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GOV-HNH

YANA GARCIA
LIEUTENANT GOVERNOR
OFFICE OF THE ATTORNEY GENERAL

State Water Resources Control Board

APR 05 2023

CERTIFIED MAIL

In Reply Refer to:
INV ID 14715

Robert Crowley
99 Redwood Road
Klamath, CA 95548

CERTIFIED MAIL NO: 7021 0950 0000 7129 9011

Dear Robert Crowley:

NOTICE OF VIOLATION FOR UNAUTHORIZED DIVERSION AND FAILURE TO FILE
A STATEMENT OF WATER DIVERSION AND USE FOR DEL NORTE COUNTY
ASSESSOR PARCEL NUMBER (APN) 127-200-020.

The State Water Resources Control Board (State Water Board), Division of Water Rights (Division) received information from the North Coast Regional Water Quality Control Board alleging that you are diverting surface water for cannabis cultivation. You cannot divert water during the Cannabis Cultivation Policy's forbearance period of April 1 - October 31, nor can you divert water to storage without an appropriate water right issued by the State Water Board.

You are identified as the property owner for County Assessor's Parcel Number (APN) 127-200-020. The Division is contacting you to provide you notice that you are in violation of the California Water Code (WC) and the State Water Board's Cannabis Cultivation Policy (Policy) requirements. The purpose of this letter is to gather information, provide you notice that your diversion of water is subject to the State Water Board's permitting authority, and to inform you of your regulatory compliance options, or you risk administrative civil liability. This letter is your notice that you are in violation of the WC and Policy. You must take immediate action to come into compliance or risk civil liability on a per day, per violation.

The information obtained by the State Water Board identifies that you are diverting water subject to the State Water Board's permitting authority for cannabis cultivation without an appropriate water right that authorizes your water diversion and use. A diversion of water subject to the State Water Board's permitting authority without a basis of right is an unauthorized diversion or use of water. An unauthorized diversion or use of water constitutes a trespass against the State, and the State Water Board may impose a civil liability in an amount not to exceed \$500 or \$1,000 during a critically dry

Eileen Sobeck, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

1001 I Street, Sacramento, CA 95811 | Mailing Address: P.O. Box 100, Sacramento, CA 95812-0100 | www.waterboards.ca.gov



State Water Resources Control Board

year (drought), for each day that the unauthorized diversion or use of water occurs, plus \$2,500 for each acre-foot of water (drought). (WC§ 1052, et seq.)

The Policy requires cannabis cultivators who divert and use surface water for cannabis cultivation must obtain an appropriative water right (ex: Cannabis Small Irrigation Use Registration) prior to diverting and storing water for use. Failure to obtain an appropriative water right and failure to cease your water diversion constitute ongoing violations. The State Water Board can impose civil liability in the amount of \$500 for each Policy violation and \$250 for each day the violation continues after notice of the violation is provided by the State Water Board. (WC§ 1847).

In addition, WC section 5101 requires, with minor exceptions, that a person who diverts water from a stream in the absence of a permit, license, or registration must file a Statement with the State Water Board. If you divert water, then you are required to report your water diversion and use to the State Water Board for October 1 - September 30 prior to February 1 of the succeeding year by filing a Statement pursuant to WC section 5101.

If you have multiple diversion locations (i.e., you divert water from a stream from multiple locations or divert water by use of a dam), a separate Statement is required to be filed for each diversion location. If you have any questions about how many diversion points your water infrastructure uses, please contact the Division at the phone number or email provided below.

The State Water Board may administratively impose a civil liability in the amount of \$1,000 for the failure to file a Statement for each point of diversion, plus \$500 per day for each additional day on which the violation continues **if** the person fails to file a Statement within 30 days after the State Water Board has called the violation to the attention of that person. (WC§ 5107, subd. (c)(1)).

This letter constitutes your notice of the above mention WC and Policy requirements. Your response to the allegations listed in this notice is required and should be submitted within a timely manner. The State Water Board has discretion when considering an enforcement action and shall consider your corrective actions taken in response to this notice in determining whether and what civil liability is appropriate for violations. Therefore, this matter requires your immediate attention.

