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## North Coast Regional Water Quality Control Board

November 22, 2024

Rockaway Investments, LLC  
Kathy Hall  
540 2<sup>nd</sup> Street  
Rio Dell, CA

CTCC LLC  
Micheal McEnry  
Kathy Hall  
PO Box 134  
Hydesville, CA 95547

Dear Micheal McEnry, Kathy Hall, CTCC LLC, and Rockaway Investments LLC:

**Subject: Notice of Violation, Transmittal of Inspection Report for October 24, 2024, Inspection of Humboldt County Assessor's Parcel Number 208-111-028, and Requirement to Respond within 30 days**

**File:** Cannabis Program Inspections, Humboldt County, October 24, 2024  
CIWQS Place ID 846112

### **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 Humboldt County Assessor's Parcel Numbers 208-111-028 (the Property):

1. 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) various provisions
2. Water Quality Control Plan for the North Coast Region (Basin Plan) Section 4.2.1, Prohibition 2
3. California Water Code (Water Code) Section 13264

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HECTOR BEDOLLA, CHAIR | VALERIE QUINTO, EXECUTIVE OFFICER

According to our records, the cannabis cultivation operation located on this Property is enrolled for coverage under the Cannabis General Order as Tier 1, Moderate Risk to water quality. On October 24, 2024, North Coast Regional Water Quality Control Board (Regional Water Board) staff inspected the Property. Within 30 days, please contact Regional Water Board staff to discuss your plan to correct the observed violations.

### **Background**

On May 1, 2018, Brandon Rivas of Rockaway Investments, LLC, 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 the Property. Based on the information submitted, the cannabis cultivation activities were classified as Tier 1, Moderate Risk. The Property is enrolled under the State Cannabis Order No. WQ 2023-0102-DWQ, WDID 1\_12CC401264 with Rockaway Investments LLC as the discharger and Brandon Rivas as the discharger contact.

According to Land Vision online services, the Property was purchased by Rockaway Investments LLC from Isaiah Steinbach on December 13, 2016. On September 5, 2023, CTCC LLC purchased the Property from Rockaway Investments LLC.

According to the California Secretary of State website, CTCC LLC was formed on August 1, 2022 and is an active Limited Liability Corporation in good standing, with Agent for Service of Process Dean Holter and a single manager, Michael McEnry. Also, according to the Secretary of State website, Rockaway Investment LLC is an active Limited Liability Corporation in good standing, formed on April 15, 2016. As of August 19, 2022 Kathy Hall is the single manager Agent for Service of Process. Kathy Hall and Michael McEnry share the same mailing address and we understand to be married.

Since 2017, the Regional Water Board and partner agencies have prioritized enforcement efforts in the Little Larabee Creek watershed due to the potential for unauthorized cannabis cultivation to impact important habitat for sensitive cold freshwater species, including native salmonids and trout.

On October 24, 2024, during the execution of a criminal search warrant served by personnel from CDFW, Regional Water Board staff inspected the Property. The purpose of the inspection was to evaluate onsite development and conditions, and to identify and assess any impacts or threatened impacts to the quality and beneficial uses of waters of the state.

Attached is a copy of the water quality inspection report (Attachment B – Property Inspection Report). Please review the inspection report carefully and completely. The inspection report contains recommendations for correcting observed violations and advises you of the Regional Water Board 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 24, 2024, inspection report and in this notice, Regional Water Board staff observed violations of the California Water Code, section 13264 (a), and Basin Plan Section 4.2.1, Prohibition 2. In addition, staff observed violations of the Cannabis General Order Attachment A, Section 1 - General Requirements and Prohibitions Nos. 25-27 and 31 and Section 2 - Requirements Related to Water Diversions and Waste Discharge for Cannabis Cultivation Nos. 4, 7, 12, 15, 17, 21-26, 28, 29, 31, 48-49, 53, 56, 57, 62, 66, 69, 73, 77, 108, 113, 117, 119, 120, 126, 131, and 133. Staff observed these violations at Property locations identified in the inspection report.

During the inspection, staff observed site conditions on the Property of concern to water quality, including:

1. Improper storage, handling and containment of spent waste oil, resulting in threats of discharges to land and threats of discharges to surface water and ground water.
2. Improper storage, containment and disposal of cultivation related plastic refuse.
3. Improper storage and disposal of potting soil.
4. Steep, poorly maintained roads causing concentration of stormwater runoff, erosion, transport and delivery of sediment to waters of the state with threats to surface water habitat and water quality.
5. Undersized stream crossings that pose a threat of sediment delivery to surface waters.
6. Refuse and disturbance in riparian setbacks.

These Property conditions of concern lacked measures to prevent discharge and the threat of discharge of waste to waters of the state, in violation of Water Code section 13264(a), the Basin Plan section 4.2.1 Prohibition 2, the Cannabis Policy and the terms of your enrollment under the Cannabis General Order.

Pursuant to the Cannabis General Order, Rockaway Investments LLC was required to submit a Site Management Plan, by July 29, 2018, consistent with the requirements of General Order Provision C.1.a., and Attachment A, Section 5. Attachment D of the General Order provides guidance on the contents of the Site Management Plan. On Behalf of Rockaway Investments, on September 30, 2018, Green Roads Consulting submitted an SMP. Staff reviewed the SMP and found that many of the site issues identified for remediation have not been remediated, though they were identified in 2018.

Also pursuant to the Cannabis General Order, all Moderate Risk enrollees must submit a Site Erosion and Sediment Control Plan consistent with the requirements of General Order Provision C.1.b., and Attachment A, Section 5. The Site Erosion and Sediment Control Plan shall be approved by the Regional Water Board Executive Officer prior to implementation. Attachment D of the General Order provides guidance on the contents

of the Site Erosion and Sediment Control Plan. According to Regional Water Board records, no Site Erosion and Sediment Control Plan has been submitted.

