the State Water Board or the Regional Water Board with jurisdiction. If the CWA permit cannot be obtained, the cannabis cultivator shall contact the appropriate Regional Water Board or State Water Board prior to commencing any cultivation activities. The Regional Water Board or State Water Board will determine if the cannabis cultivation activity and discharge is covered by the <i>Requirements in the Policy and Cannabis General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities</i> (Cannabis Cultivation General Order). • The California Water Code as implemented through applicable water quality control plans (often referred to as Basin Plans), waste discharge requirements (WDRs) or waivers of WDRs, enforcement orders, and self-implementing requirements issued by the State Water Resources Control Board (State Water Board) or Regional Water Quality Control Boards (Regional Water Boards). • All applicable state, city, county, or local regulations, ordinances, or license requirements including, but not limited to those for cannabis cultivation, grading, construction, and building. • All applicable requirements of the California Department of Fish and Wildlife (CDFW). • All applicable requirements of the California Department of Forestry and Fire Protection (CAL FIRE), including the Board of Forestry. • California Environmental Quality Act and the National Environmental Policy Act.

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2.	<p>If applicable, cannabis cultivators shall obtain coverage under all of the following:</p> <ul style="list-style-type: none"> a) The State Water Board’s Construction Storm Water Program and any successors, amendments, or revisions thereto when applicable. b) Activities performed in areas subject to California Code of Regulations title 14, Chapter 4. Forest Practices (Forest Practice Rules) shall be implemented consistent with the permitting, licensing, and performance standards of the Forest Practice Rules, and the Requirements of this Policy, whichever is more stringent.
3.	<p>The cannabis cultivator shall apply for a Lake and Streambed Alteration Agreement (LSA Agreement) or consult with CDFW to determine if a LSA Agreement is needed prior to commencing any activity that may substantially:</p> <ul style="list-style-type: none"> • divert or obstruct the natural flow of any river, stream, or lake; • change or use any material from the bed, channel, or bank of any river, stream, or lake; or • deposit debris, waste, or other materials that could pass into any river stream or lake. <p>“Any river, stream or lake,” as defined by CDFW, includes those that are episodic (they are dry for periods of time) as well as those that are perennial (they flow year-round). This includes ephemeral streams, desert washes, and watercourses with a subsurface flow. It may also apply to work undertaken within the flood plain of a body of water.</p>
4.	<p>Cannabis cultivators shall not take any action which results in the taking of Special-Status Plants (state listed and California Native Plant Society 1B.1 and 1B.2), Fully Protected species (Fish and Game Code sections 3511, 4700, 5050, and 5515), or a threatened, endangered, or candidate species under either the California Endangered Species Act (ESA) (Fish & Game Code §§ 2050 et seq.) or the federal ESA (16 U.S.C. § 1531 et seq.). If a “take,” as defined by the California ESA (Fish and Game Code section 86) or the federal ESA (16 U.S.C. § 1532(21)), may result from any act authorized under this Policy, the cannabis cultivator must obtain authorization from CDFW, National Marine Fisheries Service, and United States Fish and Wildlife Service, as applicable, to incidentally take such species prior to land disturbance or operation associated with the cannabis cultivation activities. The cannabis cultivator is responsible for meeting all requirements under the California ESA and the federal ESA.</p>

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5.	<p>A Regional Water Board may adopt site-specific WDRs or an enforcement order for a cannabis cultivation facility that does not include requirements consistent with the following if the site-specific WDRs or enforcement order contains sufficient requirements to be protective of water quality:</p> <ul style="list-style-type: none"> • The maximum slope limit of 50 percent in disturbed areas. • The minimum riparian setbacks described herein. • The prohibition against land disturbance activities during the winter period.
6.	<p>To avoid water quality degradation from erosion and sedimentation, land disturbance activities shall not occur during the winter period unless authorized by a Regional Water Board Executive Officer. Cannabis cultivators shall ensure land disturbing activities are completed and site stabilization measures are in place prior to the onset of the winter period. All land disturbing activities during the winter period shall be supervised by a Qualified Professional.²</p>
7.	<p>A California Licensed Timber Operator (LTO)³ shall be used if any commercial tree species are to be removed from the cannabis cultivation site. All timberland conversions shall be permitted and compliant with the Forest Practice Rules and CAL FIRE permitting requirements.</p>
8.	<p>Site improvements and limited repairs may be performed by the cannabis cultivator or contractors as allowed by the Business and Professions Code (Bus. & Prof. Code, section 7044 and/or section 7048). All contracts to perform work that is valued at \$500 or more in combined labor and material costs shall be performed by an appropriately qualified and licensed contractor as required by the California Contractors' State License Board.</p>
9.	<p>During land disturbance activities, the cannabis cultivator shall review and evaluate the applicable daily weather forecast and any applicable 24 hour forecast⁴ at least once per 24 hour period and maintain records of the weather forecast for each day land disturbance activities are conducted. The cannabis cultivator shall cease land disturbance activities and shall implement erosion control Requirements described in this Policy during any 24 hour period in which the applicable daily weather forecast or any 24 hour forecast reports a 50 percent or greater chance of precipitation greater than 0.5 inch per 24 hours.</p>

² Although emergency mitigation measures may not require obtaining coverage under the Construction Storm Water Program, the elevated threat to water quality caused by emergency mitigation or remediation work performed during the winter period requires planning and supervision by an appropriately Qualified Professional to protect water quality, such as an appropriately certified or registered Storm Water Pollution Prevention Plan Developer.

³ Licensed Timber Operators or "LTOs" are persons who have been licensed under the Forest Practice Act law and are authorized to conduct forest tree cutting and removal operations.

⁴ If available, the cannabis cultivator shall refer to the weather forecast developed by the National Oceanic and Atmospheric Administration (NOAA) for the local [National Weather Service Office](http://www.weather.gov) (<http://www.weather.gov>). If the NOAA forecast is not available, a forecast by a local television news or radio broadcast shall be used.

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	Consistent with Lahontan Regional Water Board Order No R6T-2016-0010, an anticipated precipitation event within the Lake Tahoe Hydrologic Unit (Department of Water Resources Hydrologic Unit No.634.00) is any weather pattern that is forecast to have a 30 percent or greater chance of producing 0.1 inch of precipitation as rainfall in the project area. Cannabis cultivators located in the Lake Tahoe Hydrologic Unit shall cease land disturbance activities and shall implement erosion control Requirements described in this Policy during any 24 hour period in which the applicable daily weather forecast or any 24 hour forecast reports a 30 percent or greater chance of precipitation greater than 0.1 inch per 24 hours. This requirement may be updated based on amendments to the Lahontan Regional Water Board construction storm water general order.
10.	Prior to commencing any cannabis land development or site expansion activities, the cannabis cultivator shall retain a Qualified Biologist to identify sensitive plant, wildlife species, or communities at the proposed development site. If sensitive plant, wildlife species, or communities are identified, the cannabis cultivator and Qualified Biologist shall consult with CDFW and CAL FIRE to designate a no-disturbance buffer to protect identified sensitive plant, wildlife species, and communities. A copy of the report shall be submitted to the appropriate Regional Water Board.
11.	To prevent transfer of invasive species, ⁵ all equipment used at the cannabis cultivation site, including excavators, graders, etc., shall be cleaned before arriving and before leaving the site.
12.	The cannabis cultivator shall comply with all applicable requirements of the State Water Board and Regional Water Boards' (collectively Water Boards) water quality control plans and policies.
13.	The cannabis cultivator shall immediately report any significant hazardous material release or spill that causes a film or sheen on the water's surface, leaves a sludge or emulsion beneath the water's surface, or a release or threatened release of a hazardous material that may potentially discharge to waters of the state, to the California Office of Emergency Services at (800) 852-7550 and the local Unified Program Agency. ⁶ The cannabis cultivator shall also immediately notify the appropriate Regional Water Board and CDFW of the release.
14.	The cannabis cultivator shall comply with all water quality objectives/standards, policies, and implementation plans adopted or approved pursuant to the Porter-

⁵ CDFW defines invasive species as organisms (plants, animals, or microbes) that are not native to an environment, and once introduced, they establish, quickly reproduce and spread, and cause harm to the environment, economy, or human health. Cannabis cultivators may refer to CDFW Internet webpage for guidance on decontamination methods and species of concern. See [CDFW's invasive species webpage](https://www.wildlife.ca.gov/Conservation/Invasives) at: <https://www.wildlife.ca.gov/Conservation/Invasives>.

⁶ Visit the [Unified Program Agency website](http://cersapps.calepa.ca.gov/public/directory) at <http://cersapps.calepa.ca.gov/public/directory> for local contact information. If internet service is not available call 911 to report the hazardous material release.

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	Cologne Water Quality Control Act (California Water Code section 13000, et seq.) or CWA section 303 (33 U.S.C. § 1313).
15.	<p>During reasonable hours, the cannabis cultivator shall allow the Water Boards, CDFW, CAL FIRE, and any other authorized representatives of the Water Boards, CDFW, or CAL FIRE upon presentation of a badge, employee identification card, or similar credentials, to:</p> <ul style="list-style-type: none"> a) enter premises and facilities where cannabis is cultivated; where water is diverted, stored, or used; where wastes are treated, stored, or disposed of; or in which any records are kept; b) access and copy, any records required to be kept under the terms and conditions of this Policy; c) inspect, photograph, and record audio and video, any cannabis cultivation sites, and associated premises, facilities, monitoring equipment or device, practices, or operations regulated or required by this Policy; and d) sample, monitor, photograph, and record audio and video of site conditions, any discharge, waste material substances, or water quality parameters at any location for the purposes of assuring compliance with this Policy.
16.	The State Water Board may modify this Policy to implement new or revised water quality standards, policies, or water quality control plans; total maximum daily loads (TMDLs), TMDL implementation plans, or revisions to the California Water Code or CWA.
17.	The State Water Board may modify this Policy and the terms and conditions of water right registrations if monitoring results indicate that cannabis cultivation activities could violate instream flow requirements, water quality objectives, or impair the beneficial uses of a waterbody or its tributaries.
18.	Cannabis cultivators shall not commit trespass. Nothing in this Policy or any program implementing this Policy shall be construed to authorize cannabis cultivation: (a) on land not owned by the cannabis cultivator without the express written permission of the landowner; or (b) inconsistent with a conservation easement, open space easement, or greenway easement. This includes, but is not limited to, land owned by the United States or any department thereof, the State of California or any department thereof, any local agency, or any other person who is not the cannabis cultivator. This includes, but is not limited to, any land owned by a California Native American tribe, as defined in section 21073 of the Public Resources Code, whether or not the land meets the definition of tribal lands and includes lands owned for the purposes of preserving or protecting Native American cultural resources of the kinds listed in Public Resources Code section 5097.9 and 5097.993. This includes, but is not limited to, conservation easements held by a qualifying California Native American tribe pursuant to Civil Code section 815.3 and greenway easements held by a qualifying California Native American tribe pursuant to Civil Code section 816.56.

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19.	<p>Prior to acting on a cannabis cultivator’s request to cultivate cannabis on tribal lands⁷ or within 600 feet of tribal lands, the Water Boards will notify the governing body of any affected California Native American tribe or the governing body’s authorized representative, as applicable. A 45-day review period will commence upon receipt of the notice by the affected tribe.</p> <p>During the 45-day review period, the affected tribe may, at its discretion, accept, reject, or not act regarding the cannabis cultivation proposal. If the tribe rejects the proposed cultivation, the cannabis cultivator is prohibited from cultivating cannabis on or within 600 feet of the affected tribe’s tribal lands. If the affected tribe accepts the cannabis cultivation proposal or does not act during the 45-day review period, the Water Boards may proceed with a decision on the cannabis cultivation request as though the affected tribe accepted the cannabis cultivation proposal. The Water Boards will consider requests to extend the 45-day review period on a case by case basis.</p> <p>The governing bodies of California Native American tribes may, at their discretion, notify the State Water Board’s Executive Director in writing that they: a) reject all proposed cannabis cultivation; or b) waive the 45-day review period for all current and future proposed cannabis cultivation on their tribal lands, on portions of their tribal lands, or within 600 feet of their tribal lands. Upon the Executive Director’s receipt of written notice, the Water Boards will, based on the nature of the request, either:</p> <ol style="list-style-type: none"> a. Not approve cannabis cultivation proposals on or within 600 feet of the affected tribe’s tribal lands, as applicable; or b. Abide by the waiver and, at the Water Boards discretion, act on cannabis cultivation requests on or within 600 feet of tribal lands, as applicable, as though the affected tribe accepted the proposal. <p>The governing bodies of California Native American tribes may, at their discretion, withdraw a previously issued decision regarding cannabis cultivation on or within 600 feet of their tribal lands. In such instances, the governing body of the affected tribe should notify the State Water Board’s Executive Director in writing. The Water Boards will abide by the withdrawal of the affected tribe’s decision for any new cannabis cultivation proposals received after the date the State Water Board Executive Director has notified the governing body of the affected tribe that its decision was received. The Water Boards will coordinate with the affected tribe to address existing permitted cannabis cultivation sites on the affected tribe’s lands, as necessary.</p> <p>Nothing in this provision shall be construed to modify or interpret tribal law or tribal jurisdiction in any way.</p>

⁷ “Tribal lands” means lands recognized as “Indian country” within the meaning of title 18, United States Code, section 1151.