Within 30 days from the date of this notice letter

you should take the following corrective actions:

1. You must cease your diversion of water and use for cannabis cultivation until you obtain an appropriative water right like a SIUR; and
2. You must obtain an appropriative water right like a SIUR or file an application to appropriate water by permit; and
3. You must file a Statement for each diversion location on your property whether you use water diverted for cannabis or other uses.

State Water Resources Control Board

You must also submit photographic proof and/or other documentation that supports your corrective actions taken whether you choose compliance option 1, 2 and 3. You can submit your documents through the State Water Board's Cannabis Compliance Response Portal referenced below.

To facilitate your response, we are providing you with an Investigation Identification Number (Investigation ID No. listed below), which you can use to respond electronically. You can also contact Division staff by phone or by email provided at the bottom of this notice letter. To use your Investigation ID No. follow the steps provided below.

Investigation ID No. 14715

- Step one:** Go to the State Water Board's Cannabis Cultivation Programs Portal at: <https://public2.waterboards.ca.gov/CGO/>
- Step two:** Register or login to your account
- Step three:** Under survey Click "New" for the "Division of Water Rights Cannabis Compliance Response Portal"
- Step four:** When you fill out your response to this NOV use the Assessor Parcel Number listed in this NOV in Part I.
- Step five:** Additionally, in your response use the Investigation ID listed above.

You can submit an appropriate water right SIUR application at: <https://public2.waterboards.ca.gov/cgo> Need Help? Contact us at (916) 341-5362 or email at dwr.cannabisenforcement@waterboards.ca.gov

If you would like to file an application to appropriate water by permit you can find information and file your application at the weblink listed at:

Application: <https://public2.waterboards.ca.gov/mt/Home/Index>

Appropriate water by permit information:

https://www.waterboards.ca.gov/waterrights/water_issues/programs/applications/

Information relating to the filing of a Statement can be found at:

http://www.waterboards.ca.gov/waterrights/water_issues/programs/diversion_use/docs/nti_stmnt_form.pdf.

Information on the Cannabis SIUR and Cannabis Policy is available

here: https://www.waterboards.ca.gov/water_issues/programs/cannabis/cannabis_water_rights.html#siur

If you have any questions regarding this matter, please contact Laura Cunningham at (916) 916-327-8696 or via e-mail at laura.cunningham@waterboards.ca.gov. Written correspondence or inquiries should be addressed as follows: State Water Resources Control Board, Division of Water Rights, Attn: Laura Cunningham, P.O. Box 2000, Sacramento, CA 95812-2000.

State Water Resources Control Board

Sincerely,

Laura Cunningham

Laura Cunningham, Analyst
Cannabis Enforcement Unit 2
Division of Water Rights

Enclosure: North Coast Regional Water Quality Control Board Notice of Violation

Ee: Division of Water Rights

Taro Murano
Taro.Murano@waterboards.ca.gov

Stormer Feiler
Stormer.Feiler@waterboards.ca.gov

Laura Cunningham
Laura.Cunningham@waterboards.ca.gov

Cannabis Registration Unit
DWR-CannabisReg@waterboards.ca.gov

Department of Fish and Wildlife
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Scott Bauer
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North Coast Regional Water Quality Control Board
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Cannabis Control
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State Water Resources Control Board

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North Coast Regional Water Quality Control Board

November 8, 2022

Robert Crowley
99 Redwood Road
Klamath, CA 95548

Certified Mail No. 7021 0950 0001 6499 9422

Dear Robert Crowley:

Subject: Notice of Violation, Transmittal of Inspection Report for October 12, 2022, Inspection of Del Norte County Assessor's Parcel No. 127-200-020, and Requirement to Respond within 30 days

File: Cannabis Program Inspections, Del Norte County, October 12, 2022, CIWQS Place ID 872860

THIS LETTER REQUIRES THAT YOU ACT WITHIN 30 DAYS

This letter is to notify you of observed violations of the requirements listed below, and cited in Attachment A, at the property identified as Del Norte County Assessor's Parcel Numbers: 127-200-020 (the Property):

1. State Water Resources Control Board (State Water Board) *Cannabis Cultivation Policy Principals and Guidelines for Cannabis Cultivation* (Cannabis Policy)
2. California Water Code (Water Code) Section 13260

According to our records, the cannabis cultivation operation located on this Property is not enrolled for coverage under the State Water Resources Control Board Order No. WQ 2019-0001-DWQ *General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities* (Cannabis General Order).