### **Legal Requirements**

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

([https://www.waterboards.ca.gov/northcoast/water\\_issues/programs/cannabis/](https://www.waterboards.ca.gov/northcoast/water_issues/programs/cannabis/))

Enrollment in the Cannabis General Order requires compliance with the terms and conditions of the Cannabis Policy.

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 how the Property will be restored in compliance with the Policy. The work to correct these violations will require a water quality certification/waste discharge requirements prior to conducting instream work.

The [application for the water quality certification/waste discharge requirements](#) for cannabis cultivation-related projects is available here:

([https://www.waterboards.ca.gov/northcoast/water\\_issues/programs/cannabis/pdf/200204/RB1\\_Cannabis\\_WQC\\_401\\_App.pdf](https://www.waterboards.ca.gov/northcoast/water_issues/programs/cannabis/pdf/200204/RB1_Cannabis_WQC_401_App.pdf))

### **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 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 Adona White 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 Adona White at [Adona.White@waterboards.ca.gov](mailto:Adona.White@waterboards.ca.gov) or by phone at 707-576-2672.

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 [Jeremiah.Puget@waterboards.ca.gov](mailto:Jeremiah.Puget@waterboards.ca.gov) or by phone at 707-576-2835. 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,

Jeremiah Puget  
Senior Environmental Scientist  
Enforcement Unit

Attachments:            Attachment A - Regulatory Citations  
                                Attachment B – Inspection Report and Photo Log

**cc:    North Coast Regional Water Quality Control Board**

[Northcoast.Cannabis@waterboards.ca.gov](mailto:Northcoast.Cannabis@waterboards.ca.gov)

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**State Water Resources Control Board**

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**Humboldt County**

Michael Klein, [mkein2@co.humboldt.ca.us](mailto:mkein2@co.humboldt.ca.us)

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**Department of Cannabis Control**

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**ETA Humboldt, consultant**

Vanessa Valere, [etahumboldt@gmail.com](mailto:etahumboldt@gmail.com)

## 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>
California Water Code Section 13264(a)	<p>“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 and no person shall take any of these actions after filing the report but before whichever of the following occurs first: (3) The issuance of waste discharge requirements pursuant to Section 13263. (2) The expiration of 140 days after compliance with Section 13260 if the waste to be discharged does not create or threaten to create a condition of pollution or nuisance and any of the following applies:... (3) The issuance of a waiver pursuant to Section 13269.”</p>
California Water Code Section 13265(a)	<p>“Any person discharging waste in violation of Section 13264, after such violation has been called to his attention in writing by the regional board, is guilty of a misdemeanor and may be liable civilly in accordance with subdivision (b). Each day of such discharge shall constitute a separate offense.”</p>
California Water Code Section 13350(a)	<p>“A person who (1) violates a cease and desist order or cleanup and abatement order hereafter issued, reissued, or amended by a regional board or the state board, or (2) in</p>

Regulatory Section	Citation
	violation of a waste discharge requirement, waiver condition, certification, or other order or prohibition issued, reissued, or amended by a regional board or the state board, discharges waste, or causes or permits waste to be deposited where it is discharged, into the waters of the state, or (3) causes or permits any oil or any residuary product of petroleum to be deposited in or on any of the waters of the state, except in accordance with waste discharge requirements or other actions or provisions of this division, shall be liable civilly, and remedies may be proposed, in accordance with subdivision (d) or (e)."
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."
Cannabis Policy and General Order No. WQ 2019-0001-DWQ	<p>State Water Resources Control Board <a href="#">Cannabis Cultivation Policy</a> and <a href="#">General Waste Discharge Requirements Order No. WQ 2019-0001-DWQ for Discharges of Waste Associated with Cannabis Cultivation Activities</a></p> <p>Available at:  <a href="https://www.waterboards.ca.gov/water_issues/programs/cannabis/docs/policy/final_cannabis_policy_with_attach_a.pdf">https://www.waterboards.ca.gov/water_issues/programs/cannabis/docs/policy/final_cannabis_policy_with_attach_a.pdf</a> and  <a href="https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2019/wqo2019_0001_dwq.pdf">https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2019/wqo2019_0001_dwq.pdf</a></p>
Cannabis General Order Attachment A, Section 1 - General Requirements and Prohibitions #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.
Cannabis General Order Attachment A, Section 1 - General Requirements and Prohibitions #26	Except as allowed and authorized in this Policy, cannabis cultivators shall not discharge: • 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 •

Regulatory Section	Citation
	waste in violation of, or in a manner inconsistent with, the appropriate Water Quality Control Plan(s).
State Cannabis Order Attachment A, Section 1 - General Requirements and Prohibitions #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"><li>• any waste that could affect the quality of the waters of the state; or</li><li>• 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.</li></ul>
Cannabis General Order Attachment A, Section 1 - General Requirements and Prohibitions #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.
Cannabis General Order Attachment A, Section 2 - Requirements Related to Water Diversions and Waste Discharge for Cannabis Cultivation #4	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.
Cannabis General Order Attachment A, Section 2 - Requirements Related to Water Diversions and Waste Discharge for Cannabis Cultivation #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"><li>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).</li><li>b) Frequently inspect equipment and vehicles for leaks.</li></ul>

Regulatory Section	Citation
	<p>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.</p> <p>d) If emergency repairs generate waste fluids, ensure they are contained and properly disposed or recycled off-site.</p> <p>e) Properly dispose of all construction debris off-site.</p> <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>
Cannabis General Order Attachment A, Section 2 - Requirements Related to Water Diversions and Waste Discharge for Cannabis Cultivation #8	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
Cannabis General Order Attachment A, Section 2 - Requirements Related to Water Diversions and Waste Discharge for Cannabis Cultivation #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.
Cannabis General Order Attachment A, Section 2 - Requirements Related to Water Diversions and Waste Discharge for Cannabis Cultivation #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 <a href="http://www.pacificwatershed.com/PWA-publications-library">http://www.pacificwatershed.com/PWA-publications-library</a> . Existing access roads shall be upgraded to comply with the Road Handbook.
Cannabis General Order Attachment A, Section 2 - Requirements Related to Water	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

