



**TRINITY COUNTY**  
**COMMUNITY DEVELOPMENT SERVICES**  
BUILDING ♦ PLANNING ♦ ENVIRONMENTAL HEALTH  
P.O. BOX 2819, WEAVERVILLE, CALIFORNIA 96093  
PHONE (530) 623-1351 ♦ FAX (530) 623-1353

**Kim Hunter, Director**

**MEMORANDUM**

DATE: May 21, 2020  
TO: Members of the Planning Commission  
FROM: Kim Hunter, Director of Building & Planning  
SUBJECT: Agenda Item 4 – Annual Initial Variance (CCV-19-63)

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Please see the attached response regarding this annual initial variance from applicant Sor Xiong's authorized agent, Flowra.

## Reply to Opposition for Variance Application No. CCV-19-63 – Sor Xiong

This variance application has had two separate letters of opposition sent into Trinity County Planning department. Both letters contain not only barefaced, but also largely untrue, assertions unrelated to the actual variance request. The flaws in these arguments are highlighted below.

Starting with the letter from Mr. Hennis, his first point is the only one that rings true: the variance application asks for permission for the applicant's garden to be located within 350 feet of a neighbor's permitted dwelling, pursuant to (Commercial Cannabis Cultivation Ordinance 315-843 section 5(a)viii). The remainder of Mr. Hennis' arguments are neither based in fact, nor even remotely close to correct. While his additional arguments are irrelevant to the question at hand, we will address them factually.

When looking to approve a variance application, Commissioners are asked to take the facts into consideration, which include the following:

One of the first points of Mr. Hennis' argument revolves around water availability, usage, and his questions regarding the legitimacy of the source itself. This property was issued a final well permit in 2017 [see Attachment A]. The local well permitting process with Trinity County Environmental Health (TCEH) includes a Well Completion Report that shows the depth and gallons per minute of 150 feet and 3 gallons per minute meet Trinity County's Cannabis Cultivation requirements of 100 feet deep and 3 gallons per minute [see Attachment A]. A final well permit by TCEH are the only requirements commercial cannabis cultivation applicants must meet (Ordinance 315-843, 3(a)vii). The notion that this well does not meet proper setbacks is moot since TCEH issued a final well permit. Mr. Hennis has not included his own well permit, which TCEH obviously has access to and presumably would have flagged had it been too close to the applicant's permitted well.

The next point in Mr. Hennis' argument revolves around deeded access and who has the right to that access. According to Trinity County Recorder's records, one easement was officially recorded in 1993 to this applicant's property [see Attachment B]. The deeded easement is for the road that directly accesses Mr. Hennis' home, noted in the report and shown in Figures 1 and 2. What Mr. Hennis failed to mention in his letter is his unpermitted cultivation area that uses an easement **not** included in the deed, as shown below in Figures 3 and 4.

Figure 1



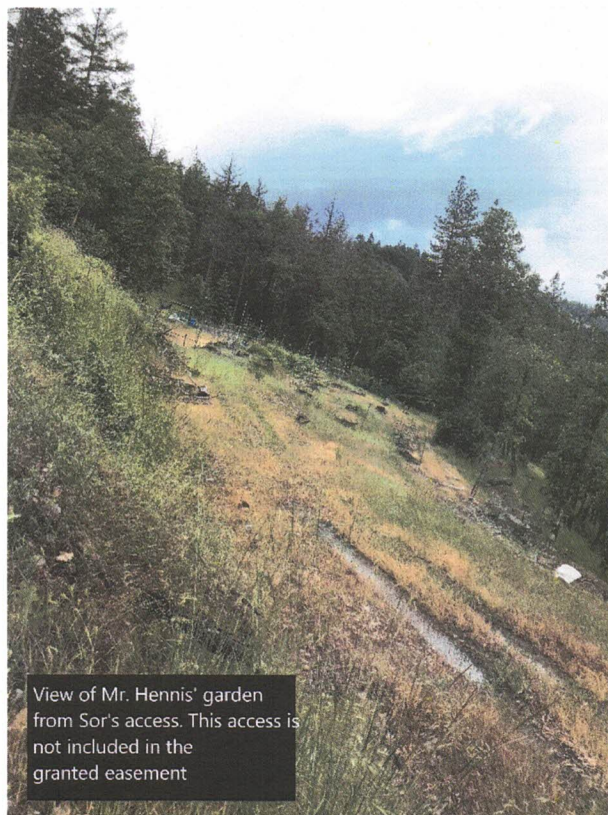
Figure 2



Figure 3



Figure 4



The only road that is granted to Mr. Hennis to use is the direct access road to his home [see Attachment B]. Not only is Mr. Hennis currently crossing the applicant's property to access an unpermitted cultivation area, there is also a dumping ground downhill from his site, still on the applicant's property, as shown in Figure 5.