On October 12, 2022, North Coast Regional Water Quality Control Board (Regional Water Board) staff inspected the Property and observed cannabis cultivation in hoop houses. Within 30 days, please contact Regional Water Board staff to discuss your plan to correct the observed violations.

Background

On March 12, 2021, Erik Mays submitted information through the State Water Resources Control Board's (State Water Board's) online portal for discharges of waste associated with cannabis cultivation related activities for APN 127-200-020 and listed Global Matrix Investment Group LLC as landowner of the Property. However, the application fee was never paid so the enrollment never became active. Additionally, Land Vision records do not list Global Matrix Investment Group LLC as the landowner.

Land Vision records show Robert Crowley is the landowner, having purchased the Property on August 18, 2017.

On October 12, 2022, staff from the Regional Water Board, accompanied by staff of the California Department of Fish and Wildlife, and personnel of various law enforcement agencies, inspected the Property. The purpose of the inspection was to evaluate onsite development and conditions, and to identify and assess any impacts or threatened impacts to the quality and beneficial uses of waters of the state. During the inspection, staff observed cannabis cultivation operations of sufficient size and scope to require regulatory coverage under the Cannabis General Order.

Attached is a copy of the water quality inspection report (Attachment B - Property Inspection Report and Attachment C - Inspection Photo Log). Please review the inspection report carefully and completely. The inspection report contains recommendations for correcting observed violations and advises you of the Regional Water Board permits necessary for instream work and projects/activities that result in discharges of waste to receiving waters.

Relevant Requirements

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

Observed Violations

As documented in the October 12, 2022, inspection report, Regional Water Board staff observed violations of the California Water Code, Section 13260. In addition, staff observed violations of the Cannabis General Order Attachment A, Section 1 - General Requirements and Prohibitions Nos. 1, 29, 37 and Section 2 - Requirements Related to Water Diversions and Waste Discharge for Cannabis Cultivation Nos. 7, 8, 57, 62, 90, 1P3, 105, 113, 117, 119, and 123. Staff observed these violations at Property locations identified in the inspection report as Cultivation Area, Storage Area, and Human Waste.

Legal Requirements

The State Water Board adopted the Cannabis Policy and the Cannabis General Order on October 17, 2017, and updates on February 5, 2019, which remain in effect today. The purpose of the Cannabis Policy is to ensure that the discharge of waste and diversion of water associated with cannabis cultivation does not have a negative impact on water quality, aquatic habitat, riparian habitat, wetlands, and springs. The Cannabis Policy applies to cannabis cultivation activities throughout California including, Commercial Recreational, Commercial Medical, and Personal Use Medical. The Policy does not apply to recreational cannabis cultivation for personal use, which is limited to six plants under the Adult Use of Marijuana Act (Proposition 64, approved by California voters in November 2016).

The Cannabis General Order is the statewide water quality permit that implements the Cannabis Policy through the overarching general Waste Discharge Requirements (WDRs) in accordance with the California Water Code and is available for eligible cannabis cultivators to enroll under. The Cannabis General Order regulates waste discharges from cultivation sites including sediment, irrigation runoff, fertilizers, pesticides/herbicides, petroleum, agricultural related chemicals, cultivation related waste, and refuse. Threats of waste discharge may be from irrigation runoff, over fertilization, pond failure, road construction, grading activities, domestic and cultivation related waste, refuse placement, etc. All commercial cannabis cultivators must obtain coverage under the Cannabis General Order, including for both indoor and outdoor cultivation.

Cultivation activities on the Property requires conformance with the Cannabis Policy and enrollment in under the Cannabis General Order. For more information, please visit our website at:

https://www.waterboards.ca.gov/northcoast/water_issues/programs/cannabis/

As documented in the inspection report, the site conditions observed on the Property do not meet the requirements of the Cannabis Policy. Please provide a written response supporting documentation, including photos if relevant, explaining when and how the Property will be restored in compliance with the Policy.