<b>Regulatory Section</b>	<b>Citation</b>
Diversions and Waste Discharge for Cannabis Cultivation #17	roads, constructing energy dissipating structures, avoiding concentrating flows in unstable areas, and performing inspection and maintenance as needed to optimize the access road performance.
Cannabis General Order Attachment A, Section 2 - Requirements Related to Water Diversions and Waste Discharge for Cannabis Cultivation #21	Cannabis cultivators shall have a Qualified Professional design the optimal access road alignment, surfacing, drainage, maintenance requirements, and spoils handling procedures.
Cannabis General Order Attachment A, Section 2 - Requirements Related to Water Diversions and Waste Discharge for Cannabis Cultivation #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.
Cannabis General Order Attachment A, Section 2 - Requirements Related to Water Diversions and Waste Discharge for Cannabis Cultivation #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
Cannabis General Order Attachment A, Section 2 - Requirements Related to Water Diversions and Waste Discharge for Cannabis Cultivation #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.
Cannabis General Order Attachment A, Section 2 - Requirements Related to Water Diversions and Waste Discharge for Cannabis Cultivation #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

<b>Regulatory Section</b>	<b>Citation</b>
	relief culverts shall be designed to ensure discharges into natural stream channels or watercourses are prevented.
Cannabis General Order Attachment A, Section 2 - Requirements Related to Water Diversions and Waste Discharge for Cannabis Cultivation #26	Cannabis cultivators shall ensure that access roads are not allowed to develop or show evidence of significant surface rutting or gullyng. Cannabis cultivators shall use water bars and rolling dips as designed by a Qualified Professional to minimize access road surface erosion and dissipate runoff.
Cannabis General Order Attachment A, Section 2 - Requirements Related to Water Diversions and Waste Discharge for Cannabis Cultivation #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.
Cannabis General Order Attachment A, Section 2 - Requirements Related to Water Diversions and Waste Discharge for Cannabis Cultivation #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
Cannabis General Order Attachment A, Section 2 - Requirements Related to Water Diversions and Waste Discharge for Cannabis Cultivation #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
Cannabis General Order Attachment A, Section 2 - Requirements Related to Water Diversions and Waste Discharge for Cannabis Cultivation #48	Cannabis cultivators shall ensure that watercourse crossings are designed by a Qualified Professional.
Cannabis General Order Attachment A, Section 2 - Requirements Related to Water	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



<b>Regulatory Section</b>	<b>Citation</b>
Diversions and Waste Discharge for Cannabis Cultivation #49	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: <a href="http://calfire.ca.gov/resource_mgt/downloads/100%20yr%20revised%2008-08-17%20(final-a).pdf">http://calfire.ca.gov/resource_mgt/downloads/100%20yr%20revised%2008-08-17%20(final-a).pdf</a>
Cannabis General Order Attachment A, Section 2 - Requirements Related to Water Diversions and Waste Discharge for Cannabis Cultivation #53	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.
Cannabis General Order Attachment A, Section 2 - Requirements Related to Water Diversions and Waste Discharge for Cannabis Cultivation #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
Cannabis General Order Attachment A, Section 2 - Requirements Related to Water Diversions and Waste Discharge for Cannabis Cultivation #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.
Cannabis General Order Attachment A, Section 2 - Requirements Related to Water Diversions and Waste Discharge for Cannabis Cultivation #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
Cannabis General Order Attachment A, Section 2 - Requirements Related to Water Diversions and Waste Discharge for Cannabis Cultivation #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,

Regulatory Section	Citation
	Numeric and Narrative Instream Flow Requirements of this Attachment A for more information.
Cannabis General Order Attachment A, Section 2 - Requirements Related to Water Diversions and Waste Discharge for Cannabis Cultivation #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.
Cannabis General Order Attachment A, Section 2 - Requirements Related to Water Diversions and Waste Discharge for Cannabis Cultivation #73	Fuel powered (e.g., gas, diesel, etc.) diversion pumps shall be located in a stable and secure location outside of the riparian setbacks unless authorized under a 404/401 CWA permit, a CDFW LSA Agreement, coverage under the Cannabis Cultivation General Order water quality certification, or site-specific WDRs issued by the Regional Water Board. Use of non-fuel powered diversion pumps (solar, electric, gravity, etc.) is encouraged. In all cases, all pumps shall: a) be properly maintained, b) have suitable containment to ensure any spills or leaks do not enter surface waterbodies or groundwater, and c) have sufficient overhead cover to prevent exposure of equipment to precipitation
Cannabis General Order Attachment A, Section 2 - Requirements Related to Water Diversions and Waste Discharge for Cannabis Cultivation #77	Cannabis cultivators shall plug, block, cap, disconnect, or remove the diversion intake or otherwise bypass flow or render the diversion intake incapable of diverting water for cannabis cultivation activities during the surface water forbearance period, unless the diversion intake is used for other beneficial uses, to ensure no water is diverted during that time
Cannabis General Order Attachment A, Section 2 - Requirements Related to Water Diversions and Waste Discharge for Cannabis Cultivation #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
Cannabis General Order Attachment A, Section 2 - Requirements Related to Water	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

<b>Regulatory Section</b>	<b>Citation</b>
Diversions and Waste Discharge for Cannabis Cultivation #113	prevent discharge to waters of the state, and to minimize leaching of waste constituents into groundwater.
Cannabis General Order Attachment A, Section 2 - Requirements Related to Water Diversions and Waste Discharge for Cannabis Cultivation #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.
Cannabis General Order Attachment A, Section 2 - Requirements Related to Water Diversions and Waste Discharge for Cannabis Cultivation #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.
Cannabis General Order Attachment A, Section 2 - Requirements Related to Water Diversions and Waste Discharge for Cannabis Cultivation #120	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.
Cannabis General Order Attachment A, Section 2 - Requirements Related to Water Diversions and Waste Discharge for Cannabis Cultivation #126	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.