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20.	<p>No cannabis cultivation activities shall occur within 600 feet of an identified tribal cultural resource site. The State Water Board may modify this requirement for specific identified tribal cultural resource sites at the request of an affected California Native American tribe(s) after consultation with the affected tribe(s). The cannabis cultivator is solely responsible for identifying any tribal cultural resource sites⁸ within the cannabis cultivation area.</p>
21.	<p>Prior to land disturbance activities for new or expanded cannabis cultivation activities, the cannabis cultivator shall either conduct or request a records search of potential Native American archeological or cultural resources at a California Historical Resources Information System (CHRIS) information center and document the results. Any person who meets qualification requirements for access to the CHRIS may conduct or request the initial CHRIS records search and document the results. The requirement to conduct or request a CHRIS records search may be satisfied by using the results of a previous CHRIS records search completed within the previous 10 years for the specific parcel or parcels where new or expanded cannabis cultivation activities are proposed to occur.</p> <p>Prior to land disturbance activities for new or expanded cannabis cultivation activities, the cannabis cultivator shall also request a search of the Sacred Lands Inventory that is maintained by the Native American Heritage Commission pursuant to Public Resources Code sections 5097.94, subdivision (a), and 5097.96 (Sacred Lands Inventory). If the Sacred Lands Inventory search reveals the presence or potential presence of Native American places of special or social significance to Native Americans, Native American known graves or cemeteries, or Native American sacred places, the cannabis cultivator shall consult with the tribe or tribes that are culturally affiliated with the area in which these Native American cultural resources exist or potentially exist prior to conducting any land disturbance activities. The information provided by tribes through consultation with the cannabis cultivator shall be maintained as confidential by the cannabis cultivator and its agents. A new Sacred Lands Inventory search is always required prior to ground disturbing activities for new or expanded cannabis cultivation.</p> <p>The cannabis cultivator shall notify the Appropriate Person within seven days of receiving a CHRIS positive result or Sacred Lands Inventory positive result. The Appropriate Person is the Deputy Director for Water Rights (Deputy Director) if the cannabis cultivator is operating under the Cannabis Small Irrigation Use Registration (SIUR), the Executive Officer of the applicable Regional Water Board (Executive Officer) if the cannabis cultivator is operating under the Cannabis Cultivation General Order or Cannabis General Water Quality Certification, or both if the cannabis cultivator is operating under both programs.</p>

⁸ "Identified tribal cultural resource site" means a tribal cultural resource that meets the requirements of section 21074, subdivision (a)(1) of the Public Resources Code.

#	TERM
	<p>In the event that prehistoric archeological materials or indicators are identified in a CHRIS positive result, the cannabis cultivator shall also notify the Native American Heritage Commission within seven days of receiving the CHRIS positive result and request a list of any California Native American tribes that are potentially culturally affiliated with the positive result. The cannabis cultivator shall notify any potentially culturally affiliated California Native American tribes of the CHRIS positive result within 48 hours of receiving a list from the Native American Heritage Commission.</p> <p>The cannabis cultivator shall promptly retain a Professional Archeologist⁹ to evaluate the CHRIS positive result and recommend appropriate conservation measures. In the event of a Sacred Lands Inventory positive result, the cannabis cultivator shall develop appropriate mitigation and conservation measures in consultation with the affected California Native American tribe, and shall promptly retain a Professional Archeologist to assist in this task in the event of a Sacred Lands Inventory positive result related to human remains or archeological resources. The cannabis cultivator shall submit proposed mitigation and conservation measures to the Appropriate Person(s) (Deputy Director for the Cannabis SIUR and Executive Officer for the Cannabis Cultivation General Order or Cannabis General Water Quality Certification) for written approval. The Appropriate Person may require all appropriate measures necessary to conserve archeological resources and tribal cultural resources, including but not limited to Native American monitoring, preservation in place, and archeological data recovery.</p> <p>In the event that prehistoric archeological materials or indicators are identified in a CHRIS positive result, or in the event of a Sacred Lands Inventory positive result, the cannabis cultivator shall also provide a copy of the final proposed mitigation and conservation measures to any culturally affiliated California Native American tribes identified by the Native American Heritage Commission. The Appropriate Person will carefully consider any comments or mitigation measure recommendations submitted by culturally affiliated California Native American tribes with the goal of conserving tribal cultural resources and prehistoric archeological resources with appropriate dignity.</p> <p>Ground-disturbing activities shall not commence until all approved measures have been completed to the satisfaction of the Deputy Director and/or Executive Officer, as applicable.</p>

⁹ A professional archeologist is one that is qualified by the Secretary of Interior, Register of Professional Archaeologists, or Society for California Archaeology.

#	TERM
22.	<p>If any buried archeological materials or indicators¹⁰ are uncovered or discovered during any cannabis cultivation activities, all ground-disturbing activities shall immediately cease within 100 feet of the find.</p> <p>The cannabis cultivator shall notify the Appropriate Person within 48 hours of any discovery. The Appropriate Person is the Deputy Director if the cannabis cultivator is operating under the Cannabis SIUR, the Regional Water Board Executive Officer if the cannabis cultivator is operating under the Cannabis Cultivation General Order or Cannabis General Water Quality Certification, or both if the cannabis cultivator is operating under both programs.</p> <p>In the event that prehistoric archeological materials or indicators are discovered, the cannabis cultivator shall also notify the Native American Heritage Commission within 48 hours of any discovery and request a list of any California Native American tribes that are potentially culturally affiliated with the discovery. The cannabis cultivator shall notify any potentially culturally affiliated California Native American tribes of the discovery within 48 hours of receiving a list from the Native American Heritage Commission.</p> <p>The cannabis cultivator shall promptly retain a Professional Archeologist¹¹ to evaluate the discovery. The cannabis cultivator shall submit proposed mitigation and conservation measures to the Appropriate Person(s) (Deputy Director for the Cannabis SIUR and Regional Water Board Executive Officer for the Cannabis Cultivation General Order or Cannabis General Water Quality Certification) for written approval. The Appropriate Person may require all appropriate measures necessary to conserve archeological resources and tribal cultural resources, including but not limited to Native American monitoring, preservation in place, and archeological data recovery.</p> <p>In the event of a discovery of prehistoric archeological materials or indicators are discovered, the cannabis cultivator shall also provide a copy of the final proposed mitigation and conservation measures to any culturally affiliated California Native American tribes identified by the Native American Heritage Commission. The Appropriate Person will carefully consider any comments or mitigation measure recommendations submitted by culturally affiliated California Native American tribes with the goal of conserving prehistoric archeological resources and tribal cultural resources with appropriate dignity.</p> <p>Ground-disturbing activities shall not resume within 100 feet of the discovery until all approved measures have been completed to the satisfaction of the Deputy Director and/or Executive Officer, as applicable.</p>

¹⁰ Prehistoric archeological indicators include, but are not limited to: obsidian and chert flakes and chipped stone tools; bedrock outcrops and boulders with mortar cups; ground stone implements (grinding slabs, mortars, and pestles) and locally darkened midden soils containing some of the previously listed items plus fragments of bone, fire affected stones, shellfish, or other dietary refuse.

#	TERM
23.	<p>Upon discovery of any human remains, cannabis cultivators shall immediately comply with Health and Safety Code section 7050.5 and, if applicable, Public Resources Code section 5097.98. The following actions shall be taken immediately upon the discovery of human remains:</p> <p>All ground-disturbing activities in the vicinity of the discovery shall stop immediately. The cannabis cultivator shall immediately notify the county coroner. Ground disturbing activities shall not resume until the requirements of Health and Safety Code section 7050.5 and, if applicable, Public Resources Code section 5097.98 have been met. The cannabis cultivator shall ensure that the human remains are treated with appropriate dignity.</p> <p>Per Health and Safety Code section 7050.5, the coroner has two working days to examine human remains after being notified by the person responsible for the excavation, or by their authorized representative. If the remains are Native American, the coroner has 24 hours to notify the Native American Heritage Commission.</p> <p>Per Public Resources Code section 5097.98, the Native American Heritage Commission will immediately notify the persons it believes to be the most likely descended from the deceased Native American. The most likely descendent has 48 hours to make recommendations to the landowner or representative for the treatment or disposition, with proper appropriate dignity, of the human remains and any associated grave goods. If the Native American Heritage Commission is unable to identify a descendant; the mediation provided for pursuant to subdivision (k) of Public Resources Code section 5097.94, if invoked, fails to provide measures acceptable to the landowner; or the most likely descendent does not make recommendations within 48 hours; and the most likely descendants and the landowner have not mutually agreed to extend discussions regarding treatment and disposition pursuant to subdivision (b)(2) of Public Resources Code section 5097.98, the landowner or their authorized representative shall reinter the human remains and items associated with the Native American human remains with appropriate dignity on the property in a location not subject to further and future disturbance consistent with subdivision (e) of Public Resources Code section 5097.98. If the landowner does not accept the descendant's recommendations, the landowner or the descendants may request mediation by the Native American Heritage Commission pursuant to Public Resources Code section 5097.94, subdivision (k).</p>
24.	<p>Pursuant to Water Code sections 100 and 275 and the common law public trust doctrine, all rights and privileges, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water</p>

Historic period site indicators generally include, but are not limited to: fragments of glass, ceramic and metal objects; milled and split lumber; and structure and feature remains such as building foundations, privy pits, wells and dumps; and old trails.

¹¹ A professional archeologist is one that is qualified by the Secretary of Interior, Register of Professional Archaeologists, or Society for California Archaeology.

#	TERM
	Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.
25.	Cannabis cultivators shall not discharge waste in a manner that creates or threatens to create a condition of pollution or nuisance, as defined by Water Code section 13050.
26.	<p>Except as allowed and authorized in this Policy, cannabis cultivators shall not discharge:</p> <ul style="list-style-type: none"> • irrigation runoff, tailwater, sediment, plant waste, or chemicals to surface water or via surface runoff; • waste classified as hazardous (California Code of Regulations, title 23, section 2521(a)) or defined as a designated waste (Water Code section 13173); or • waste in violation of, or in a manner inconsistent with, the appropriate Water Quality Control Plan(s).
27.	<p>Unless authorized by separate waste discharge requirements, the Cannabis Cultivation General Order, or a CWA section 404/401 permit, the following discharges are prohibited:</p> <ul style="list-style-type: none"> • any waste that could affect the quality of the waters of the state; or • wastewater from cannabis manufacturing activities defined in Business and Professions Code section 26100, indoor grow operations, or other industrial wastewater to an onsite wastewater treatment system (e.g., septic tank and associated disposal facilities), to surface water, or to land.
28.	Unless authorized by a Regional Water Board site-specific WDR, cannabis cultivators shall not cultivate cannabis or have cannabis cultivation related land disturbance on slopes greater than 50 percent.
29.	Cannabis cultivators shall not use a cesspool for domestic or industrial wastewater disposal. Cannabis cultivators shall not install or continue use of an outhouse, pit-privy, pit-toilet, or similar device without approval from the Regional Water Board Executive Officer of the applicable Regional Water Board.
30.	In timberland areas, cannabis cultivators shall not remove commercial tree species or other vegetation within 150 feet of fish bearing water bodies or 100 feet of aquatic habitat for non-fish aquatic species (e.g., aquatic insects) prior to obtaining all applicable permits required from CAL FIRE, CDFW (i.e., LSA Agreement), and/or the Regional Water Board Executive Officer.
31.	Tier 1 or 2 cannabis cultivators located on slopes greater than 30% and less than 50% must submit a Site Erosion and Sediment Control Plan to the Regional Water Board Executive Officer for any cannabis-related land development or alteration. The Site Erosion and Sediment Control Plan shall be approved by the applicable Regional