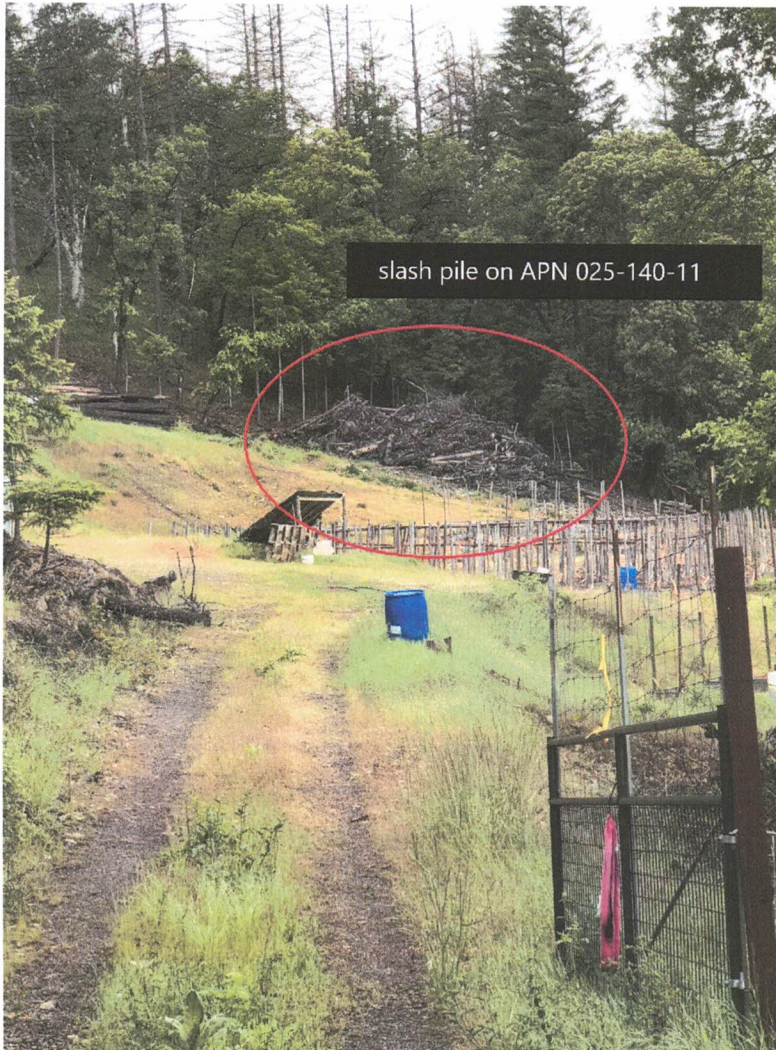
**Figure 5**



This is the area that is proposed to be fenced off, that is mentioned in Mr. Hennis' letter, so that the applicant does not have to worry about fines for illegal dumping. Mr. Hennis does **not** have legal access to this part of the applicant's property, thus has no legal standing to make the argument that it cannot be fenced off. If anything, these are civil matters that are not germane to the variance request.

Another objection from Mr. Hennis claims illegal activity on APN 025-140-11. This is not the applicant's property, nor do they cultivate or participate in *any* activity on this APN. As shown in Figure 6 below, whoever is on this parcel is not only illegally accessing it from applicant's property, but they've also cleared trees apparently without a 3 Acre Conversion Permit as proven by the slash piles on the property that go against CALFire guidelines (14 CCR 1104 et.seq.)

Figure 6



In regards to the second letter submitted by Mr. Giassullo, he too had one valid point: issues in his letter that are raised are ones of a civil matter and should not be heard nor considered in this variance application. His argument regarding lack of access to his property if the applicant fences off the portion being used as a dumping ground is not valid as this is the applicant's property, and does not affect the currently recorded easement.

Additionally, this commercial cannabis cultivation site meets the CEQA Categorical Exemption Class 1 requirements of an Existing Facility (CEQA Guidelines Section 15301). If this variance is not granted, and the applicant is forced to move their cultivation outside of the 350 foot setback, greater disturbance and impact will occur through the development required to do so.

This would negate the Class 1 exemption, forcing additional development and greater environmental impact.

This variance application should be granted, and consequently county licensing issued. Mr. Hennis' claims are not tenable, as shown throughout this document. This variance applicant has, and continues to, abide by all required local and state regulations. Current and valid licenses held include licenses from California Department of Food and Agriculture (CCL19-0005027 – Attachment C), California Department of Fish and Wildlife (Notification No. 1600-2019-0360 – Attachment D) , and State Water Resources Control Board's Cannabis State General Order (1\_53CC414144 – Attachment E). Additionally, per CDFA regulations, this license is registered with METRC Track & Trace, and holds valid records of their operation.