<b>Regulatory Section</b>	<b>Citation</b>
Cannabis General Order Attachment A, Section 2 - Requirements Related to Water Diversions and Waste Discharge for Cannabis Cultivation #131	Cannabis cultivators shall stabilize all disturbed areas and construction entrances and exits to control erosion and sediment discharges from land disturbance.
Cannabis General Order Attachment A, Section 2 - Requirements Related to Water Diversions and Waste Discharge for Cannabis Cultivation #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.

**North Coast Regional Water Quality Control Board  
Attachment B  
Cannabis Water Quality Inspection Report  
Rockaway Investments LLC and CTCC LLC Property  
Michael McEnry and Kathy Hall  
Humboldt County APN 208-111-028**

	Inspection Details
Inspection Date	October 24, 2024
Address/Location	27710 State Highway 36 Bridgeville, CA 95526
County	Humboldt
Assessor Parcel Number	208-111-028
Watershed	Little Larabee Creek, Van Duzen River
Property Owner, Company and Mailing Address	Micheal McEnry, CTCC LLC PO BOX 134 Hydesville, CA 95547
Operator, Company and Mailing Address	Kathy Hall, Rockaway Investments LLC, Mana Farm LLC PO BOX 134 Hydesville, CA 95547
Agency and Person Responsible for Warrant	California Department of Fish and Wildlife (CDFW), Lieutenant Brendan Lynch
Warrant Date	October 24, 2024
Warrant Type	Criminal Search Warrant
Lead Inspector and Report Author Name and Office and contact information	Adona White, PE, Water Resource Control Engineer North Coast Regional Water Quality Control Board (Regional Water Board) <a href="mailto:Adona.White@waterboards.ca.gov">Adona.White@waterboards.ca.gov</a> , 707-576-2672
Other Personnel Onsite	Representatives from CDFW and State Water Resources Control Board Division of Water Rights
CIWQS Identifiers	Place ID 846112, WDID 1_12CC401264

## **Inspection Observations**

Little Larabee Creek runs through the Property and supports sensitive beneficial uses of water including native salmonids and trout.

The Property is enrolled under the Cannabis General Order Tier 1 Moderate Risk.

Cannabis from this Property was taken to an adjacent parcel (HUM APN 208-111-022) that is not enrolled in the Cannabis General Order but is owned by Mike McEnry.

The inspection maps are shown in Figures 3 and 4, labeled with locations described at the following features of concern for water quality.

Point 1: Cultivation Area 2 (CA2) greenhouse cultivation. Refuse, potting soil, waste oil, lights stockpiled in temporary structures

Point 2: Unauthorized surface water diversion from Little Larabee Creek. Gas pump on gravel at water's edge without containment. Diversion during forbearance period in Cannabis Policy.

Point 3: Water bar is deteriorated at the head of a gully.

Point 4: Driveway to CA2 concentrates stormwater runoff into cultivation and storage area, posing threat of discharge of materials in those areas.

Point 5: The fillslope of CA2 shows signs of potential instability including hummocky ground with vertical displacement of fill. I observed this site in 2018 and it appears to me that the grading to form the flat was done in an area of persistent seeps and shallow groundwater. The fill slopes does not appear compacted. The cut bank has hydrophytic vegetation suggesting emergent water.

Line 7. Class III watercourse channel segment near CA2.

Line 8. Plastic cultivation waste accumulation near Class III riparian setback.

Point 9: Penny royal and willow within the disturbed area of CA2.

Point 10. Open tote of accumulated waste oil.

Point 11A. Old plastic netting from old erosion control measures.

Point 11B. Cultivation area CA1.

Point 12. Class III watercourse crossing for access road comprised of two undersized stacked box pipes. Both road approaches deliver water from ditches. Rills at the outlet indicate road surface erosion and delivery to the watercourse.

Point 13. Well in CA1.

Point 14. Generator in CA1.

Point 15. CA1.

Point 16. Water storage tanks fed by diversion line from Little Larabee Creek and used for cultivation.

Point 17. Water storage tank.

Point 18. Class III watercourse, top of bank.

Point 19. Trailer.

Point 20. Plastic trash in road drainage ditch.

**Recommendations:**

1. Properly dispose of waste oil identified at Point 10 and other hazardous materials. Provide receipts.
2. Properly dispose of waste including but not limited to trash, fertilizer, pesticide and petroleum containers, plastic tarps and sheeting at a legal facility.
3. Ensure riparian setbacks are stabilized and clear of refuse or threats of discharge. Identify any disturbed area within the 50' setback on the Class III watercourses at Line 7 and Point 18.
4. Update Cannabis General Order enrollment information with current owner and operator and parcels associated with the cannabis cultivation activities.
5. Update, submit and implement a Site Management Plan (SMP) for the Property, as required by enrollment under the Cannabis General Order.
6. Submit and implement a Site Erosion and Sediment Control Plan as required by the Moderate Risk enrollment under the Cannabis General Order.
7. Submit an application for instream work describing plans to upgrade the stream crossings in conformance with enrollment under Cannabis General Order.
8. Ensure cannabis cultivation activities are in conformance with state and local requirements. If cultivation activities cease, remove related infrastructure and cleanup materials and provide photos.
9. Contact me at [Adona.White@waterboards.ca.gov](mailto:Adona.White@waterboards.ca.gov) or 707-576-2672 to discuss your plans to cleanup and remediate the site conditions that threaten water quality.