#	TERM
	Water Board Executive Officer prior to the cannabis cultivator initiating or expanding any land disturbance. The Regional Water Board Executive Officer may deny the request to conduct new land disturbance activities for cannabis cultivation if local conditions (e.g., soil type, site instability, proximity to a waterbody, etc.) do not allow for adequate erosion and sediment control measures to ensure discharges to waters of the state will not occur.
32.	Tier 1 or 2 cannabis cultivators with any portion of the disturbed areas existing within the setbacks shall submit a Disturbed Area Stabilization Plan to the Regional Water Board Executive Officer. The Disturbed Area Stabilization Plan shall be approved by the applicable Regional Water Board Executive Officer prior to the cannabis cultivator initiating any land stabilization activities. This requirement does not apply to disturbed areas resulting from activities authorized under 404/401 CWA permits, a CDFW LSA Agreement, coverage under the Cannabis Cultivation General Order water quality certification, or site-specific WDRs issued by the Regional Water Board.
33.	Cannabis cultivators under any Cannabis Cultivation General Order or individual WDRs implementing this Policy shall self-certify that they have complied with or will comply with all applicable Requirements in this Policy no later than the onset of the winter period of the same year as the application date and each year thereafter. If application occurs after the onset of the winter period, cannabis cultivators shall self-certify that all applicable Requirements in this Policy will be implemented by the onset of the winter period of the next calendar year, and each year thereafter. Those cannabis cultivators that cannot implement all applicable Requirements by the onset of the winter period shall, within 90 days of application submittal, submit to the Executive Officer of the applicable Regional Water Board a time schedule and scope of work for use by the Regional Water Board in developing a compliance schedule.
34.	Cannabis cultivators shall implement interim Requirements immediately following land disturbance, to minimize discharges of waste constituents. Interim Requirements are those that are implemented immediately upon site development. Cannabis cultivators shall complete all winterization Requirements prior to the onset of the winter period to prevent waste discharges that may result in water quality degradation.
35.	Cannabis cultivators shall not cause downstream exceedance of applicable water quality objectives identified in the applicable water quality control plan(s).
36.	The landowner is ultimately responsible for any water quality degradation that occurs on or emanates from its property and for water diversions that are not in compliance with this Policy. Landowners will be named as responsible parties and will be notified if a Cannabis Cultivation General Order Notice of Applicability or conditional exemption has been issued for cannabis activities on their property. The cannabis cultivator and the landowner will be held responsible for correcting non-compliance.

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37.	<p>Cannabis cultivators shall comply with the minimum riparian setbacks described below for all land disturbance, cannabis cultivation activities, and facilities (e.g., material or vehicle storage, petroleum powered pump locations, off-stream water storage areas, and chemical toilet placement). The riparian setbacks shall be measured from the waterbody’s bankfull stage (high flow water levels that occur every 1.5 to 2 years) or from the top edge of the waterbody bank in incised channels, whichever is more conservative. Riparian setbacks for springheads shall be measured from the springhead in all directions (circular buffer). Riparian setbacks for wetlands shall be measured from the edge of wetland as delineated by a Qualified Professional with experience implementing the Corps of Engineers Wetlands Delineation Manual (with regional supplements). The Regional Water Board Executive Officer may require additional riparian setbacks or additional requirements, as needed, to meet the performance requirement of protecting surface water from discharges that threaten water quality. If the cannabis cultivation site cannot be managed to protect water quality, the Executive Officer of the applicable Regional Water Board may revoke authorization for cannabis cultivation activities at the cannabis cultivation site.</p> <p>Minimum Riparian Setbacks^{1,2}</p> <table border="1" data-bbox="331 932 1469 1390"> <thead> <tr> <th data-bbox="331 932 1024 1003">Common Name</th> <th data-bbox="1024 932 1276 1003">Watercourse Class³</th> <th data-bbox="1276 932 1469 1003">Distance</th> </tr> </thead> <tbody> <tr> <td data-bbox="331 1003 1024 1079">Perennial watercourses, waterbodies (e.g. lakes, ponds), or springs⁴</td> <td data-bbox="1024 1003 1276 1079">I</td> <td data-bbox="1276 1003 1469 1079">150 ft.</td> </tr> <tr> <td data-bbox="331 1079 1024 1129">Intermittent watercourses or wetlands</td> <td data-bbox="1024 1079 1276 1129">II</td> <td data-bbox="1276 1079 1469 1129">100 ft.</td> </tr> <tr> <td data-bbox="331 1129 1024 1169">Ephemeral watercourses</td> <td data-bbox="1024 1129 1276 1169">III</td> <td data-bbox="1276 1129 1469 1169">50 ft.</td> </tr> <tr> <td data-bbox="331 1169 1024 1318">Man-made irrigation canals, water supply reservoirs, or hydroelectric canals that support native aquatic species</td> <td data-bbox="1024 1169 1276 1318">IV</td> <td data-bbox="1276 1169 1469 1318">Established Riparian Vegetation Zone</td> </tr> <tr> <td data-bbox="331 1318 1024 1390">All other man-made irrigation canals, water supply reservoirs, or hydroelectric canals</td> <td data-bbox="1024 1318 1276 1390">IV</td> <td data-bbox="1276 1318 1469 1390">N/A</td> </tr> </tbody> </table> <p>¹ A Regional Water Board may adopt site-specific WDRs or an enforcement order for a cannabis cultivator with requirements that are inconsistent with the setbacks in this table if the Executive Officer determines that the site-specific WDRs or enforcement order contains sufficient requirements to be protective of water quality.</p> <p>² Cannabis cultivators enrolled in a Regional Water Board order adopting WDRs or a waiver of WDRs for cannabis cultivation activities prior to October 17, 2017, may retain reduced setbacks applicable under that Regional Water Board order unless the Regional Water Board’s Executive Officer determines that the reduced setbacks applicable under that order are not protective of water quality.</p> <p>³ Except where more restrictive, the stream class designations are equivalent to the Forest Practice Rules Water Course and Lake Protection Zone definitions (California Code of Regulations, title 14, Chapter 4. Forest Practice Rules, Subchapters 4, 5, and 6 Forest District Rules, Article 6 Water Course and Lake Protection).</p> <p>⁴ Spring riparian setbacks default to the applicable watercourse riparian setback 150 feet downstream and/or upstream of the spring’s confluence with the watercourse or 150 feet downstream of the point where the spring forms a watercourse with defined bed and banks.</p>	Common Name	Watercourse Class ³	Distance	Perennial watercourses, waterbodies (e.g. lakes, ponds), or springs ⁴	I	150 ft.	Intermittent watercourses or wetlands	II	100 ft.	Ephemeral watercourses	III	50 ft.	Man-made irrigation canals, water supply reservoirs, or hydroelectric canals that support native aquatic species	IV	Established Riparian Vegetation Zone	All other man-made irrigation canals, water supply reservoirs, or hydroelectric canals	IV	N/A
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#	TERM
38.	<p>Indoor cannabis cultivation¹² structures are exempt from the riparian setback (Requirement 37) and tribal buffer (Requirement 19) if either of the following conditions are met:</p> <ul style="list-style-type: none"> a) The indoor cannabis cultivation structure: <ul style="list-style-type: none"> i. has a building permit or other similar authorization issued by a federally recognized Indian tribe on file with the county, city, local jurisdiction, or federally recognized Indian tribe, as applicable, and started construction prior to October 1, 2018; ii. has a valid certificate of occupancy or amended certificate of occupancy for indoor cannabis cultivation; and iii. either (A) is connected to and discharges any industrial wastewater to a permitted wastewater treatment collection system and facility that accepts cannabis cultivation wastewater, or (B) discharges any industrial wastewater directly to an appropriately designed and connected storage tank located outside of the riparian setback, and the discharge is properly disposed of by a permitted wastewater hauler at a permitted wastewater treatment facility that accepts cannabis cultivation wastewater. <p>OR</p> <ul style="list-style-type: none"> b) The indoor cannabis cultivation structure: <ul style="list-style-type: none"> iv. has a building permit or other similar authorization issued by a federally recognized Indian tribe on file with the county, city, local jurisdiction, or federally recognized Indian tribe, as applicable, and construction started on or after October 1, 2018; v. has a valid certificate of occupancy or amended certificate of occupancy for indoor cannabis cultivation; and vi. is connected to and discharges any industrial wastewater to a permitted wastewater treatment collection system and facility that accepts cannabis cultivation wastewater. If the permitted wastewater treatment collection system and facility that the structure is connected to does not accept cannabis cultivation wastewater, the structure may still qualify for the riparian setback and tribal buffer exemptions if the structure discharges any industrial wastewater directly to an appropriately designed and connected storage tank located outside of the riparian setback, and the discharge is properly disposed of by a permitted wastewater hauler at a permitted wastewater treatment facility that accepts cannabis cultivation wastewater.

¹² Indoor cannabis cultivation is cannabis cultivation that occurs within a structure with a permanent roof, a permanent relatively impermeable floor (e.g., concrete or asphalt paved), and either 1) discharges all industrial wastewaters generated to a permitted wastewater treatment collection system and facility that accepts cannabis cultivation wastewater; or 2) collects all industrial wastewater in an appropriate storage container to be collected and properly disposed of by a permitted wastewater hauler at a permitted wastewater treatment facility that accepts cannabis cultivation wastewater.

#	TERM
	<p>The riparian setback exemption shall not apply if the Regional Water Board's Executive Officer determines that an exemption from the riparian setbacks is not protective of water quality.</p> <p>All other applicable Requirements apply to any cannabis cultivation activities, including setbacks for cannabis cultivation activities that occur outside of the permitted indoor cannabis cultivation structure.</p>

Cannabis General Water Quality Certification

For the purposes of section 401 of the Clean Water Act, the State Water Board certifies that cannabis cultivation activities in compliance with the conditions of the Policy and Cannabis Cultivation General Order will comply with sections 301, 302, 303, 306, and 307 of the Clean Water Act, and with applicable provisions of State law, subject to the following additional terms and conditions:

#	TERM
1.	This certification action is subject to modification or revocation upon administrative or judicial review; including review and amendment pursuant to Water Code section 13330 and California Code of Regulations, title 23, section 3867.
2.	This certification action is not intended and shall not be construed to apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to California Code of Regulations, title 23, section 3855, subdivision (b), and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3.	This certification is conditioned upon total payment of any fee required under California Code of Regulations, title 23, division 3, chapter 28.
4.	A cannabis cultivator seeking water quality certification coverage for activities in surface waters shall notify the Executive Officer of the Regional Water Board or State Water Board Executive Director at least 60 days prior to commencement of the activity and submit information regarding the construction schedule and other relevant information. Work may not commence until the cannabis cultivator is provided authorization by the appropriate Executive Officer of the Regional Water Board or Executive Director of the State Water Board. The Executive Officer of the Regional Water Board or Executive Director of the State Water Board may include specific monitoring requirements for turbidity and other constituents that may be associated with the activity to ensure applicable state water quality standards are met.
5.	The authorization of this certification for any coverage under this Cannabis General Water Quality Certification for dredge and fill activities expires five years from the date this Policy, and any subsequent amendment to the Policy, is approved by the Office of Administrative Law.
6.	Upon completion of the discharges of dredged or fill material, the cannabis cultivator shall submit a Notice of Completion certifying that all the conditions and monitoring and reporting requirements of this General Water Quality Certification, including the Policy, Cannabis Cultivation General Order (if applicable), and conditions imposed by the Regional Water Board Executive Officer or State Water Board Executive Director, have been met.
7.	All Policy and Cannabis Cultivation General Order Requirements, standard conditions, general terms and provisions, and prohibitions are enforceable conditions of this General Water Quality Certification.

#	TERM
8.	In the event of any violation or threatened violation of the conditions of this General Water Quality Certification, the violation or threatened violation shall be subject to any remedies, penalties, processes, or sanctions as provided for under state law. For purposes of section 401(d) of the Clean Water Act, the applicability of any state law authorizing remedies, penalties, process, or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this certification.
9.	This General Water Quality Certification may be modified as needed by the Executive Director of the State Water Board.