We appreciate the Commission's consideration to the facts of the case, as well as consideration to all steps of the legal licensing process having been fulfilled. We ask that the Commission grant this variance application to avoid greater environmental impact, and to allow a local license to an applicant that has completed all steps required with local and state agencies.

Sincerely,



Flowra, Consultant for Sor Xiong

# Attachment A

## Notice of Final Inspection

Trinity County Building and Development Services Department  
Environmental Health Division  
P.O. Box 476  
Weaverville, CA 96093  
530-623-1459

**ASSESSOR PARCEL NUMBER (APN): 025-140-32-00**

**PROPERTY OWNER(S):**

**MAILING ADDRESS:**

**PHYSICAL LOCATION:**

27 Logcabin LN., Douglas City, CA

**PROJECT FINAL: PERMIT NO. WP2016-016**

ONSITE SEWAGE DISPOSAL SYSTEM  NEW  REPAIR LEACH FIELD SIZE:

BEDROOMS APPROVED:

TANK SIZE/STYLE:

WELL CONSTRUCTION:  NEW  REPAIR WELL DEPTH/WIDTH: 180feet/4 in.  
ANNULAR SEAL DEPTH: 20ft. MATERIALS: NH Bentonite, 0 to 180 feet PVC

PUBLIC POOL/SPA:  NEW  REPAIR WELL DEPTH/WIDTH:

FOOD FACILITY:  NEW  REPAIR

**DATE OF FINAL:** 09/14/2016

**INSPECTED/FINALED BY:**

**WORK PERFORMED BY:** Lingemann Well Drilling

**CONSTRUCTION DETAILS:** Yield 3 GPM

**ADDITIONAL COMMENTS:**

**COPY PROVIDED TO:**

- OWNER
- ASSESSOR
- BUILDING
- PLANNING
- OTHER \_\_\_\_\_





Attachment B

3070

RECORDED AT REQUEST OF

Hammer

ORIGINAL FILED  
AUG 12 1993  
BILLIE A. MILLER  
TRINITY COUNTY CLERK

1 DAVID R. HAMMER  
2 ATTORNEY AT LAW  
3 P. O. Box 1091  
4 Weaverville, CA 96093  
(916) 623-2661  
State Bar No. 63352

AUG 17 1993

BILLIE A. MILLER  
TRINITY COUNTY RECORDER

5 Attorney for DAVID and EMMA JEAN DOLLASE

TOTAL 17<sup>00</sup> Arri 5<sup>00</sup>  
Fee 7<sup>00</sup> Lien  
Micro 7<sup>00</sup> T. Tax 4<sup>00</sup>

8 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 IN AND FOR THE COUNTY OF TRINITY

11 DAVID DOLLASE and EMMA JEAN )  
12 DOLLASE, )  
13 Plaintiffs, )  
14 v. )  
15 RALPH E. BERTSCHE and )  
16 BONNIE BERTSCHE, )  
17 Defendants. )

CASE NO. 91CV 090  
JUDGMENT

18 This matter came on regularly for trial on January 15, 1993,  
19 before the Honorable Kenneth M. Eymann, Judge, assigned.  
20 Plaintiffs appeared with their attorney William R. Neill.  
21 Defendants appeared with their attorney James Woodward. Both  
22 oral and documentary evidence was introduced. The matter was  
23 submitted and a tentative decision was rendered on January 22,  
24 1993, and amended March 15, 1993.

25 Subsequent to the rendering of the tentative decision, the  
26 parties negotiated a settlement to resolve real property issues  
27 not presented at trial nor addressed by the tentative decision.  
28 Upon consideration of the stipulation filed for entry of this

BOOK 0323 PAGE 770 1

ENTERED 1993  
BY 24  
PAGE 671-675 13 8640

1 judgment, and upon the evidence presented,

2 IT IS ORDERED, ADJUDGED, AND DECREED that:

3 1. The coterminous boundary line being the northerly line  
4 of plaintiffs' property and the southerly line of defendants'  
5 property is described as follows:

6 Beginning at the Northwest corner of the Southeast  
7 quarter of the Northeast quarter of the North: st  
8 quarter of the Southeast quarter of Section 33 from  
9 which the 5/8" rebar monument marked LS 3577 which was  
10 set to mark the Northwest corner of Parcel 1 as shown  
11 on the Parcel Map for Walter Lehman Filed in Book 7 of  
12 Maps and Surveys at Page 33, Trinity County Records  
13 bears N. 69°38'18" E., 75.12 feet distant; thence

14 (1) N.79°19'27" E. along the north line of  
15 said Southeast quarter of the Northeast  
16 quarter of the Northwest quarter of the  
17 Southeast quarter 143.71 feet to a  
18 point; thence

19 (2) S.55°26'21" E., leaving said North  
20 line, 57.63 feet to a point on a line  
21 which is parallel with said North line.  
22 Said parallel line passes through a  
23 point which lies 10 feet Southwesterly  
24 of the Southerly corner of an A-frame  
25 building (which existed on said land in  
26 March, 1993) on the Southwesterly  
27 projection of the line of the  
28 Southeasterly wall of said building;

TRINITY COUNTY

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thence

(3) N.79°19'27" E. on said parallel line  
284.42 feet to the end of this  
description on the East line of Parcel  
2 as shown on the Parcel Map for Walter  
Lehman Filed in Book 7 of Maps and  
Surveys at Page 33, Trinity County  
Records.