**Enforcement Discretion**

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

## Inspection Maps



Figure 1. Property map and ownership information.



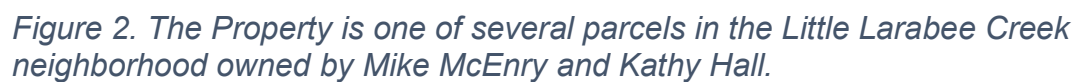
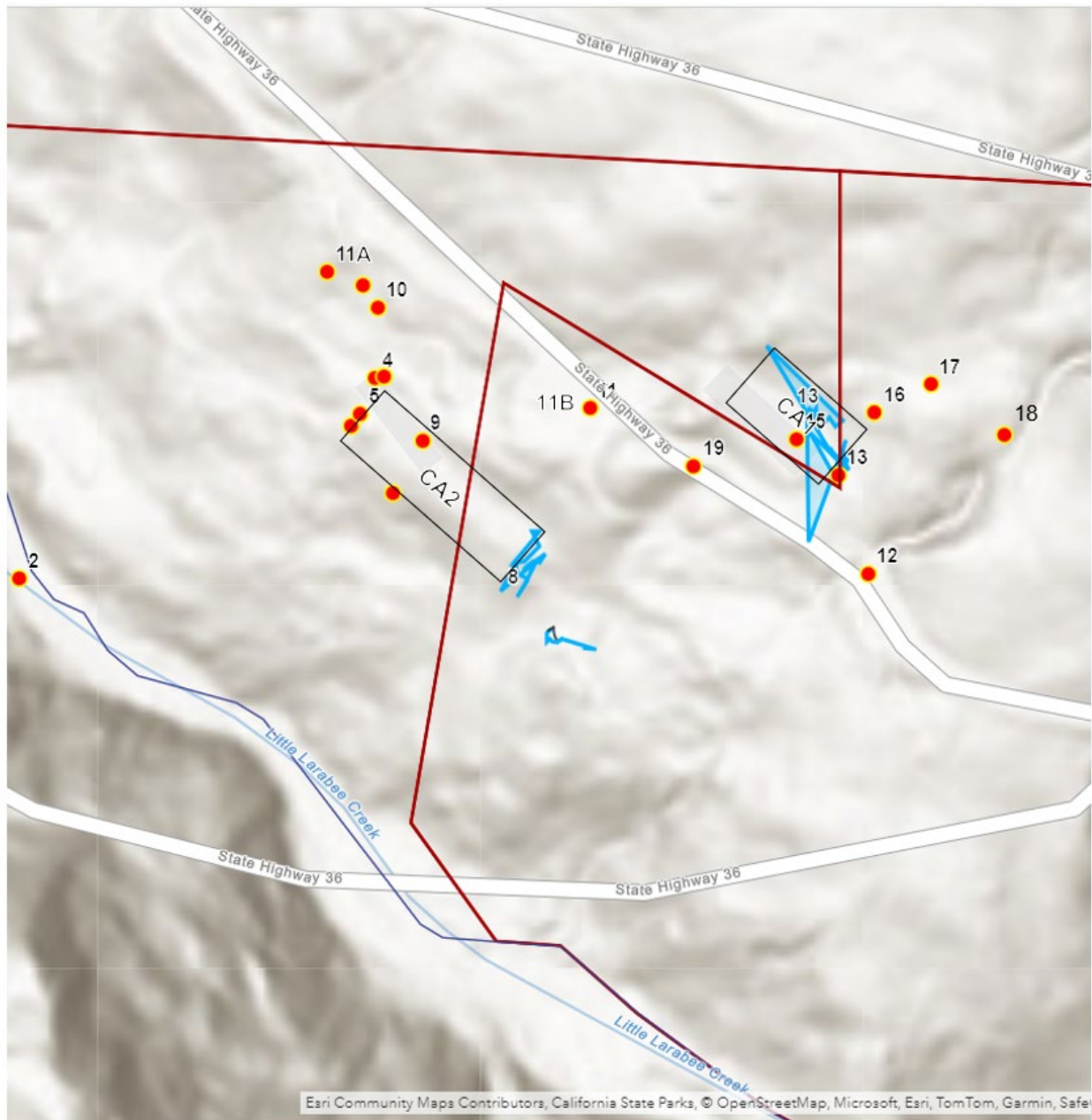






Figure 3. Inspection map with location of points and lines discussed in text.



*Figure 4. The overall setting appears wet with persistent moisture, supporting hydrophitic vegetation including willows, juncus, penny royale. The broader hillside has emergent water that are daylighted as seeps in excavations. Due to the layout of the site, the access road bisects the cultivation areas and poses challenges to both road and cultivation area drainage.*





*Figure 5. Point 1. Cultivation area CA2.*





*Figure 6. Point 2 – surface water diversion with gas pump in Little Larabee Creek.*



*Figure 7. Gas pump on stream at Point 2 on Little Larabee Creek.*





*Figure 8. Point 2.  
Surface water diversion.*



*Figure 9. Point 2.  
Surface water diversion  
intake in Little Larabee  
Creek.*



*Figure 10. Point 2.  
Surface water diversion  
intake screen.*



*Figure 11. Water line up trail from creek.*



*Figure 12. Point 3. Water bar needs to be reinforced.*





*Figure 13. Point 4. Driveway to CA2 is steep and lacks drainage; stormwater runoff is concentrated into the cultivation and storage area.*





*Figure 14. Point 4. Road drainage into CA2.*



*Figure 15. Point 4. Road drainage into CA2.*





*Figure 16. Point 5. Potting soil improperly disposed of on the fill slope of the graded flat at CA2.*