Additional Potential Liabilities

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

Please note that correcting the conditions of non-compliance at the Property does not preclude enforcement for the violations alleged in this notice. As noted above, the

Regional Water Board reserves its right to fully enforce the law against any violation and threatened violation by taking enforcement actions such as a cleanup and abatement order, time schedule order, administrative civil liabilities, and referral to the California Attorney General's office. Administrative civil liabilities may be assessed on a daily basis in the amount up to \$5,000 for each day the violation occurs or up to \$10 per gallon, but not both pursuant to Water Code section 13350.

Inspection Report Recommendations

As mentioned above, the October 12, 2022, Inspection Report provides recommendations to correct the alleged violations, as well as to address features and conditions that threaten to impact water quality.

Within 30 days of this letter, please advise Regional Water Board staff Katherine Hawken of your intentions, plan, and schedule to implement recommendations in the inspection report. If you have questions about what is required of you to comply with the requirements outlined above, and to advise as to your plan and schedule to correct the alleged violations, please contact Regional Water Board staff Katherine Hawken by email at Katherine.Hawken@waterboards.ca.gov or by phone at 707-445-6127.

Future correspondence regarding this matter will be sent to you at this address unless an alternative address is provided to the Regional Water Board. Failure to accept mail from the Regional Water Board is not a valid excuse for non-compliance with any future enforcement orders, and a failure to respond or otherwise appear at a future enforcement proceeding could subject you to a default order and the imposition of administrative civil liability.

You may also contact me at Mona.Dougherty@waterboards.ca.gov or by phone at 707-445-6129. Additionally, we are available to meet with you if you wish to discuss this letter or our waste discharge regulatory programs in further detail.

Sincerely,

**Mona
Dougherty**

Digitally signed by Mona
Dougherty
Date: 2022.11.08 11:29:38 -08'00'

Mona Dougherty, PE
Senior Water Resource Control Engineer

221108_KH_Crowley_NOV

Attachments: Attachment A - Regulatory Citations
Attachment B - Facilities Inspection Report
Attachment C - Inspection Photo Log

Certified Mail - Return Receipt requested

cc: North Coast Regional Water Quality Control Board
Northcoast.Cannabis@waterboards.ca.gov
Claudia Villacorta, Claudia.Villacorta@waterboards.ca.gov
Kason Grady, Kason.Grady@waterboards.ca.gov

Division of Water Rights
Taro Murano, Taro.Murano@waterboards.ca.gov

California Department of Fish and Wildlife
David Manthorne, David.Manthorne@wildlife.ca.gov
Erika Winner, Erika.Winner@wildlife.ca.gov
Joshua Zulliger, Joshua.Zulliger@wildlife.ca.gov

Del Norte County Code Enforcement
Dominic Mello, dmello@co.del-norte.ca.us

Attachment A - Regulatory Citations

Regulatory Section	Citation
California Water Code Section 13260	<p>"(a) 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)	<p>"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)."</p>
Cannabis Policy and General Order No. WQ 2019-0001-DWQ	<p>State Water Resources Control Board Cannabis Cultivation Policy and General Waste Discharge Requirements Order No. WQ 2019-0001-DWQ for Discharges of Waste Associated with Cannabis Cultivation Activities</p> <p>https://www.waterboards.ca.gov/water_issues/programs/cannabis/docs/policy/final_cannabis_policy_with_attachment_a.pdf and</p> <p>https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2019/wgo2019_0001_dwg.pdf</p>

FACILITIES INSPECTION REPORT

Region/Office: 1	Status: Performed	Reg. Measure ID: 449545
Program Type: IRRICANNABIS	WDID:	Order Number:
Scheduled Insp. Date: 10/12/2022	Actual Insp. Date: 10/12/2022	

Discharger Information

Party ID: 622731	Discharger Organization Name: Global Matrix Investment Group LLC
Address: 99 Redwood Drive	City, State, Zip: Klamath, CA 95548
Discharger Contact Person:	Discharger Contact Phone:
Discharger Contact Email Address:	