2. Defendants Ralph E. Bertsche and Bonnie Bertsche shall  
deed to plaintiffs David Dollase and Emma Jean Dollase a strip  
of land to the south of plaintiffs' existing parcel described as  
follows:

All that portion of the Northeast quarter of the  
Southeast quarter of the Northwest quarter of the  
Southeast quarter of Section 33, Township 33 North,  
Range 9 West, M.D.M. in Trinity County, California  
described as follows:

Beginning at the Northeast corner of said Northeast  
quarter of the Southeast quarter of the Northwest  
quarter of the Southeast quarter of Section 33; thence

(1) S.1°28'01" E. along the east line of  
said Northeast quarter of the Southeast  
quarter 207.73 feet to a point; thence

(2) S.79°13'49" W., leaving said East line,  
398.12 feet parallel with the North line of  
said Northeast quarter of the Southeast  
quarter of the Northwest quarter of the  
Southeast quarter to a point on the West

1 line of said Northeast quarter of the  
2 Southeast quarter of the Northwest quarter  
3 of the Southeast quarter; thence  
4 (3) N.2°05'39" W. along said West line  
5 207.37 feet to the Northwest corner of said  
6 Northeast quarter of the Southeast quarter  
7 of the Northwest quarter of the Southeast  
8 quarter; thence  
9 (4) N.79°13'49" E., along said North line  
10 400.42 feet to the Point of Beginning.

11 Said parcel shall be appurtenant to Parcel 2 as shown on the  
12 Parcel Map recorded November 29, 1973 in Maps and Surveys at page  
13 33 in the Office of the County Recorder of Trinity County,  
14 California.

15 Plaintiffs shall obtain a Lot Line Adjustment for said  
16 conveyance to which defendants shall consent.

17 3. Defendants shall pay the cost of monumenting the  
18 boundary line described in paragraph 1 above and plaintiffs shall  
19 pay the costs of monumenting the boundary line of the property  
20 to be deeded to them described in paragraph 2 above. The  
21 surveyors' monuments shall be installed by August 31, 1993.

22 4. Neither party shall be awarded damages.

23 5. Plaintiffs are permanently enjoined from maintaining  
24 a drainage ditch which discharges rain water accumulating on  
25 plaintiffs' property onto defendants' property by the ditch  
26 previously dug by plaintiffs.

27 6. Jurisdiction of the Court as to personal property  
28 issues is reserved.

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7. Each party shall bear their own costs of suit.

Dated: 8-7-93 KENNETH Eymen Ret.  
JUDGE OF THE SUPERIOR COURT

Approved as to form and content:

Dated: 7/27/93 William R. Neill  
WILLIAM R. NEILL, Attorney for  
Plaintiffs

Dated: JULY 27, 1993 James Woodward  
JAMES WOODWARD, Attorney for  
Defendants

Dated: July 27, 1993 David R. Hammer  
DAVID R. HAMMER, Attorney for  
Plaintiffs

MINISTRY  
COURTS

BOOK 0323 PAGE 774

END OF DOCUMENT

The foregoing is a correct copy of the original instrument on file in this office.

AUG 17 1993

ALLEN  
KRISTA HYMAS  
CLERK AND EX OFFICIO CLERK  
OF THE SUPERIOR COURT OF THE  
COUNTY OF TRINITY, STATE OF  
CALIFORNIA

Krista Hymas  
CLERK

EXHIBIT A

That real property situated in the County of Trinity, State of California, described as follows:

All that portion of the Southeast quarter of the Northeast quarter of the Northwest quarter of the Southeast quarter of Section 33, Township 33 North, Range 9 West, M.D.M., in Trinity County, California, described as follows:

Beginning at the Northwest corner of said Southeast quarter of the Northeast quarter of the Northwest quarter of the Southeast quarter from which a 5/8" rebar monument marked LS 3577 which was set to mark the Northwest corner of Parcel 1 as shown on the Parcel Map for Walter Lehman, filed in Book 7 of Maps and Surveys at page 33, Trinity County Records, bears North 69°38'18" East, 75.12 feet distant; thence