*Figure 17. Point 5. Potting soil disposed of on fill slope of CA2.*





*Figure 18. Fill slope at CA2.*



*Figure 19. Fill slope at CA2.*





*Figure 20. Fill slope of CA2 with two foot vertical displacement of the fill.*



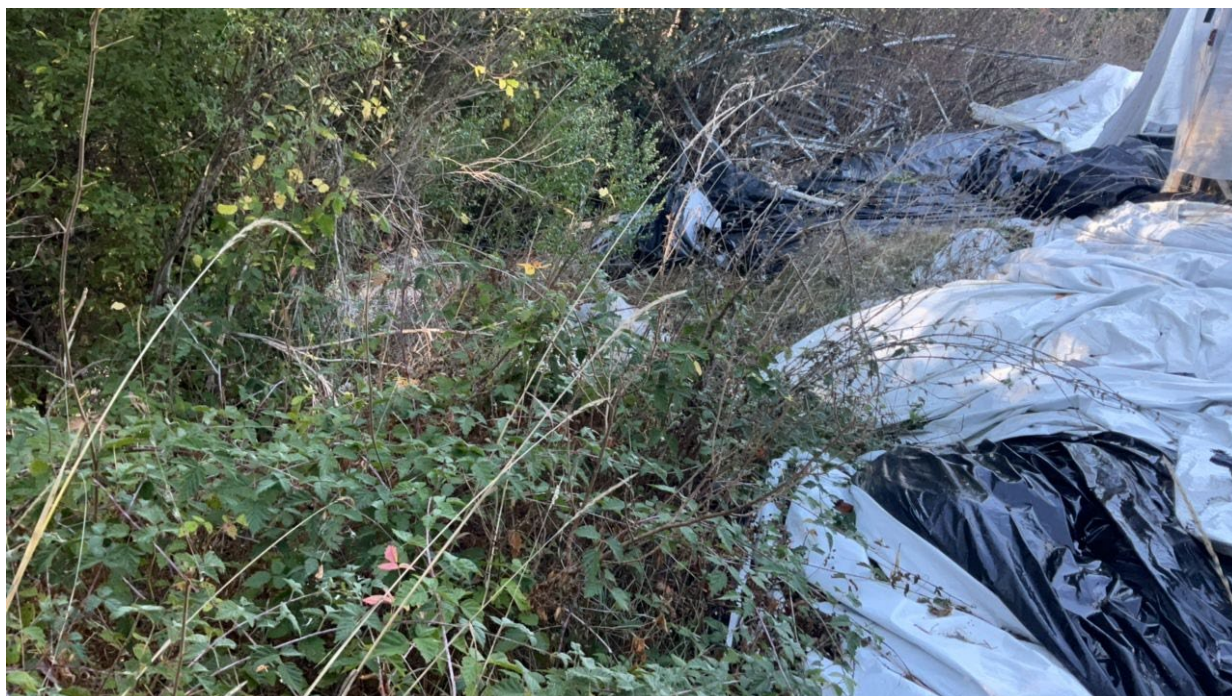
*Figure 21. CA2 with vertical displacement of fill slope.*





*Figure 22. Refuse from CA2 is accumulated at the edge of the 50 foot setback to the Class III watercourse.*





*Figure 23. Refuse from CA2 is accumulated at the edge of the 50 foot setback to the Class III watercourse.*



*Figure 24. Refuse from CA2 is accumulated at the edge of the 50 foot setback to the Class III watercourse.*