SECTION 2 – REQUIREMENTS RELATED TO WATER DIVERSIONS AND WASTE DISCHARGE FOR CANNABIS CULTIVATION

The following Requirements apply to any water diversion or waste discharge related to cannabis cultivation.

Land Development and Maintenance, Erosion Control, and Drainage Features

Limitations on Earthmoving

#	TERM
1.	<p>Cannabis cultivators shall not conduct grading activities for cannabis cultivation land development or alteration on slopes exceeding 50 percent grade, or as restricted by local county or city permits, ordinances, or regulations for grading, agriculture, or cannabis cultivation; whichever is more stringent shall apply.</p> <p>The grading prohibition on slopes exceeding 50 percent does not apply to site mitigation or remediation if the cannabis cultivator is issued separate WDRs or an enforcement order for the activity by the Regional Water Board Executive Officer.</p>
2.	<p>Finished cut and fill slopes, including side slopes between terraces, shall not exceed slopes of 50 percent and should conform to the natural pre-grade slope whenever possible.</p>
3.	<p>Cannabis cultivators shall not drive or operate vehicles or equipment within the riparian setbacks or within waters of the state unless authorized under 404/401 CWA permits, a CDFW LSA Agreement, coverage under the Cannabis Cultivation General Order water quality certification, or site-specific WDRs issued by the Regional Water Board. This requirement does not prohibit driving on established, maintained access roads that are in compliance with this Policy.</p>
4.	<p>Cannabis cultivation land development and access road construction shall be designed by Qualified Professionals. Cannabis cultivators shall conduct all construction or land development activities to minimize grading, soil disturbance, and disturbance to aquatic and terrestrial habitat.</p>
5.	<p>The cannabis cultivator shall control all dust related to cannabis cultivation activities to ensure dust does not produce sediment-laden runoff. The cannabis cultivator shall implement dust control measures, including, but not limited to, pre-watering of excavation or grading sites, use of water trucks, track-out prevention, washing down vehicles or equipment before leaving a site, and prohibiting land disturbance activities when instantaneous wind speeds (gusts) exceed 25 miles per hour. Cannabis cultivators shall grade access roads in dry weather while moisture is still present in soil to minimize dust and to achieve design soil compaction, or when needed use a water truck to control dust and soil moisture.</p>

Construction Equipment Use and Limitations

#	TERM
6.	<p>Cannabis cultivators shall not conduct grading activities for cannabis cultivation land development or alteration on slopes exceeding 50 percent grade, or as restricted by local county or city permits, ordinances, or regulations for grading, agriculture, or cannabis cultivation; whichever is more stringent shall apply.</p> <p>The grading prohibition on slopes exceeding 50 percent does not apply to site mitigation or remediation if the cannabis cultivator is issued separate WDRs or an enforcement order for the activity by the Regional Water Board Executive Officer.</p>
7.	<p>Cannabis cultivators shall stage and store equipment, materials, fuels, lubricants, solvents, or hazardous or toxic materials in locations that minimize the potential for discharge to waters of the state. At a minimum, the following measures shall be implemented:</p> <ul style="list-style-type: none"> a) Designate an area outside the riparian setback for equipment storage, short-term maintenance, and refueling. Cannabis cultivator shall not conduct any maintenance activity or refuel equipment in any location where the petroleum products or other pollutants may enter waters of the state as per Fish and Game Code section 5650 (a)(1). b) Frequently inspect equipment and vehicles for leaks. c) Immediately clean up leaks, drips, and spills. Except for emergency repairs that are necessary for the safe transport of equipment or vehicles to an appropriate repair facility; performing equipment or vehicle repairs, maintenance, and washing onsite is prohibited. d) If emergency repairs generate waste fluids, ensure they are contained and properly disposed or recycled off-site. e) Properly dispose of all construction debris off-site. <p>Use dry cleanup methods (e.g., absorbent materials, cat litter, and/or rags) whenever possible. Sweep up, contain, and properly dispose of spilled dry materials.</p>

Erosion Control

#	TERM
8.	<p>The cannabis cultivator shall use appropriate erosion control measures to minimize erosion of disturbed areas, potting soil, or bulk soil amendments to prevent discharges of waste. Fill soil shall not be placed where it may discharge into surface water. If used, weed-free straw mulch shall be applied at a rate of two tons per acre of exposed soils and, if warranted by site conditions, shall be secured to the ground.</p>

#	TERM
9.	<p>The cannabis cultivator shall not plant or seed noxious weeds. Prohibited plant species include those identified in the California Invasive Pest Plant Council's database, available at: www.cal-ipc.org/paf/. Locally native, non-invasive, and non-persistent grass species may be used for temporary erosion control benefits to stabilize disturbed land and prevent exposure of disturbed land to rainfall. Nothing in this term may be construed as a ban on cannabis cultivation that complies with the terms of this Policy.</p>
10.	<p>Cannabis cultivators shall incorporate erosion control and sediment detention devices and materials into the design, work schedule, and implementation of the cannabis cultivation activities. The erosion prevention and sediment capture measures shall be effective in protecting water quality.</p> <ul style="list-style-type: none"> • Interim erosion prevention and sediment capture measures shall be implemented within seven days of completion of grading and land disturbance activities, and shall consist of erosion prevention measures and sediment capture measures including: <ul style="list-style-type: none"> ○ Erosion prevention measures are required for any earthwork that uses heavy equipment (e.g., bulldozer, compactor, excavator, etc.). Erosion prevention measures may include surface contouring, slope roughening, and upslope storm water diversion. Other types of erosion prevention measures may include mulching, hydroseeding, tarp placement, revegetation, and rock slope protection. ○ Sediment capture measures include the implementation of measures such as gravel bag berms, fiber rolls, straw bale barriers, properly installed silt fences, and sediment settling basins. • Long-term erosion prevention and sediment capture measures shall be implemented as soon as possible and prior to the onset of fall and winter precipitation. Long-term measures may include the use of heavy equipment to reconfigure access roads or improve access road drainage, installation of properly-sized culverts, gravel placement on steeper grades, and stabilization of previously disturbed land. <p>Maintenance of all erosion protection and sediment capture measures is required year-round. Early monitoring allows for identification of problem areas or underperforming erosion or sediment control measures. Verification of the effectiveness of all erosion prevention and sediment capture measures is required as part of winterization activities.</p>

#	TERM
11.	Cannabis cultivators shall only use geotextiles, fiber rolls, and other erosion control measures made of loose-weave mesh (e.g., jute, coconut (coir) fiber, or from other products without welded weaves). To minimize the risk of ensnaring and strangling wildlife, cannabis cultivators shall not use synthetic (e.g., plastic or nylon) monofilament netting materials for erosion control for any cannabis cultivation activities. This prohibition includes photo- or bio-degradable plastic netting.
12.	Cultivation sites constructed on or near slopes with a slope greater than or equal to 30 percent shall be inspected for indications of instability. Indications of instability include the occurrence of slope failures at nearby similar sites, weak soil layers, geologic bedding parallel to slope surface, hillside creep (trees, fence posts, etc. leaning downslope), tension cracks in the slope surface, bulging soil at the base of the slope, and groundwater discharge from the slope. If indicators of instability are present, the cannabis cultivator shall consult with a Qualified Professional to design measures to stabilize the slope to prevent sediment discharge to surface waters.
13.	For areas outside of riparian setbacks or for upland areas, cannabis cultivators shall ensure that rock placed for slope protection is the minimum amount necessary and is part of a design that provides for native plant revegetation. If retaining walls or other structures are required to provide slope stability, they shall be designed by a Qualified Professional.
14.	Cannabis cultivators shall monitor erosion control measures during and after each storm event that produces at least 0.5 in/day or 1.0 inch/7 days of precipitation, and repair or replace, as needed, ineffective erosion control measures immediately.

Access Road/Land Development and Drainage

#	TERM
15.	Access roads shall be constructed consistent with the requirements of California Code of Regulations Title 14, Chapter 4. The Road Handbook describes how to implement the regulations and is available at http://www.pacificwatershed.com/PWA-publications-library . Existing access roads shall be upgraded to comply with the Road Handbook.
16.	Cannabis cultivators shall obtain all required permits and approvals prior to the construction of any access road constructed for cannabis cultivation activities. Permits may include section 404/401 CWA permits, Regional Water Board WDRs (when applicable), CDFW LSA Agreement, and county or local agency permits.

#	TERM
17.	Cannabis cultivators shall ensure that all access roads are hydrologically disconnected to receiving waters to the extent possible by installing disconnecting drainage features, increasing the frequency of (inside) ditch drain relief as needed, constructing out-sloped roads, constructing energy dissipating structures, avoiding concentrating flows in unstable areas, and performing inspection and maintenance as needed to optimize the access road performance.
18.	New access road alignments should be constructed with grades (slopes) of 3- to 8-percent, or less, wherever possible. Forest access roads should generally be kept below 12-percent except for short pitches of 500 feet or less where road slopes may go up to 20-percent. These steeper access road slopes should be paved or rock surfaced and equipped with adequate drainage. Existing access roads that do not comply with these limits shall be inspected by a Qualified Professional to determine if improvements are needed.
19.	Cannabis cultivators shall decommission or relocate existing roads away from riparian setbacks whenever possible. Roads that are proposed for decommissioning shall be abandoned and left in a condition that provides for long-term, maintenance-free function of drainage and erosion controls. Abandoned roads shall be blocked to prevent unauthorized vehicle traffic.
20.	If site conditions prohibit drainage structures (including rolling dips and ditch-relief culverts) at adequate intervals to avoid erosion, the cannabis cultivator shall use bioengineering techniques ¹³ as the preferred measure to minimize erosion (e.g., live fascines). If bioengineering cannot be used, then engineering fixes such as armoring (e.g., rock of adequate size and depth to remain in place under traffic and flow conditions) and velocity dissipaters (e.g., gravel-filled “pillows” in an inside ditch to trap sediment) may be used for problem sites. The maximum distance between water breaks shall not exceed those defined in the Road Handbook.
21.	Cannabis cultivators shall have a Qualified Professional design the optimal access road alignment, surfacing, drainage, maintenance requirements, and spoils handling procedures.
22.	Cannabis cultivators shall ensure that access road surfacing, especially within a segment leading to a waterbody, is sufficient to minimize sediment delivery to the wetland or waterbody and maximize access road integrity. Road surfacing may include pavement, chip-seal, lignin, rock, or other material appropriate for timing and nature of use. All access roads that will be used for winter or wet weather hauling/traffic shall be surfaced. Steeper access road grades require higher quality rock (e.g., crushed angular versus river-run) to remain in place. The use of asphalt grindings is prohibited.
23.	Cannabis cultivators shall install erosion control measures on all access road approaches to surface water diversion sites to reduce the generation and transport of sediment to streams.

¹³ [A Primer on Stream and River Protection for the Regulator and Program Manager: Technical Reference Circular W.D. 02-#1, San Francisco Bay Region, California Regional Water Board](http://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/stream_wetland/streamprotectioncircular.pdf) (April 2003)
http://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/stream_wetland/streamprotectioncircular.pdf

#	TERM
24.	Cannabis cultivators shall ensure that access roads are out-sloped whenever possible to promote even drainage of the access road surface, prevent the concentration of storm water flow within an inboard or inside ditch, and to minimize disruption of the natural sheet flow pattern off a hill slope to a stream.
25.	If unable to eliminate inboard or inside ditches, the cannabis cultivator shall ensure adequate ditch relief culverts to prevent down-cutting of the ditch and to reduce water runoff concentration, velocity, and erosion. Ditches shall be designed and maintained as recommended by a Qualified Professional. To avoid point-source discharges, inboard ditches and ditch relief culverts shall be discharged onto vegetated or armored slopes that are designed to dissipate and prevent runoff channelization. Inboard ditches and ditch relief culverts shall be designed to ensure discharges into natural stream channels or watercourses are prevented.
26.	Cannabis cultivators shall ensure that access roads are not allowed to develop or show evidence of significant surface rutting or gulying. Cannabis cultivators shall use water bars and rolling dips as designed by a Qualified Professional to minimize access road surface erosion and dissipate runoff.
27.	Cannabis cultivators shall only grade ditches when necessary to prevent erosion of the ditch, undermining of the banks, or exposure of the toe of the cut slope to erosion. Cannabis cultivators shall not remove more vegetation than necessary to keep water moving, as vegetation prevents scour and filters out sediment.
28.	Access road storm water drainage structures shall not discharge onto unstable slopes, earthen fills, or directly to a waterbody. Drainage structures shall discharge onto stable areas with straw bales, slash, vegetation, and/or rock riprap.
29.	Sediment control devices (e.g., check dams, sand/gravel bag barriers, etc.) shall be used when it is not practical to disperse storm water before discharge to a waterbody. Where potential discharge to a wetland or waterbody exists (e.g., within 200 feet of a waterbody) access road surface drainage shall be filtered through vegetation, slash, other appropriate material, or settled into a depression with an outlet with adequate drainage. Sediment basins shall be engineered and properly sized to allow sediment settling, spillway stability, and maintenance activities.