- 1) North 79°19'27" East along the North line of said Southeast quarter of the Northeast quarter of the Northwest quarter of the Southeast quarter 143.71 feet to a point; thence
- 2) South 55°26'21" East, leaving said North line, 57.63 feet to a point on a line which is parallel with said North line. Said parallel line passes through a point which lies 10 feet Southwesterly of the Southerly corner of an A-frame building (which existed in March, 1993) on the Southwesterly projection of the line of the Southeasterly wall of said building; thence
- 3) North 79°19'27" East on said parallel line 91.66 feet to a point on the East line of said Parcel 1 of said Walter Lehman Parcel Map from which the 5/8" rebar monument tagged LS 3577 marking the Northeast corner of said parcel bears North 0°10'54" East, a distance of 49.97 feet; thence
- 4) South 0°10'54" West a distance of 291.15 feet to a 5/8" rebar monument tagged LS 3577 marking the Southeast corner of said Parcel 1; thence
- 5) continuing South 0°10'54" West, a distance of 7.77 feet to the South line of said Southeast quarter of the Northeast quarter of the Northwest quarter of the Southeast quarter; thence
- 6) South 79°13'49" West along said South line 270.55 feet to the Southwest corner of said Southeast quarter of the Northeast quarter of the Northwest quarter of the Southeast quarter; thence
- 7) North 2°05'39" West along the West line of said Southeast quarter of the Northeast quarter of the Northwest quarter of the Southeast quarter 328.78 feet to the POINT OF BEGINNING.

TOGETHER WITH the right to construct and maintain a road not to exceed 20 feet in width across the above described property. Said road to be built within the Southerly 100 feet of said property. Grantee, his heirs and assigns hereby covenant with Grantor at all times hereafter to hold the Grantor free of any responsibility for maintenance or repairs of said private road. The two parties shall use the right of way with due regard to the rights of others, to its use, as reserved in the deed to Joseph F. Meyers, et ux, recorded January 3, 1973 in book 156 of Official Records page 1077.

ALSO TOGETHER WITH a non-exclusive easement for ingress, egress and utilities along the existing roadway crossing the Southwest corner of the South half of the Northwest quarter of the Northeast quarter of the Southeast quarter of Section 33, Township 33 North, Range 9 West, M.D.B.&M., according to the official plat thereof, as conveyed in the deed to David Dollase, et al, recorded December 3, 1986 in book 263 of Official Records page 735.

BOOK 0325 PAGE 350

END OF DOCUMENT

RECORDING REQUESTED BY

AND WHEN RECORDED MAIL TO

Name Philip A. Hennis, et al  
Street Address P.O. Box 57  
Douglas City, CA 96024

City & State

MAIL TAX STATEMENTS TO

Name  
Street Address as above  
City & State

4120'

RECORDED AT REQUEST OF  
TRINITY COUNTY TITLE COMPANY

OCT 19 1993

10:07 am  
DENO D. FORSLUND  
TRINITY COUNTY RECORDER

TOTAL 104<sup>25</sup> Amt 2<sup>00</sup>  
Fee 4<sup>00</sup> Lien  
Micro 1 T. Tax 96<sup>25</sup>

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Individual Grant Deed

AP#25-140-33

The undersigned grantor(s) declare(s):  
Documentary transfer tax is \$ 96,250  
(X) computed on full value of property conveyed, or  
( ) computed on full value less value of liens and encumbrances remaining at time of sale.  
( ) Unincorporated area: ( ) City of \_\_\_\_\_, and

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,  
EMMA JEAN DOLLASE, a married woman;

hereby GRANT(S) to PHILIP A. HENNIS and ELIZABETH J. HENNIS, husband and wife;  
and CHRISTOPHER D. HENNIS, an unmarried man, all as Joint Tenants

the following described real property in the  
County of Trinity State of California:

FOR DESCRIPTION SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

PHILIP A. HENNIS and ELIZABETH J. HENNIS, hereby accept the interest  
herein conveyed to them as Joint Tenants with Christopher D. Hennis.

*Philip A. Hennis* Elizabeth J. Hennis  
Philip A. Hennis Elizabeth J. Hennis

Dated: October 12, 1993

*Emma Jean Dollase*  
Emma Jean Dollase

STATE OF CALIFORNIA  
COUNTY OF Trinity } ss.

On October 12, 1993 before  
me, the undersigned, a Notary Public in and for said State,  
personally appeared Philip A. Hennis &  
Elizabeth J. Hennis & Emma Jean Dollase--

personally known to me (or proved to me on the basis of satisfactory  
evidence) to be the person(s) whose name(s) is/are subscribed to the  
within instrument, and acknowledged to me that he/she/they ex-  
ercised the same in his/her/their authorized capacity(ies), and that by  
his/her/their signature(s) on the instrument the person(s), or the  
entity upon behalf of which the person(s) acted, executed the  
instrument.

WITNESS my hand and official seal.