Facility Information

Place ID 872860	Facility Name: Robert Crowley
Address: 99 Redwood Road	City, State, Zip: Klamath, CA 95548
County: Del Norte	Latitude: 41.570801 Longitude: -124.068383 Method:

Lead Inspector Information

Lead Inspector Party ID: 569684	Lead Inspector Name: Katherine Hawken
Inspector Type: <input checked="" type="radio"/> III State <input type="radio"/> State Contractor <input type="radio"/> EPA Contractor <input type="radio"/> EPA (Regional)	
<input checked="" type="radio"/> EPA and State (EPA Lead)	<input type="radio"/> EPA and State (State Lead)

INSPECTION TYPE

Inspection Type: Miscellaneous inspection

VIOLATIONS

Were Violations noted during this inspection? ☒ Yes ☐ No

Violation ID	Violation Type	Occurrence Date	Rank	Description
1109638	Unauthorized Discharge	10/12/2022	B	Water Code 13260 for cannabis cultivation of sufficient size without appropriate regulatory coverage.

INSPECTION SUMMARY {REQUIRED} (500 character limit)

Observations

Cultivation Area: I observed three active hoop houses with cannabis plants in raised beds (Photo 1). I observed plastic netting around the plants. I observed potting soil and plant waste piled around the hoop houses (Photo 2).

GENERAL NOTES {OPTIONAL} (2000 character limit)

Observations cont.

Wetland: Emergent freshwater wetlands are mapped on this Property. I observed hydrophytic plants including willows, alders, skunk cabbage, rushes, and sedges. I observed isolated areas with standing water. I observed grasses growing around the hoop houses, and willows on the edges of the cultivation area (Photo 3).

Storage Area: I observed a dirt road from the cultivation area, through wetland habitat, to a materials storage area (Photo 4). I observed water storage tanks, fertilizer containers, petroleum products, and a pump situated atop an ephemeral culvert stream crossing on the dirt road (Photo 5-6). The fertilizers and petroleum products were stored inadequately to protect the adjacent watercourse and wetland complex.

Water Source: I observed a well shed near a pool of standing water in the wetland complex (Photo 7). The water lines connecting to the well shed were buried.

Human Waste: I observed human waste and toilet paper in a bucket and on the ground in the wetland complex (Photo 8).

Recommendations:

1. Prior to further development of the Property, retain a qualified professional to delineate the extent of the wetlands. Do not operate machinery in, stockpile materials next to, or otherwise threaten discharges of waste to wetlands.
2. If the owner and/or tenant plan to continue cultivating cannabis, enroll for coverage under the state Water Board's Order WQ 2019-0023-DWQ, General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities and take steps to comply with all local and state regulations governing cannabis cultivation.
3. Contain and properly dispose of potting soil, fertilizers, plant waste, petroleum products, and human waste to prevent spillage and transport into receiving waters, and to maintain public health. Relocate materials at least 50 feet away from ephemeral watercourses, and 100 feet away from wetland habitat.

For Internal Use (Optional)

Reviewed By:	(1)	c2>		(3)
CIWQS Entry Date:		Regional Board File Number:		CIWQS Inspection ID:

Crowley Inspection Photo Log -Attachment C
Photos taken October 12, 2022, by Katherine Hawken



Photo 1, Cultivation Area: Hoop houses with cannabis plants in raised beds



Photo 2, Cultivation Area: Potting soil, plant waste, and trash piled around hoop houses



Photo 3, Wetland: View of hydrophytic plants near the cultivation area



Photo 4,
Storage Area:
View of road
through
wetland
habitat
leading to
water storage
tanks



Photo 5,
Storage Area:
Water storage
tanks,
fertilizers, red
pump, on dirt
road surface
atop culvert
stream
crossing



Photo 6, Storage Area: Fertilizer containers
near ephemeral watercourse culvert inlet.
View of cultivation area in background



Photo 7, Water Source: Well shed in wetland complex. Pool of standing water visible behind well shed

Photo 8, Human Waste: Bucket with human waste and toilet paper. Waste also visible on ground