Drainage Culverts (See also Watercourse Crossings)

#	TERM
30.	Cannabis cultivators shall regularly inspect ditch-relief culverts and clear them of any debris or sediment. To reduce ditch-relief culvert plugging by debris, cannabis cultivators shall use 15- to 24-inch diameter pipes, at minimum. In forested areas with a potential for woody debris, a minimum 18-inch diameter pipe shall be used to reduce clogging. Ditch relief culverts shall be designed by a Qualified Professional based on site-specific conditions.
31.	Cannabis cultivators shall ensure that all permanent watercourse crossings that are constructed or reconstructed are capable of accommodating the estimated 100-year flood flow, including debris and sediment loads. Watercourse crossings shall be designed and sized by a Qualified Professional.

Cleanup, Restoration, and Mitigation

#	TERM
32.	Cannabis cultivators shall limit disturbance to existing grades and vegetation to the actual site of the cleanup or remediation and any necessary access routes.
33.	<p>Cannabis cultivators shall avoid damage to native riparian vegetation. All exposed or disturbed land and access points within the stream and riparian setback with damaged vegetation shall be restored with regional native vegetation of similar native species. Riparian trees over four inches diameter at breast height shall be replaced by similar native species at a ratio of three to one (3:1). Restored areas must be mulched, using at least 2 to 4 inches of weed-free, clean straw or similar biodegradable mulch over the seeded area. Mulching shall be completed within 30 days after land disturbance activities in the areas cease. Revegetation planting shall occur at a seasonally appropriate time until vegetation is restored to pre-cannabis or pre-legacy condition or better.</p> <p>Cannabis cultivators shall stabilize and restore any temporary work areas with native vegetation to pre-cannabis cultivation or pre-legacy conditions or better. Vegetation shall be planted at an adequate density and variety to control surface erosion and re-generate a diverse composition of regional native vegetation of similar native species.</p>
34.	Cannabis cultivators shall avoid damage to oak woodlands. Cannabis cultivator shall plant three oak trees for every one oak tree damaged or removed. Trees may be planted in groves in order to maximize wildlife benefits and shall be native to the local county.
35.	<p>Cannabis cultivators shall develop a revegetation plan for:</p> <ul style="list-style-type: none"> • All exposed or disturbed riparian vegetation areas, • any oak trees that are damaged or removed, and • temporary work areas. <p>Cannabis cultivators shall develop a monitoring plan that evaluates the revegetation plan for five years. Cannabis cultivators shall maintain annual inspections for the purpose of assessing an 85 percent survival and growth of revegetated areas within a five-year period. The presence of exposed soil shall be documented for three years following revegetation work. If the revegetation results in less than an 85 percent success rate, the unsuccessful vegetation areas shall be replanted. Cannabis cultivators shall identify the location and extent of exposed soil associated with the site; pre- and post-revegetation work photos; diagram of all areas revegetated, the planting methods, and plants used; and an assessment of the success of the revegetation program. Cannabis cultivators shall maintain a copy of the revegetation plan and monitoring results onsite and make them available, upon request, to Water Boards staff or authorized representatives. An electronic copy of monitoring results is acceptable in Portable Document Format (PDF).</p>

#	TERM
36.	Cannabis cultivators shall revegetate soil exposed as a result of cannabis cultivation activities with native vegetation by live planting, seed casting, or hydroseeding within seven days of exposure.
37.	Cannabis cultivators shall prevent the spread or introduction of exotic plant species to the maximum extent possible by cleaning equipment before delivery to the cannabis cultivation site and before removal, restoring land disturbance with appropriate native species, and post-cannabis cultivation activities monitoring and control of exotic species. Nothing in this term may be construed as a ban on cannabis cultivation that complies with the terms of this Policy.

Stream Crossing Installation and Maintenance

Limitations on Work in Watercourses and Permanently Poned Areas

#	TERM
38.	Cannabis cultivators shall obtain all applicable permits and approvals prior to doing any work in or around waterbodies or within the riparian setbacks. Permits may include section 404/401 CWA permits, Regional Water Board WDRs (when applicable), and a CDFW LSA Agreement.
39.	Cannabis cultivators shall avoid or minimize temporary stream crossings. When necessary, temporary stream crossings shall be located in areas where erosion potential and damage to the existing habitat is low. Cannabis cultivators shall avoid areas where runoff from access roadway side slopes and natural hillsides will drain and flow into the temporary crossing. Temporary stream crossings that impede fish passage are strictly prohibited on permanent or seasonal fish-bearing streams.
40.	Cannabis cultivators shall avoid or minimize use of heavy equipment ¹⁴ in a watercourse. If use is unavoidable, heavy equipment may only travel or work in a waterbody with a rocky or cobbled channel. Wood, rubber, or clean native rock temporary work pads shall be used on the channel bottom prior to use of heavy equipment to protect channel bed and preserve channel morphology. Temporary work pads and other channel protection shall be removed as soon as possible once the use of heavy equipment is complete.

¹⁴ Heavy equipment is defined as machinery or vehicles, typically used in the building and construction industry (e.g., bulldozers, excavators, backhoes, bobcats, tractors, etc.).

#	TERM
41.	Cannabis cultivators shall avoid or minimize work in or near a stream, creek, river, lake, pond, or other waterbody. If work in a waterbody cannot be avoided, activities and associated workspace shall be isolated from flowing water by directing the water around the work site. If water is present, then the cannabis cultivator shall develop a site-specific plan prepared by a Qualified Professional. The plan shall consider partial or full stream diversion and dewatering. The plan shall consider the use of coffer dams upstream and downstream of the work site and the diversion of all flow from upstream of the upstream dam to downstream of the downstream dam, through a suitably sized pipe with intake screens that protect and prevent impacts to fish and wildlife. Cannabis cultivation activities and associated work shall be performed outside the waterbody from the top of the bank to the maximum extent possible.

Temporary Watercourse Diversion and Dewatering: All Live Watercourses

#	TERM
42.	Cannabis cultivators shall ensure that coffer dams are constructed prior to commencing work and as close as practicable upstream and downstream of the work area. Cofferdam construction using offsite materials, such as clean gravel bags or inflatable dams, is preferred. Thick plastic may be used to minimize leakage, but shall be completely removed and properly disposed of upon work completion. If the coffer dams or stream diversion fail, the cannabis cultivator shall repair them immediately.
43.	When any dam or other artificial obstruction is being constructed, maintained, or placed in operation, the cannabis cultivator shall allow sufficient water at all times to pass downstream to maintain aquatic life below the dam pursuant to Fish and Game Code section 5937.
44.	Gravity flow is the preferred method of temporarily dewatering or diverting water. If a pump is used, the cannabis cultivator shall ensure that the pump is operated at the rate of flow that passes through the cannabis cultivation site. Pumping rates shall not dewater or impound water on the upstream side of the coffer dam. When a diversion pipe is used, it shall be protected from cannabis cultivation activities and maintained to prevent debris blockage.
45.	Cannabis cultivators shall only divert water such that water does not scour the channel bed or banks at the downstream end. Cannabis cultivators shall divert flow in a manner that prevents turbidity, siltation, and pollution and provides flows to downstream reaches. Cannabis cultivators shall provide flows to downstream reaches during all times that the natural flow would have supported aquatic life. Flows shall be of sufficient quality and quantity, and of appropriate temperature to support fish and other aquatic life both above and below the diversion. Block netting and intake screens shall be sized to protect and prevent impacts to fish and wildlife.

#	TERM
46.	Once water has been diverted around the work area, cannabis cultivators may dewater the site to provide an adequately dry work area. Any muddy or otherwise contaminated water shall be pumped to a settling tank, dewatering filter bag, or upland area, or to another location approved by CDFW or the appropriate Regional Water Board Executive Officer prior to re-entering the watercourse.
47.	Upon completion of work, cannabis cultivators shall immediately remove the flow diversion structure in a manner that allows flow to resume with a minimum of disturbance to the channel substrate and that minimizes the generation of turbidity.

Watercourse Crossings

#	TERM
48.	Cannabis cultivators shall ensure that watercourse crossings are designed by a Qualified Professional.
49.	Cannabis cultivators shall ensure that all access road watercourse crossing structures allow for the unrestricted passage of water and shall be designed to accommodate the estimated 100-year flood flow and associated debris (based upon an assessment of the streams potential to generate debris during high flow events). Watercourse crossings shall be designed and sized by a Qualified Professional. Consult CAL FIRE 100 year Watercourse Crossings document for examples and design calculations, available at: http://calfire.ca.gov/resource_mgt/downloads/100%20yr%20revised%208-08-17%20(final-a).pdf .
50.	Cannabis cultivators shall ensure that watercourse crossings allow migration of aquatic life during all life stages supported or potentially supported by that stream reach. Design measures shall be incorporated to ensure water depth and velocity does not inhibit migration of aquatic life. Any access road crossing structure on watercourses that support fish shall be constructed for the unrestricted passage of fish at all life stages, and should use the following design guidelines: <ul style="list-style-type: none"> • CDFW's <i>Culvert Criteria for Fish Passage</i>; • CDFW's <i>Salmonid Stream Habitat Restoration Manual, Volume 2, Part IX: Fish Passage Evaluation at Stream Crossings</i>; and • National Marine Fisheries Service, Southwest Region <i>Guidelines for Salmonid Passage at Stream Crossings</i>.
51.	Cannabis cultivators shall conduct regular inspection and maintenance of stream crossings to ensure crossings are not blocked by debris. Refer to California Board of Forestry Technical Rule No. 5 available at: http://www.calforests.org/wp-content/uploads/2013/10/Adopted-TRA5.pdf .

#	TERM
52.	<p>Cannabis cultivators shall only use rock fords for temporary seasonal crossings on small watercourses where aquatic life passage is not required during the time period of use. Rock fords shall be oriented perpendicular to the flow of the watercourse and designed to maintain the range of surface flows that occur in the watercourse. When constructed, rock shall be sized to withstand the range of flow events that occur at the crossing and rock shall be maintained at the rock ford to completely cover the channel bed and bank surfaces to minimize soil compaction, rutting, and erosion. Rock must extend on either side of the ford up to the break in slope. The use of rock fords as watercourse crossings for all-weather access roads is prohibited.</p>
53.	<p>Cannabis cultivators shall ensure that culverts used at watercourse crossings are designed to direct flow and debris toward the inlet (e.g., use of wing-walls, pipe beveling, rock armoring, etc.) to prevent erosion of road fill, debris blocking the culvert, and watercourses from eroding a new channel.</p>
54.	<p>Cannabis cultivators shall regularly inspect and maintain the condition of access roads, access road drainage features, and watercourse crossings. At a minimum, cannabis cultivators shall perform inspections prior to the onset of fall and winter precipitation and following storm events that produce at least 0.5 in/day or 1.0 inch/7 days of precipitation. Cannabis cultivators are required to perform all of the following maintenance upon discovery:</p> <ul style="list-style-type: none"> • Remove any wood debris that may restrict flow in a culvert. • Remove sediment that impacts access road or drainage feature performance. Place any removed sediment in a location outside the riparian setbacks and stabilize the sediment. • Maintain records of access road and drainage feature maintenance and consider redesigning the access road to improve performance and reduce maintenance needs.
55.	<p>Cannabis cultivators shall compact access road crossing approaches and fill slopes during installation and shall stabilize them with rock or other appropriate surface protection to minimize surface erosion. When possible, cannabis cultivators shall ensure that access roads over culverts are equipped with a critical dip to ensure that, if the culvert becomes blocked or plugged, water can flow over the access road surface without washing away the fill prism. Access road crossings where specific conditions do not allow for a critical dip or in areas with potential for significant debris accumulation, shall include additional measures such as emergency overflow culverts or oversized culverts that are designed by a Qualified Professional.</p>

#	TERM
56.	Cannabis cultivators shall ensure that culverts used at watercourse crossings are: 1) installed parallel to the watercourse alignment to the extent possible, 2) of sufficient length to extend beyond stabilized fill/sidecast material, and 3) embedded or installed at the same level and gradient of the streambed in which they are being placed to prevent erosion.