*[Signature]*



0325 PAGE 349  
(This area for Official notary seal)

Title Order No. Escrow or Loan No. #41458/237

MAIL TAX STATEMENTS AS DIRECTED ABOVE

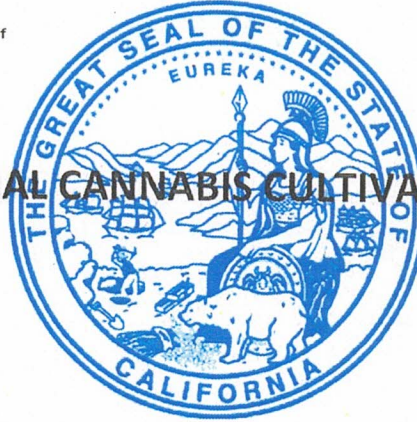


# Attachment C



CALIFORNIA DEPARTMENT OF  
FOOD & AGRICULTURE

California Department of Food and Agriculture  
1220 N Street  
Sacramento, CA 95814



## PROVISIONAL CANNABIS CULTIVATION LICENSE

legal Business Name:

Sor Xiong

Premises APN:

Trinity County - 025-140-32-00

Premises Address:

27 log Cabin Ln.

Unincorporated, CA 96024

**Valid:**

01/14/2020 to 01/13/2021

license Number:

CCL19-0005027

license Type:

Adult-Use-Small Outdoor

---- NON-TRANSFERABLE----

----POSTIN PUBLIC VIEW----



State of California - Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
Region 1 - Northern  
601 Locust Street  
Redding, CA 96001  
(530) 225-2300  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

GAVIN NEWSOM, Governor  
CHARLTON H. BONHAM, Director



June 12, 2019

Sor Xiong  
PO Box 331  
Douglas City, CA 96024

Dear Sor:

**Subject: Refund for Notification of Lake or Streambed Alteration, Notification No. 1600-2019-0360-R1, Trinity County APN 025-140-32-00**

The California Department of Fish and Wildlife (Department) has reviewed your Lake or Streambed Alteration Notification (Notification), dated May 6, 2019. Your Notification includes, but is not limited to, the following information: a small outdoor commercial cannabis cultivation project utilizing a 347 foot deep groundwater well yielding more than 3 gallons per minute. Your Notification indicates there are no activities subject to the notification requirements of Fish and Game Code (FGC) section 1602 on the parcel.

The Department has determined that your project as proposed is not subject to the notification requirement in FGC section 1602. For that reason the Department will be issuing you a refund for \$596.00 to the applicant address provided in your Notification.

Please note that if you change your project you will need to submit a new Notification and corresponding fee to the Department if your modified project will do any of the following:

- Divert or obstruct the natural flow of any river, stream, or lake
- Change the bed, channel, or bank of any river, stream, or lake
- Use material from any river, stream, or lake
- Deposit or dispose of material into any river, stream, or lake

In addition, while your project as proposed in your Notification is not subject to the notification requirements of FGC sections 1602, you are still responsible for complying with other applicable local, state, and federal laws. These include FGC sections 5650 and 5652 which make it unlawful to pollute waters of the state. FGC section 5650 makes it unlawful to deposit in, permit to pass into, or place where it can pass into waters of the state any substance or material deleterious to fish, plant life, mammals, or bird life, including, but not limited to gasoline and oil, as well as sediment. FGC section 5652 makes it unlawful to deposit in, permit to pass into, or place where it can pass into waters of the state, or to abandon, dispose of, or throw away, within 150 feet of the high water mark of the waters of the state, any garbage, refuse, or waste, among other materials. A person who violates FGC sections 1602, 5650, and 5652 in conjunction

Sor Xiong  
June 12, 2019  
Page 2

with the cultivation or production of cannabis is subject to significant penalties or fines. Specifically, the Department may impose civil penalties administratively against any person found by the Department to have violated these FGC sections in connection with the production or cultivation of cannabis following a complaint and, if requested, a hearing.

Other statutes in the FGC that might apply to your activity, include, but not limited to the following sections: 2080 et seq. (species listed as threatened or endangered, or a candidate for listing under the California Endangered Species Act); 1908 (rare native plants); 3511, 4700, 5050, and 5515 (fully protected species); 3503 (bird nests and eggs); 3503.5 (birds of prey); 5901 (fish passage); 5937 (sufficient water for fish); and 5948 (obstruction of stream), and the requirements set forth in the Forest Practice Act (Pub. Resources Code, § 4511 et seq.) for projects on private timberlands.

If you have questions regarding this letter, please contact Kate Blanchard, Senior Environmental Scientist, Specialist at (530) 225-2239 or by email at [Katherine.Blanchard@wildlife.ca.gov](mailto:Katherine.Blanchard@wildlife.ca.gov).