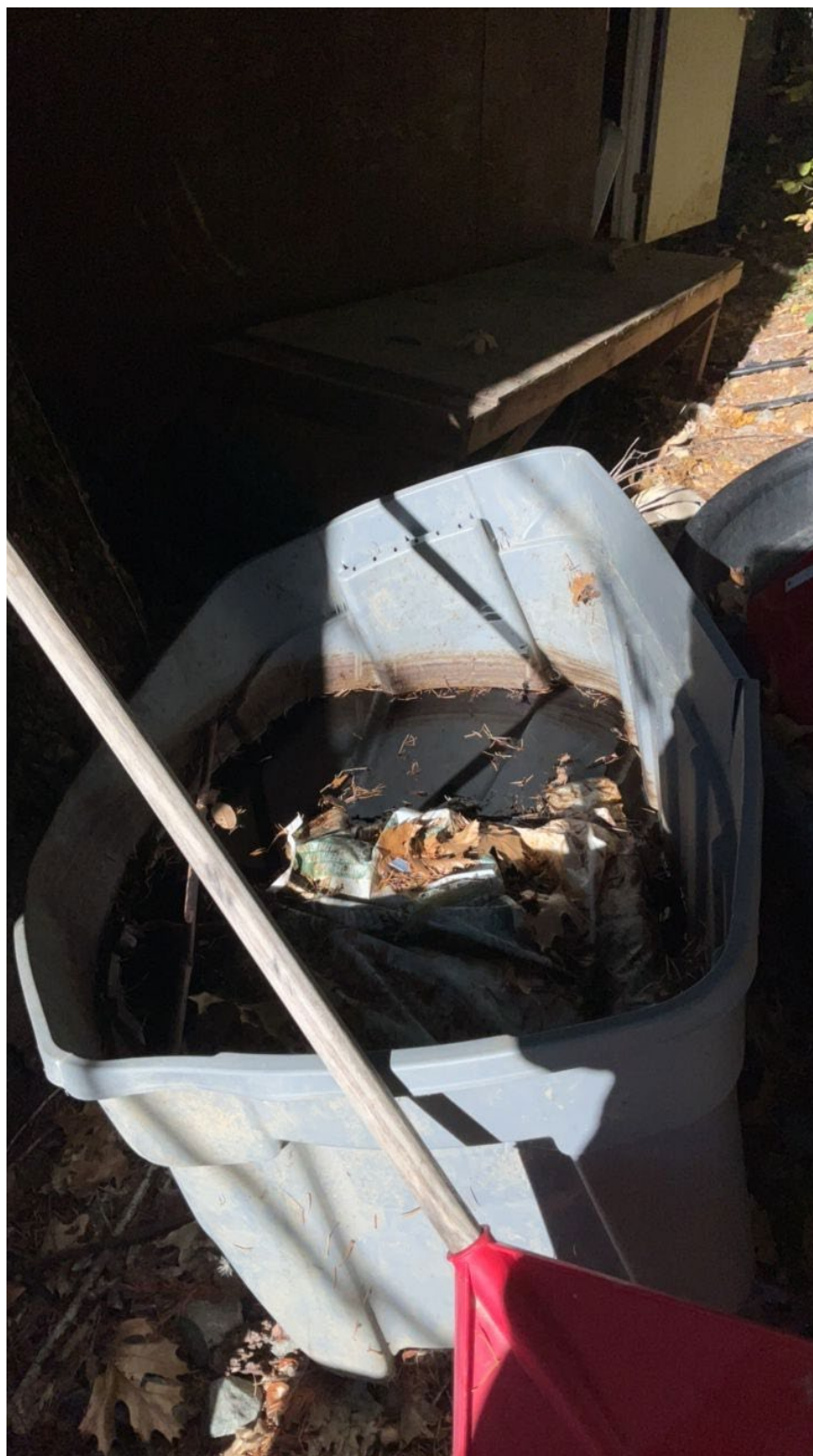




*Figure 25. Point 9. Willow and pennyroyal along the cutbank in the disturbed area of CA2.*



*Figure 26. Point 9. Pennyroyal in cultivation area CA2.*



*Figure 27. Point 10. Open tote of waste oil, located on a slope.*





*Figure 28. Point 11A. Plastic remnants from old erosion control measures remain on the landscape.*



*Figure 29. Point 11B. Juncus and willow near cultivation area CA1.*





*Figure 30. Class III watercourse upstream of road crossing at Point 12.*





*Figure 31. Point 12. The stream crossing is undersized and comprised of two stacked box pipes.*



*Figure 32. Point 12. The stream crossing is undersized and comprised of two stacked box pipes.*





*Figure 33. The access road ditch and rilled road surface poses threat of sediment delivery to the stream crossing at Point 12.*



*Figure 34. Well located at Point 13, within the cultivation area CA1. The well was unplugged.*



*Figure 35. Point 14. Generator located in CA1 within a kiddie pool.*





*Figure 36. Point 15. CA1.*



*Figure 37. Point 15. CA1. View to access road.*





*Figure 38. Point 16. The surface water diversion line from Point 2 connects to water storage tanks above CA1 at Point 16 and appears to be used to irrigate.*



*Figure 39. Point 16. The surface water diversion line from Point 2 connects to water storage tanks above CA1 at Point 16 and appears to be used to irrigate.*





*Figure 40. Point 17. Water tank located near setback from Class III watercourse.*





*Figure 41. Remnant of pool within setback from Class II watercourse at Point 18.*



*Figure 42. Point 18. Top of bank of Class III watercourse.*





*Figure 43. Metal rings in bed of watercourse at Point 18.*



*Figure 44. Trailer at point 20.*





*Figure 45. Point 20. Trash within inside ditch of road.*

**-FIELD NOTICE-**  
**WATER QUALITY VIOLATIONS**

NORTH COAST REGIONAL WATER QUALITY CONTROL BOARD STAFF HAVE  
OBSERVED CERTAIN VIOLATIONS OF THE CALIFORNIA WATER CODE RELATED  
TO WATER QUALITY AND CANNABIS CULTIVATION ON THIS PROPERTY.

**I. Inspection Information**  
Date: October 24, 2024  
Owner: Michael Whitney  
Address: Adona White  
Inspector: Adona White  
Operator: Michael Whitney  
APN: 208-111-028

**II. California Water Code Violations**  
☒ Water Code section 13260. Commercial cannabis cultivation without regulatory coverage, verified through California Integrated Water Quality System (CIWQS) database.  
☒ Water Code 13264. Actual discharges of waste without regulatory coverage or material changes to existing authorized waste discharge activities without regulatory coverage. See Box III.  
Per California Health and Safety Code 11358(d)(3)(B), violation of Water Code sections 13260 or 13264 while cultivating more than six cannabis plants may subject you to imprisonment. Violation of Water Code sections 13260 or 13264 may also subject you to fines of up to \$1,000/day. See reverse for code text.

**III. Unauthorized or Threatened Discharges to Waters of the State Observed**

Actual Discharge	Threatened Discharge	Brief description and location of actual discharges only.
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Sediment (roads or disturbed area)
<input type="checkbox"/>	<input type="checkbox"/>	Refuse, debris, or household waste
<input type="checkbox"/>	<input type="checkbox"/>	Wastewater
<input type="checkbox"/>	<input type="checkbox"/>	Fertilizers and/or pesticides
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Soils and/or potting material
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Petroleum
<input type="checkbox"/>	<input type="checkbox"/>	Other

Notes: pump on creek, potting soil inadequately stored, disposed of stream crossing undersized, road-related threatened & actual discharges plastic waste, disturbed area in riparian setback

Unauthorized discharges of waste as defined in Water Code section 13050 may subject you to fines of up to \$5,000/day per violation, pursuant to Water Code section 13350. See reverse for code text.

**IV. Actions to be taken:**  
You are hereby provided notice of these violations and the need to resolve them. Please contact Adona White at adona.white@waterboards.ca.gov or (707) 576-2672, within 72 hours to discuss your intentions to correct these violations.

**Please note:** The violations outlined in this notice are not a description of all recorded Water Code violations on the property. You will receive a complete Inspection Report and Notice of Violation in approximately 30 days. Additional actions may also be required to address violations documented by other local or state departments/agencies. You must comply with all applicable requirements for cleanup activities which may require permits. Failure to obtain applicable permits and comply with applicable requirements may subject you to additional violations and enforcement action.