Soil Disposal and Spoils Management

#	TERM
57.	Cannabis cultivators shall store soil, construction, and waste materials outside the riparian setback except as needed for immediate construction needs. Such materials shall not be stored in locations of known slope instability or where the storage of construction or waste material could reduce slope stability.
58.	Cannabis cultivators shall separate large organic material (e.g., roots, woody debris, etc.) from soil materials. Cannabis cultivators shall either place the large organic material in long-term, upland storage sites, or properly dispose of these materials offsite.
59.	Cannabis cultivators shall store erodible soil, soil amendments, and spoil piles to prevent sediment discharges in storm water. Storage practices may include use of tarps, upslope land contouring to divert surface flow around the material, or use of sediment control devices (e.g., silt fences, straw wattles, etc.).
60.	Cannabis cultivators shall contour and stabilize stored spoils to mimic natural slope contours and drainage patterns (as appropriate) to reduce the potential for fill saturation and slope failure.
61.	For soil disposal sites cannabis cultivators shall: <ul style="list-style-type: none"> • revegetate soil disposal sites with a mix of native plant species, • cover the seeded and planted areas with mulched straw at a rate of two tons per acre, and • apply non-synthetic netting or similar erosion control fabric (e.g., jute) on slopes greater than 2:1 if the site is erodible.
62.	Cannabis cultivators shall haul away and properly dispose of excess soil and other debris as needed to prevent discharge to waters of the state.

Riparian and Wetland Protection and Management

#	TERM
63.	Cannabis cultivators shall not disturb aquatic or riparian habitat, such as pools, spawning sites, large wood, or shading vegetation unless authorized under a CWA section 404 permit, CWA section 401 certification, Regional Water Board WDRs (when applicable), or a CDFW LSA Agreement.

#	TERM
64.	Cannabis cultivators shall maintain existing, naturally occurring, riparian vegetative cover (e.g., trees, shrubs, and grasses) in aquatic habitat areas to the maximum extent possible to maintain riparian areas for streambank stabilization, erosion control, stream shading and temperature control, sediment and chemical filtration, aquatic life support, wildlife support, and to minimize waste discharge.

Water Storage and Use

Water Supply, Diversion, and Storage

#	TERM
65.	Cannabis cultivators shall only install, maintain, and destroy wells in compliance with county, city, and local ordinances and with California Well Standards as stipulated in California Department of Water Resources Bulletins 74-90 and 74-81 ¹⁵ .
66.	All water diversions for cannabis cultivation from a surface stream, subterranean stream flowing through a known and definite channel (e.g., groundwater well diversions from subsurface stream flows), or other surface waterbody are subject to the surface water Numeric and Narrative Instream Flow Requirements. This includes lakes, ponds, and springs (unless the spring is deemed exempt by the Deputy Director). See Section 3, Numeric and Narrative Instream Flow Requirements of this Attachment A for more information.
67.	Groundwater diversions may be subject to additional requirements, such as a forbearance period, if the State Water Board determines those requirements are reasonably necessary to implement the purposes of this Policy.
68.	Cannabis cultivators are encouraged to use appropriate rainwater catchment systems to collect from impermeable surfaces (e.g., roof tops, etc.) during the wet season and store storm water in tanks, bladders, or off-stream engineered reservoirs to reduce the need for surface water or groundwater diversions.
69.	Cannabis cultivators shall not divert surface water unless it is diverted in accordance with an existing water right that specifies, as appropriate, the source, location of the point of diversion, purpose of use, place of use, and quantity and season of diversion. Cannabis cultivators shall maintain documentation of the water right at the cannabis cultivation site. Documentation of the water right shall be available for review and inspection by the Water Boards, CDFW, and any other authorized representatives of the Water Boards or CDFW.

¹⁵ California Well Standards are available at: <http://wdl.water.ca.gov/groundwater/wells/standards.cfm>

Fertilizers, Pesticides, and Petroleum Products

#	TERM
103.	Cannabis cultivators shall not mix, prepare, over apply, or dispose of agricultural chemicals/products (e.g., fertilizers, pesticides ²⁵ , and other chemicals as defined in the applicable water quality control plan) in any location where they could enter the riparian setback or waters of the state. The use of agricultural chemicals inconsistently with product labeling, storage instructions, or DPR requirements for pesticide applications ²⁶ is prohibited. Disposal of unused product and containers shall be consistent with labels.
104.	Cannabis cultivators shall keep and use absorbent materials designated for spill containment and spill cleanup equipment on-site for use in an accidental spill of fertilizers, petroleum products, hazardous materials, and other substances which may degrade waters of the state. The cannabis cultivator shall immediately notify the California Office of Emergency Services at 1-800-852-7550 and immediately initiate cleanup activities for all spills that could enter a waterbody or degrade groundwater.
105.	Cannabis cultivators shall establish and use a separate storage area for pesticides, and fertilizers, and another storage area for petroleum or other liquid chemicals (including diesel, gasoline, oils, etc.). All such storage areas shall comply with the riparian setback Requirements, be in a secured location in compliance with label instructions, outside of areas of known slope instability, and be protected from accidental ignition, weather, and wildlife. All storage areas shall have appropriate secondary containment structures, as necessary, to protect water quality and prevent spillage, mixing, discharge, or seepage. Storage tanks and containers must be of suitable material and construction to be compatible with the substances stored and conditions of storage, such as pressure and temperature.

²⁵ Pesticide is defined as follows:

- Per California Code of Regulations Title 3. Division 6. Section 6000:

(a) Any substance or mixture of substances that is a pesticide as defined in the Food and Agricultural Code and includes mixtures and dilutions of pesticides;

(b) As the term is used in Section 12995 of the California Food and Agricultural Code, includes any substance or product that the user intends to be used for the pesticidal purposes specified in Sections 12753 and 12758 of the Food and Agricultural Code.

- Per California Food and Agricultural Code section 12753(b), the term "Pesticide" includes any of the following: Any substance, or mixture of substances which is intended to be used for defoliating plants, regulating plant growth, or for preventing, destroying, repelling, or mitigating any pest, as defined in Section 12754.5, which may infest or be detrimental to vegetation, man, animals, or households, or be present in any agricultural or nonagricultural environment whatsoever.

- In laymen's terms: "pesticide" includes: rodenticides, herbicides, insecticides, fungicides, and disinfectants.

²⁶ More information on DPR requirements is available at:

http://www.cdpr.ca.gov/docs/legbills/laws_regulations.htm,

<http://www.cdpr.ca.gov/docs/county/cacltrs/penfltrs/penf2017/2017atch/attach0301.pdf>, and

<http://www.cdpr.ca.gov/docs/cannabis/index.htm>

#	TERM
106.	Throughout the wet season, cannabis cultivators shall ensure that any temporary storage areas have a permanent cover and side-wind protection or be covered during non-working days and prior to and during rain events.
107.	Cannabis cultivators shall only use hazardous materials ²⁷ in a manner consistent with the product's label.
108.	Cannabis cultivators shall only keep hazardous materials in their original containers with labels intact, and shall store hazardous materials to prevent exposure to sunlight, excessive heat, and precipitation. Cannabis cultivators shall provide secondary containment for hazardous materials to prevent possible exposure to the environment. Disposal of unused hazardous materials and containers shall be consistent with the label.
109.	Cannabis cultivators shall only mix, prepare, apply, or load hazardous materials outside of the riparian setbacks.
110.	Cannabis cultivators shall not apply agricultural chemicals within 48 hours of any weather pattern that is forecast to have a 50 percent or greater chance of precipitation of 0.25 inches or greater per 24 hours. In the Lake Tahoe Hydrologic Unit, cannabis cultivators shall not apply agricultural chemicals within 48 hours of any weather pattern that is forecast to have a 30 percent or greater chance of precipitation greater than 0.1 inch per 24 hours. This requirement may be updated based on amendments to the Lahontan Regional Water Board construction storm water general order.

Fertilizers and Soils

#	TERM
111.	To minimize infiltration and water quality degradation, cannabis cultivators shall irrigate and apply fertilizer consistent with the crop need (i.e., agronomic rate).
112.	When used, cannabis cultivators shall apply nitrogen to cannabis cultivation areas consistent with crop need (i.e., agronomic rate). Cannabis cultivators shall not apply nitrogen at a rate that may result in a discharge to surface water or groundwater that causes or contributes to exceedance of water quality objectives, and no greater than 319 pounds/acre/year unless plant tissue analysis performed by a qualified individual demonstrates the need for additional nitrogen application. The analysis shall be performed by an agricultural laboratory certified by the State Water Board's Environmental Laboratory Accreditation Program.
113.	Cannabis cultivators shall ensure that potting soil or soil amendments, when not in use, are placed and stored with covers, when needed, to protect from rainfall and erosion, to prevent discharge to waters of the state, and to minimize leaching of waste constituents into groundwater.

²⁷ A hazardous material is any item or agent (biological, chemical, radiological, and/or physical), which has the potential to cause harm to humans, animals, or the environment, either by itself or through interaction with other factors.

Pesticides and Herbicides

#	TERM
114.	Cannabis cultivators shall not apply restricted materials, including restricted pesticides, or allow restricted materials to be stored at the cannabis cultivation site.
115.	Cannabis cultivators shall implement integrated pest management strategies where possible to reduce the need and use of pesticides and the potential for discharges to waters of the state ²⁸ .

Petroleum Products and Other Chemicals

#	TERM
116.	Cannabis cultivators shall only refuel vehicles or equipment outside of riparian setbacks. Cannabis cultivators shall inspect all equipment using oil, hydraulic fluid, or petroleum products for leaks prior to use and shall monitor equipment for leakage. Stationary equipment (e.g., motors, pumps, generators, etc.) and vehicles not in use shall be located outside of riparian setbacks. Spill and containment equipment appropriate for the conditions at and near the site (e.g., oil spill booms if surface water could be impacted by a spill, sorbent pads, etc.) shall be stored onsite at all locations where equipment is used or staged.
117.	Cannabis cultivators shall store petroleum, petroleum products, and similar fluids in a manner that provides chemical compatibility, provides secondary containment, and protection from accidental ignition, the sun, wind, and rain.
118.	Use of an underground storage tank(s) for the storage of petroleum products is allowed if compliant with all applicable federal, state, and local laws; regulations; and permitting requirements.

Cultivation-Related Waste

#	TERM
119.	Cannabis cultivators shall contain and regularly remove all debris and trash associated with cannabis cultivation activities from the cannabis cultivation site. Cannabis cultivators shall only dispose of debris and trash at an authorized landfill or other disposal site in compliance with state and local laws, ordinances, and regulations. Cannabis cultivators shall not allow litter, plastic, or similar debris to enter the riparian setback or waters of the state. Cannabis plant material may be disposed of onsite in compliance with any applicable CDFA license conditions.