Sincerely,



Adam McKannay  
Interior Cannabis and Conservation Planning Supervisor

ec: Marinda Cokeley  
Flowra  
[marinda@theflowraplatform.com](mailto:marinda@theflowraplatform.com)

Kate Blanchard  
California Department of Fish and Wildlife  
[Katherine.Blanchard@wildlife.ca.gov](mailto:Katherine.Blanchard@wildlife.ca.gov)

Leslie Hubbard  
Trinity County Planning Department  
[lhubbard@trinitycounty.org](mailto:lhubbard@trinitycounty.org)

North Coast Regional Water Quality Control Board  
[NorthCoast.Cannabis@Waterboards.ca.gov](mailto:NorthCoast.Cannabis@Waterboards.ca.gov)



North Coast Regional Water Quality Control Board

June 4, 2019

WDID:1\_53CC414144

SOR XIONG  
PO BOX331  
DOUGLAS CITY, CA 96024

Subject: Notice of Applicability - Waste Discharge Requirements Water  
Quality Order WQ 2019-0001-DWQ

The attached Notice of Applicability provides notice that the requirements of the State Water Board *Cannabis Cultivation Policy- Principles and Guidelines for Cannabis Cultivation* (Policy), and the *General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities*, Order WQ 2019-0001-DWQ (General Order - previously WQ 2017-0023-DWQ, with updates and revisions effective April 16, 2019) are applicable to the site as described below. Based on the information provided, the Discharger self-certifies the cannabis cultivation activities are consistent with the requirements of the State Water Board Policy and General Order.

Please direct all submittals, discharge notifications, and questions regarding compliance and enforcement to the North Coast Regional Water Quality Control Board Cannabis Program at (707) 576-2676 or [northcoast.cannabis@waterboards.ca.gov](mailto:northcoast.cannabis@waterboards.ca.gov).

Sincerely,

*aaon Grady* 

2019.06.04 14:28:24 PDT

On Behatror

Matthias St. John  
Executive Officer  
North Coast Regional Water Quality Control Board

190604\_1L\_1\_53CC414144\_Sor Xiong\_NOA\_TW

**NOTICE OF APPLICABILITY - WASTE DISCHARGE REQUIREMENTS, WATER QUALITY ORDER WQ 2019-0001-DWQ, SOR XIONG, TRINITY COUNTY APN(s) 025-140-32-00**

Sor Xiong (hereafter "Discharger") submitted information through the State Water Resources Control Board's (State Water Board's) online portal on April 04, 2019, for discharges of waste associated with cannabis cultivation related activities. Based on the information provided, the Discharger self-certifies the cannabis cultivation activities are consistent with the requirements of the Policy and General Order. This letter provides notice that the Policy and General Order are applicable to the site as described below. You are hereby assigned waste discharge identification (WDID) number **1\_53CC414144**.

The Discharger is responsible for all the applicable requirements in the Policy, General Order, and this Notice of Applicability (NOA). This includes making any necessary changes to the enrollment, and the Discharger is the sole person with legal authority to make those changes. The Discharger will be held liable for any noncompliance with the Policy, General Order, and the NOA.

**1. FACILITY AND DISCHARGE DESCRIPTION**

The information submitted by the Discharger states the disturbed area is equal to or greater than 2,000 square feet and less than 1 acre (43,560 square feet) no portion of the disturbed area is within the setback requirements, no portion of the disturbed area is located on a slope greater than 30 percent, and the cannabis cultivation area is less than or equal to 1 acre.

Based on the information submitted by the Discharger, the cannabis cultivation activities are classified as Tier 1 Low Risk.

**2. SITE-SPECIFIC REQUIREMENTS**

The Policy and General Order are available on the Internet at:

[https://www.waterboards.ca.gov/water\\_issues/programs/cannabis/cannabis\\_water\\_quality.html](https://www.waterboards.ca.gov/water_issues/programs/cannabis/cannabis_water_quality.html)

The Discharger shall ensure that all site operating personnel know, understand, and comply with the requirements contained in the Policy, General Order, this NOA, and the Monitoring and Reporting Program (MRP, Attachment B of the General Order). Note that the General Order contains standard provisions, general requirements, and prohibitions that apply to all cannabis cultivation activities.

The application requires the Discharger to self-certify that all applicable Best Practicable Treatment or Control (BPTC) measures are being implemented, or will be implemented by the onset of the winter period (November 15 - April 1), following the enrollment date. Landowners of the cultivation site in the North Coast Region are required to submit and implement Site Management Plans that describes how BPTC measures are implemented property-wide, including BPTC measures implemented to address discharges from legacy activities (e.g. former timber harvest, road building, mining, etc.) at the site per Provision C.1.a. of the General Order. Dischargers that cannot implement all applicable BPTC measures by the onset of the winter period, following their enrollment date, shall submit to the appropriate Regional Water Board a *Site Management Plan* that includes a time schedule and scope of work for use by the Regional Water Board in developing a compliance schedule as described in Attachment A of the General Order.