Inspector Signature: [Signature] Date: 10/24/24  
Delivery Method of Notice: left onsite

Figure 46. Field notice left onsite at end of inspection of the Property.



*Table 1. Remediation table from 2018 SMP, prepared by Green Roads Consulting. Of the issues identified, it appears that many have not yet been completed.*

Map Point (MP)	Topic	Issue	Remediation Measure	Treatment Priority	Expected Completion Date	Actual Completion Date
MP1	Stream Crossing Maintenance	Two square pipes convey a Class II watercourse under an access road. The crossing is undersized, and unarmored.	Replace with a culvert sized to pass the 100-yr storm event armor fill faces.	High	October 2019 Dependent on permitting from CDFW	
MP1, MP2, MP3	Erosion, drainage and Sediment Control	Poor road drainage with potential to deliver sediment to watercourses.	Outslope and rock armor access roads with periodic rolling dips (or install more frequent DRC's), disconnect DRC from watercourse, decommission legacy skid roads.	High	June 2019	
NA	Water Storage and Use	The site has insufficient water storage to meet the forbearance period.	Increase water storage. GRC estimates a minimum of 200,000 gallons of storage is necessary. Alternatively, install well.	High	February 2018	
MP4	Petroleum Products and other chemicals	Generator lacks secondary containment.	Install drip pan and cover.	Moderate	July 2018	
MP5	Cultivation Soil	Cultivation soil did not have appropriate containment or cover.	Cultivation soil will be stored with perimeter controls and a cover.	Moderate	July 2018	
MP6, MP7	Water Storage and Use	Water Bladder without adequate containment.	Create secondary containment minimum of 110% of bladder volume	Moderate	October 2019	
MP8	Riparian Setbacks	Water storage tanks within the minimum setback requirements	Relocate water tanks	Low	October 2018	

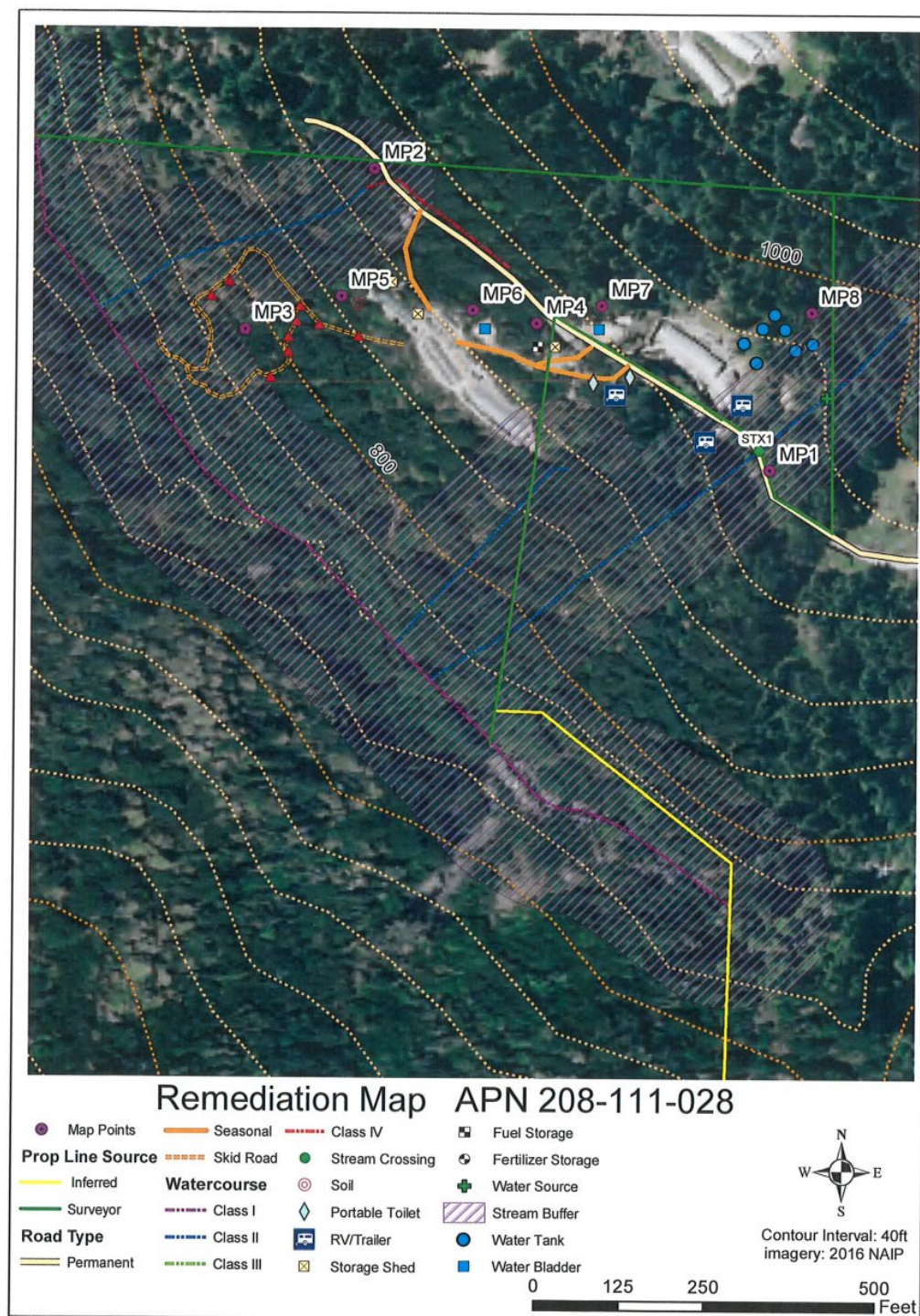


Figure 47. Remediation map from 2018 SMP for the Property, corresponding to features in Table 1.