²⁸ <https://www.epa.gov/safepestcontrol/integrated-pest-management-ipm-principles>

#	TERM
120.	<p>Cannabis cultivators shall only dispose or reuse spent growth medium (e.g., soil and other organic media) in a manner that prevents discharge of soil and residual nutrients and chemicals to the riparian setback or waters of the state. Spent growth medium shall be covered with plastic sheeting or stored in water tight dumpsters prior to proper disposal or reuse. Spent growth medium should be disposed of at an authorized landfill or other disposal site in compliance with state and local laws, ordinances, and regulations. Proper reuse of spent growth medium may include incorporation into garden beds or spreading on a stable surface and revegetating the surface with native plants. Cannabis cultivators shall use erosion control techniques, as needed, for any reused or stored spent growth medium to prevent polluted runoff.</p>
121.	<p>Wastewater tanks or storage containers must be rigid, enclosed to the environment, and appropriately designed to hold wastewater. They shall not be located within the riparian setback. Cannabis cultivators shall place wastewater storage tanks in areas that allow for ease of installation, access, maintenance, and minimize road development.</p> <p>Cannabis cultivators shall install tanks according to manufacturer’s specifications and shall place tanks on properly compacted soil or other surface (e.g., concrete) that is free of rocks and sharp objects and capable of bearing the weight of the tank and its maximum contents with minimal settlement. Cannabis cultivators shall maintain a written or electronic copy of the manufacturer’s specifications for each tank installed and used for cannabis cultivation activities, if available from the manufacturer in hardcopy or on the internet.</p> <p>Tanks shall not be located in areas of slope instability or next to equipment that generates heat. Cannabis cultivators shall install wastewater storage tanks capable of containing more than 8,000 gallons only on a reinforced concrete pad providing adequate support and enough space to attach a tank restraint system (anchor using the molded-in tie down lugs with moderate tension, being careful not to over-tighten) per the recommendations of a Qualified Professional.</p> <p>To prevent rupture or overflow and runoff, cannabis cultivators shall only use wastewater storage tanks equipped with a float valve, or equivalent device, to shut off inflow when storage systems are full. Cannabis cultivators shall install any other measures necessary to prevent overflow of storage systems and prevent spills or leaks. Cannabis cultivators shall regularly inspect for and repair all leaks of the storage system.</p> <p>Nothing in this requirement supersedes other applicable state, county, or local requirements for the installation of wastewater tanks or storage containers, whichever is more stringent shall apply.</p>

#	TERM
122.	<p>Cannabis cultivators shall retain, for a minimum of five years, appropriate documentation for any industrial wastewater collected to a storage tank for disposal at a permitted wastewater facility that accepts cannabis cultivation wastewater. Documentation for hauled industrial wastewater shall include, for each delivery, the following:</p> <ul style="list-style-type: none"> • A receipt that shows the date of pickup and the name, address, license plate number, and license plate issuing state for the industrial wastewater hauler; • A copy of the wastewater hauler's permit; and • The quantity of industrial wastewater picked up, in gallons. <p>Documentation shall be made available, upon request, to Water Boards or CDFW staff and any other authorized representatives of the Water Boards or CDFW.</p>

Refuse and Domestic Waste

#	TERM
123.	<p>Cannabis cultivators shall ensure that debris, soil, silt, bark, slash, sawdust, rubbish, creosote-treated wood, raw cement and concrete or washings thereof, asphalt, paint or other coating material, oil or other petroleum products, or any other substances which could be hazardous to any life stage of fish and wildlife or their habitat (including food sources) does not contaminate soil or enter the riparian setback or waters of the state.</p>
124.	<p>Cannabis cultivators shall not dispose of domestic wastewater unless it meets applicable local agency and/or Regional Water Board requirements. Cannabis cultivators shall ensure that human or animal waste is disposed of properly. Cannabis cultivators shall ensure onsite wastewater treatment systems (e.g., septic system) are permitted by the local agency or applicable Regional Water Board.</p>
125.	<p>If used, chemical toilets or holding tanks shall be maintained in a manner appropriate for the frequency and conditions of usage, sited in stable locations, and comply with the riparian setback Requirements.</p>

Winterization

#	TERM
126.	<p>Cannabis cultivators shall implement all applicable Erosion Control and Soil Disposal and Spoils Management Requirements in addition to the Winterization Requirements below by the onset of the winter period.</p>
127.	<p>Cannabis cultivators shall block or otherwise close any temporary access roads to all motorized vehicles no later than the onset of the winter period each year.</p>

#	TERM								
128.	<p>Cannabis cultivators shall not operate heavy equipment of any kind at the cannabis cultivation site during the winter period, unless authorized (1) in a site management plan as described below, or (2) for emergency repairs contained in an enforcement order issued by the State Water Board, Regional Water Board, or other agency having jurisdiction. Use of heavy equipment (e.g. agricultural equipment) for routine cannabis cultivation soil preparation or planting may be authorized in a site management plan approved by the applicable Regional Water Board Executive Officer or designee if both of the following conditions are met:</p> <ul style="list-style-type: none"> i. all soil preparation and planting activities occur outside of the riparian setbacks; and ii. all soil preparation and planting activities are located on an average slope equal to or less than five percent (5%) (e.g., valley floor). 								
129.	<p>Cannabis cultivators shall apply linear sediment controls (e.g., silt fences, wattles, etc.) along the toe of the slope, face of the slope, and at the grade breaks of exposed slopes to comply with sheet flow length²⁹ at the frequency specified below or as authorized in a site management plan approved by the applicable Regional Water Board Executive Officer or designee.</p> <table border="1" data-bbox="594 1014 1265 1346"> <thead> <tr> <th data-bbox="594 1014 894 1136">Slope (percent)</th> <th data-bbox="894 1014 1265 1136">Sheet Flow Length Not to Exceed (feet)</th> </tr> </thead> <tbody> <tr> <td data-bbox="594 1136 894 1205">0 – 25</td> <td data-bbox="894 1136 1265 1205">20</td> </tr> <tr> <td data-bbox="594 1205 894 1274">25 – 50</td> <td data-bbox="894 1205 1265 1274">15</td> </tr> <tr> <td data-bbox="594 1274 894 1346">>50</td> <td data-bbox="894 1274 1265 1346">10</td> </tr> </tbody> </table>	Slope (percent)	Sheet Flow Length Not to Exceed (feet)	0 – 25	20	25 – 50	15	>50	10
Slope (percent)	Sheet Flow Length Not to Exceed (feet)								
0 – 25	20								
25 – 50	15								
>50	10								
130.	<p>Cannabis cultivators shall maintain all culverts, drop inlets, trash racks and similar devices to ensure they are not blocked by debris or sediment. The outflow of culverts shall be inspected to ensure erosion is not undermining the culvert. Culverts shall be inspected prior to the onset of fall and winter precipitation and following precipitation events that produce at least 0.5 in/day or 1.0 inch/7 days of precipitation to determine if maintenance or cleaning is required.</p>								
131.	<p>Cannabis cultivators shall stabilize all disturbed areas and construction entrances and exits to control erosion and sediment discharges from land disturbance.</p>								

²⁹ Sheet flow length is the length that shallow, low velocity flow travels across a site.

#	TERM
132.	Cannabis cultivators shall cover and berm all loose stockpiled construction materials (e.g., soil, spoils, aggregate, etc.) that are not actively (scheduled for use within 48 hours) being used as needed to prevent erosion by storm water. The cannabis cultivator shall have adequate cover and berm materials available onsite if the weather forecast indicates a probability of precipitation.
133.	Cannabis cultivators shall apply erosion repair and control measures to the bare ground (e.g., cultivation area, access paths, etc.) to prevent discharge of sediment to waters of the state.
134.	As part of the winterization plan approval process, the Regional Water Board may require cannabis cultivators to implement additional site-specific erosion and sediment control requirements if the implementation of the Requirements in this section do not adequately protect water quality.



State Water Resources Control Board

CANNABIS WATER QUALITY INSPECTION MEMO

October 20, 2023

DISCHARGER/LANDOWNER: OG Kush Diet LLC., Ivan Vlahov
PO Box 649
Weaverville, CA 96093

SITE: 181 Oregon Mountain Road, Weaverville
Trinity County Assessor Parcel Numbers (APN):
024-010-044-000

INSPECTION DATE: May 22, 2023

INSPECTION TIME: **Start:** 900 **End:** 1200

INSPECTED BY: Casey Yearout, State Water Board Office of Enforcement
Kate Hawken, North Coast Regional Water Quality Control Board

ACCOMPANIED BY: Mr. Jess Gregory, Gregory Engineering, Inc.
Mr. Ivan Vlahov, property owner and enrollee

INSPECTION PURPOSE: Assessment of permitted cannabis cultivation site for potential water quality violations. Consent granted in person from Mr. Ivan Vlahov on site for C. Yearout and K. Hawken.

WDID NUMBER: 1_53CC411330

MEMO PREPARED BY: Casey Yearout

BACKGROUND

On May 22, 2023, State Water Resources Control Board (State Water Board) and North Coast Regional Water Quality Control Board (Regional Water Board) (collectively Water Boards) staff (Staff) participated in an inspection at the above-referenced location (Site) to document actual and/or threatened water quality impacts for potential Water Code violations.

Office of Enforcement | 801 K Street, Suite 2300 | Sacramento, CA 95814 | 916.341.5272
E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

On April 13, 2023, Water Board staff and the California Department of Fish and Wildlife (CDFW) personnel inspected the Site to document commercial cannabis cultivation conditions. On May 11, 2023, the North Coast Regional Water Board sent Mr. Ivan Vlahov a Notice of Violation (NOV) for violations of the Water Quality Control Plan for the North Coast Region (Basin Plan), Water Code, Clean Water Act, and the Cannabis Cultivation General Order 2019-001-DWQ (Cannabis General Order), including discharges and threats of discharge of sediment to waters of the state. On June 5, 2023, Helen Bowman with CDFW, mailed a NOV to Ivan Vlahov with OG Kush Diet LLC for violations of the Fish and Game Code.

PERMIT STATUS

The Site is enrolled under the Cannabis General Order as a Tier 1, Low Risk site; the Site is identified by Waste Discharge Identification (WDID) Number 1_53CC411330.

SITE LOCATION AND DESCRIPTION

The Site consists of a 15.28-acre parcel, located at 181 Oregon Mountain Road, approximately 4 miles west of Weaverville. An aerial image of the parcels and surrounding area is presented in Figure 1.

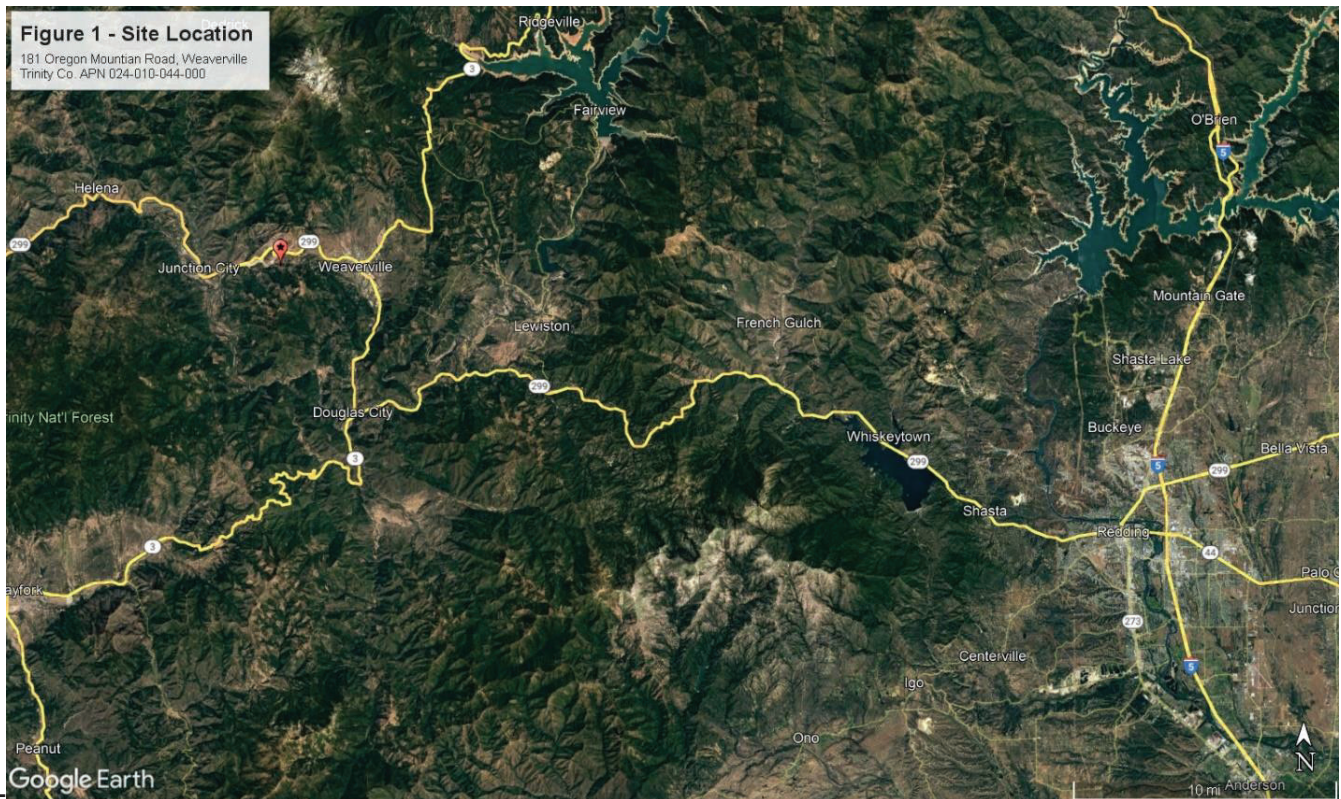




Figure 2 – Site Map
OG Kush Diet, LLC., Ivan Vlahov

- Parcel Boundaries
- Tracks #1, #2 and #3 (see Figure 2 for labels)

Image: Google Earth; Figure prepared by C. Yearout



INSPECTION OBSERVATIONS

On May 22, 2023, at approximately 0900, Staff met Jess Gregory (Gregory Engineering, Inc.) and Ivan Vlahov to conduct a Site inspection. During the inspection, staff observed issues of concern, which included the following unpermitted activities: alteration of ephemeral watercourses, graded pads, dredge and fill disturbances to an ephemeral watercourse, exposed and unstable hill slopes, and loose sediment which are summarized in the sections below.