During reasonable hours, the Discharger shall allow the State Water Board or Regional Water Board (collectively Water Boards), California Department of Fish and Wildlife, CAL FIRE, and any other authorized representatives of the Water Boards upon presentation of a badge, employee identification card, or similar credentials, to:

- i. enter premises and facilities where cannabis is cultivated; where water is diverted, stored, or used; where wastes are treated, stored, or disposed; or in which any records are kept;
- i. access and copy, any records required to be kept under the terms and conditions of the Policy and General Order;
- ii. 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 the Policy and General Order; and
- iii. 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 purpose of assuring compliance with the Policy and General Order.

### **3. TECHNICAL REPORT REQUIREMENTS**

The following technical report(s) shall be submitted by the Discharger as described below:

A Site Management Plan, by July 02, 2019, 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.

*A Site Closure Report* must be submitted 90 days prior to permanently ending cannabis cultivation activities and seeking to rescind coverage under the General Order. The *Site Closure Report* must be consistent with the requirements of General Order Provision C.1.e., and Attachment A, Section 5. Attachment D of the General Order provides guidance on the contents of the *Site Closure Report*.

### **4. MONITORING AND REPORTING PROGRAM**

The Discharger shall comply with all provisions of the Monitoring and Reporting Program (MRP), which appears as Attachment B to the General Order. The Discharger shall also comply with all provisions of the *North Coast Regional Supplement to Annual Monitoring and Reporting Requirements for Statewide Cannabis General Order WQ 2017-0023-DWQ* (Regional Supplement), which independently appears as Investigative Order No. R1-2019-0023, issued by the Regional Water Board Executive Officer on March 22, 2019. Annual reports for both sets of requirements shall be submitted to the Regional Water Board in a combined report by March 1 following the year being monitored. The Discharger shall not implement any changes to the MRP or to the Regional Supplement unless and until a revised MRP or Regional Supplement is issued by the Regional Water Board Executive Officer or the State Water Board Division of Water Quality Deputy Director, or the State Water Board Chief Deputy Director.

A copy of Attachment B to the General Order can be obtained online at the following location, or by contacting staff at the phone number and email address listed below.

[https://www.waterboards.ca.gov/board/decisions/adopted\\_orders/water\\_quality/2019/wqo2019\\_0001\\_dwq.pdf#page=32](https://www.waterboards.ca.gov/board/decisions/adopted_orders/water_quality/2019/wqo2019_0001_dwq.pdf#page=32)

A copy of the Regional Supplement can be obtained online at the following location, or by contacting staff at the phone number and email address listed below.

[https://www.waterboards.ca.gov/northcoasUboard/decisions/adopted\\_orders/pdf/2019/19\\_0023\\_Regional%20Supplement%2013267%20Order.pdf](https://www.waterboards.ca.gov/northcoasUboard/decisions/adopted_orders/pdf/2019/19_0023_Regional%20Supplement%2013267%20Order.pdf)

## 5. ANNUAL FEE

According to the information submitted, the discharge is classified as Tier 1 Low Risk with the current annual fee assessed at \$600. The fee is due and payable on an annual basis until coverage under this General Order is formally rescinded. To rescind coverage, the Discharger must submit a Notice of Termination, including a Site Closure Report at least 90 days prior to termination of activities and include a final MRP report.

## 6. TERMINATION OF COVERAGE UNDER THE GENERAL ORDER & REGIONAL WATER BOARD CONTACT INFORMATION

Cannabis cultivators that propose to terminate coverage under the Conditional Waiver or General Order must submit a Notice of Termination (NOT). The NOT must include a *Site Closure Report* (see Technical Report Requirements above), and Dischargers enrolled under the General Order must also submit a final monitoring report. The Regional Water Board reserves the right to inspect the site before approving a NOT. Attachment C of the General Order includes the NOT form and Attachment D of the General Order provides guidance on the contents of the *Site Closure Report*. NOT forms should be submitted electronically through the same online portal used to apply for General Order coverage:

<https://public2.waterboards.ca.gov/cqo>

If the Discharger cannot comply with the General Order, or will be unable to implement an applicable BPTC measure contained in Attachment A by the onset of the winter period each year, the Discharger shall notify the North Coast Regional Cannabis Unit staff at (707) 576-2676 or [northcoast.cannabis@waterboards.ca.gov](mailto:northcoast.cannabis@waterboards.ca.gov) so that a site-specific compliance schedule can be developed.

Cc: Kevin Porzio, State Water Resources Control Board,  
dwq.cannabis@waterboards.ca.gov  
Adam McKannay, California Department of Fish and Wildlife,  
adam.mckannay@wildlife.ca.gov  
Cheri Sanville, California Department of Fish and Wildlife,  
cheri.sanville@wildlife.ca.gov  
Leslie Hubbard, Trinity County Planning Department, lhubbard@trinitycounty.org  
Kristy Anderson, Trinity County Environmental Health,  
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