



## Enforcement News

### **North Coast Water Board fines unlicensed cannabis cultivators for discharging sediment to Trinity River**

*Pair must pay \$506,813 for violations that threatened aquatic life*

February 6, 2023

Contact: Blair Robertson – [Information Officer](#)

**SANTA ROSA** –The North Coast Regional Water Quality Control Board approved a \$506,813 penalty against two Trinity County cannabis cultivators Thursday for failing to clean up sediment discharges to Trinity River tributaries that threatened fish habitat and aquatic life.

The two accused growers, who had not responded to numerous contacts from board staff, also failed to appear at Thursday’s board meeting when the item was heard. For this case, the cultivators’ lack of response and cooperation in addressing water quality impacts from their operations resulted in a 50% increase in the amount of the penalty.

“The North Coast Water Board has prioritized enforcement actions against unlicensed cultivators who disregard how their operations affect our waterways,” said Claudia Villacorta, assistant executive officer for the board. “Often, they choose not respond to us. This approach will not delay or avoid penalties, but only make them more likely. That said, we always prefer to work with cultivators to come into compliance rather than issue penalties.”

Susan Yang Xiong and Kou Xiong grew cannabis commercially on a 4-acre property in Hayfork but failed to obtain the required permit to operate legally. After board staff found evidence that the development and operation of the property for cannabis cultivation had adversely impacted water quality in the nearby streams, they issued an enforcement order that required the pair to complete specific cleanup actions. The two cultivators did not respond to the order and took no action to clean the property.

During their investigation, board staff observed used garden soil discharged as a fill material and sediment discharges in an unnamed ephemeral tributary to Barker Creek, a tributary to South Fork Trinity River. The filled section of the tributary was used as a walkway to the cannabis cultivation area and is considered an unauthorized direct discharge to surface waters. During heavy rainfall, runoff of used garden soil threatens to contribute sediments, nutrients, salts and other chemicals, including pesticides or insecticides, to nearby watercourses.

This discharge, especially nitrates and phosphorus found in used garden soil, can lead to a condition of excess nutrients known as eutrophication and can trigger algal blooms that can not only clog fish gills but reduce overall oxygen levels for fish to breathe.

“The kind of discharges detected at the grow site present significant threats to water quality because the sediment negatively impacts the migration, spawning, reproduction and early development of cold-water fish,” said Villacorta. “Excess sediment delivery to streams can smother aquatic animals and habitats; alter or obstruct flows resulting in flooding; and reduce water clarity, which makes it difficult for organisms to breathe, find food and refuge, and reproduce.”

The discharge of sediment in the Trinity River watershed is especially problematic because it is listed as an impaired water body under Section 303(d) of the Clean Water Act due to elevated sedimentation, siltation and temperature.

The [enforcement order](#) directed the cultivators to submit a workplan by Sept. 17, 2021, to correct remove the fill and remediate their property, and to implement an approved plan by Oct. 31. To date, the cultivators have not submitted a workplan or implemented any corrective actions, and have been unresponsive to many attempts by board staff to engage with them in the clean up of the property.

Failure to comply with the enforcement order is a violation of the California Water Code. Additionally, the unauthorized discharges are violations on multiple fronts – the California Water Code, the Water Quality Control Plan for the North Coast Region ([Basin Plan](#)), and the Cannabis Cultivation Policy.

Copies of the Notices of Violation, administrative civil liability complaint and enforcement order are available on the North Coast Water Board’s [website](#).

*The North Coast Water Board’s mission is to develop and enforce water quality objectives and implement plans that will best protect the region’s waters while recognizing our local differences in climate, topography, geology and hydrology.*