Staff observed three unnamed ephemeral watercourses, tributaries to Slattery Gulch, at the time of inspection; Slattery Gulch is a tributary to the Lower Trinity River. Of the three unnamed ephemeral watercourses observed at the time of inspection, one (1) watercourse, located at Watercourse Impact Area A, had actively flowing water. The three unnamed ephemeral watercourses observed during the inspection are not shown in the U.S. Geological Survey’s National Hydrography Dataset (NHD).

Watercourse Impact Area A

Watercourse Impact Area A (Figure 2) is in the northeast (NE) corner of the parcel and includes an unnamed ephemeral watercourse channel (tributary to Slattery Gulch) that has been impacted by commercial cannabis cultivation activities. This tributary flows from southeast (SE) to northwest (NW), starting at a point observed by Staff within the parcel boundary (Figure 2, Track #3). Water quality threats and impacts to this tributary include:

- 1) Two, 2,500-gallon plastic water storage tanks used for irrigation water storage within the riparian setback established by the Cannabis General Order (Photo 1) threaten water quality by impeding the natural riparian functions and, due to their location being perched on the edge of the watercourse, threaten to fall into and discharge into the watercourse;
- 2) Staff observed approximately 466 cubic yards (Track #3, an area measured with GPS in field, in Fig. 2) of displaced earthen material (native dirt) in the channel of the watercourse at, and upstream of, the inlet to an existing 15-inch corrugated metal pipe (CMP) culvert (Photos 1, 2 and 3);
- 3) This 15-inch CMP culvert (the only culvert crossing on this watercourse, in Watercourse Impact Area A) does not meet the requirements outlined in the Cannabis General Order; ditch relief culverts must be: properly sized, designed by a qualified professional, and discharge to a vegetated or armored surface, in addition to the requirements detailed in Attachment A of the Cannabis General Order. The slope the streamflow discharged onto was an uncompacted fill slope of approximately 15 to 20 feet of fill for an estimated 8,000 square foot area (Track #1 in Fig. 2) for parking and Site access. Staff observed sedimentation and erosion (Photos 4 and 5) on the fill slope at the discharge point, and in the channel downstream. According to Mr. Vlahov, he had this culvert installed between April 14, 2023, and May 22, 2023, inspections without obtaining required water board permits;
- 4) Downstream of the 15-inch CMP's discharge point, the flow crosses the primary access road (see Figure 2, Oregon Mountain Rd.) via unimproved dirt fords (at Watercourse Impact Area A and Crossing #1 in Figure 2 and Photo 6). The use of rock fords as watercourse crossings for all-weather access roads is prohibited per the Cannabis General Order. Staff observed flow in the ephemeral watercourse in Water Course Impact Area A during the inspection;
- 5) Continuing downstream, staff observed two stream crossings, Crossing #1 and #2. At Crossing #2, an excavation, to possibly deepen and widen the channel dimensions, was installed across the access road; the flow path split in two directions and an entity placed earthen fill in each channel path (Photos 7 – 10). Staff observed earthen fill material (native dirt) in both channels and Mr. Casey Yearout measured wo fill volumes in the field. Fill #1 was approximately 90 cubic yards and Fill #2 was approximately 17 cubic yards. Staff mapped Fill #1 using a handheld GPS unit and included the disturbance of the channel from downstream of the 15-inch CMP culvert discharge to the most downstream extent of the observed fill in the primary channel pathway (Figure 2, Track #2). Fill #2 includes the earthen fill measured in the lesser fork of the altered channel alignment.

Watercourse Impact Area B

Watercourse Impact Area B (Figure 2) is in the southern portion of the parcel and includes an unnamed ephemeral watercourse (tributary to Slattery Gulch) that has been impacted by commercial cannabis cultivation activities. This tributary flows from southeast (SE) to northwest (NW), starting at a point that Staff observed within the parcel boundary (Figure 2, Track #3). Impacts to this tributary include:

- 1) At the time of inspection, Staff observed one (1) stream crossing in Watercourse Impact Area B (Crossing #3). The crossing was via a 15-inch CMP culvert and was observed on the primary Site access road. Mr. Vlahov had the culvert installed approximately 2 years ago (see Figure 2 and Photos 11 and 12).
- 2) At the time of the inspection, Staff observed recent disturbances to this channel. When asked by inspector Kate Hawkin, Mr. Vlahov stated that he used his excavator to clean out the channel in preparation for this, May 22, 2023, scheduled inspection. At the time of inspection, I explained to Mr. Vlahov, that work in a watercourse channel with heavy machinery (or equipment that can alter the channel bed and bank) is not allowed without the appropriate permits. In the process of accessing the culvert inlet and outlet, to remove sediment from the channel bottom, Mr. Vlahov created a temporary access way within the riparian setback zone along the channel.

Watercourse Impact Area C

Watercourse Impact Area C (Figure 2) is in the southwestern (SW) portion of the parcel and includes an unnamed ephemeral watercourse (tributary to Slattery Gulch) that has been impacted by commercial cannabis cultivation activities. This tributary flows from southeast to northwest, starting at a point observed by Staff within the parcel boundary (Figure 2, Track #3). Impacts to this tributary include:

1. At the time of inspection, staff observed one (1) stream crossing (Crossing #4) in Watercourse Impact Area C; the unnamed ephemeral watercourse crossed an unimproved dirt ford on a Site access road near the greenhouses (see Figure 2 and Photos 13 and 14). The Cannabis General Order does not allow unimproved dirt fords as watercourse crossings.

Slope Instability at Greenhouses

The primary access road on the Site provides access to the existing engineered greenhouses used for commercial cannabis cultivation, which were located along the southwest side of the road (see Figure 2 and Photos 15 and 16). These greenhouses are positioned on graded flats (in the existing hillside) adjacent to the primary Site access road. The hillside along the primary access road in the area of the greenhouses, is unstable with evidence of previous and existing slope failures (Photos 17 – 22). Of primary concern are:

- 1) Previous loss of a greenhouse due to slope failure (Photos 21 and 22);
- 2) Unstable existing slopes that have visible water seeping out (Photos 17, 18 and 19); and,
- 3) Four (4), 2,500-gallon plastic water storage tanks observed on a graded flat on the unstable hillslope (Photo 20).

Site Housekeeping and Winterization

The goal of enrolling in the Cannabis General Order when cultivating cannabis commercially is to prevent cultivation-related wastes from either entering, or having the potential to enter, watercourse channels. The Cannabis General Order has a list of requirements that enrolled sites need to comply with to limit the water quality impacts from commercial cannabis cultivation. In Trinity County, there are sensitive and impaired water resources that can be impacted by discharge of sediment, specifically fine sediment from dirt access roads, at watercourse crossings, and where access roads are hydrologically connected to watercourses and other natural drainages. To limit the impacts of sediment on water quality, including aquatic life, criteria to keep sediment out of watercourses are outlined in Attachment A of the Cannabis General Order (see Appendix B of Notice of Violation). Winterization requirements for enrolled sites are detailed in the Winterization section of Attachment A. This section of Attachment A describes both all-season and wet (rainy) season requirements for enrolled sites. Based on the Site conditions during the April and May inspection this year, the sediment and erosion control requirements of the Cannabis General Order were not correctly implemented.

Memo Prepared by:

Casey Yearout  Digitally signed by Casey Yearout
Date: 2023.10.20 13:42:49 -07'00'

Casey Yearout
Water Resource Control Engineer

Reviewed by:

Jordan Zakaria  Digitally signed by Jordan Zakaria
Date: 2023.10.20 15:51:36 -07'00'

Jordan Zakaria, REHS
Supervising Environmental Scientist

Attachments:

Appendix A – Inspection Photographs 1 – 24



Photo Taken by Casey Yearout on May 22, 2023

Photo 1 – Water storage tanks adjacent to Watercourse Impact Area A.



Photo Taken by Casey Yearout on May 22, 2023

Photo 2 – Excavation in ephemeral watercourse as shown in Photo 1 of Watercourse Impact Area A.



Photo Taken by Casey Yearout on May 22, 2023

Photo 3 – Damaged and obstructed inlet to 15-inch culvert at excavation in Photo 2 of Watercourse Impact Area A.



Photo Taken by Casey Yearout on May 22, 2023

Photo 4 – Outlet of 15-inch culvert (in Photo 3, and shown here in center, top 1/3 of image) discharging onto an uncompacted, eroding fill slope.



Photo Taken by Casey Yearout on May 22, 2023

Photo 5 – Close-up of 15-inch culvert discharge on uncompacted fill slope in Photo 4.



Photo Taken by Casey Yearout on May 22, 2023

Photo 6 – Unimproved dirt ford Crossing #1 downstream of Photo 5 (Watercourse Impact Area A).



Photo Taken by Casey Yearout on May 22, 2023

Photo 7 – Dredge and fill of watercourse channel at Crossing #2, which is further downstream from Crossing #1.



Photo Taken by Casey Yearout on May 22, 2023

Photo 8 – Close-up of dredge and fill damage to watercourse channel in Photo 7.



Photo Taken by Casey Yearout on May 22, 2023

Photo 9 – Close-up of fill in watercourse channel downstream of Photo 7, northern split in channel.



Photo Taken by Casey Yearout on May 22, 2023

Photo 10 – Close-up of fill in watercourse channel downstream of Photo 7, southern split in channel.



Photo Taken by Casey Yearout on May 22, 2023

Photo 11 – Temporary access road constructed along channel of ephemeral watercourse at Watercourse Impact Area B.



Photo Taken by Casey Yearout on May 22, 2023

Photo 12 – Close-up of temporary access road along ephemeral watercourse channel in Photo 11.



Photo Taken by Casey Yearout on May 22, 2023

Photo 13 – Access road crossing (unimproved dirt ford) of ephemeral watercourse channel at Watercourse Impact Area C.



Photo Taken by Casey Yearout on May 22, 2023

Photo 14 – Close-up of access road at Watercourse Impact Area C crossing in Photo 13.



Photo Taken by Casey Yearout on May 22, 2023

Photo 15 – Engineered greenhouse.



Photo Taken by Casey Yearout on May 22, 2023

Photo 16 – Engineered greenhouse.



Photo Taken by Casey Yearout on May 22, 2023

Photo 17 – Unstable hillslope, upslope of greenhouse (total of 2) and primary site access road, with rock buttressing to prevent additional material loss.



Photo Taken by Casey Yearout on May 22, 2023

Photo 18 – Close-up of unstable hillslope in Photo 17.



Photo Taken by Casey Yearout on May 22, 2023

Photo 19 – Additional view of unstable hillslope in Photos 17 and 18.



Photo Taken by Casey Yearout on May 22, 2023

Photo 20 – Close-up of rock buttressing to stabilize hillslope and provide support for graded flat for water storage tanks.



Photo Taken by Casey Yearout on May 22, 2023

Photo 21 – View of hillslope failure downslope of primary access road and greenhouses.



Photo Taken by Casey Yearout on May 22, 2023

Photo 22 – View of graded flat that previously supported a greenhouse, which was lost due to hillside failure.



Photo Taken by Casey Yearout on May 22, 2023

Photo 23 – View of primary access road to the cultivation areas.



Photo Taken by Casey Yearout on May 22, 2023

Photo 24 – Exposed hillside along primary access road to cultivation area.