

CLEANUP AND ABATEMENT ORDER NO. R5-2015-0701

ASSESSOR PARCEL 041-300-035-000

SHASTA COUNTY

Attachment C – 28 October 2014 Baker Ridge Inspection Report

CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD

INSPECTION REPORT

20 February 2015

PROPERTY OWNER: Christopher Cordes

ACCESSOR PARCEL NUMBER & COUNTY: APN 041-300-035-000
Shasta County

PHYSICAL PROPERTY ADDRESS: Igo, CA 96047

PROPERTY OWNER MAILING ADDRESS: 101 South F Street, Pensacola, FL 32502

CONTACT(S): N/A

RESIDENTS PRESENT: N/A – There were no residents present on the property during inspection

INSPECTION DATE & TIME: 28 October 2014 at 0900.

INSPECTED BY: Roy Sherrell, ES, Central Valley Regional Water Quality Control Board
Kevin Pfeiffer, EG, Central Valley Regional Water Quality Control Board
Patricia Vellines, EG, Central Valley Regional Water Quality Control Board

CONSENT/WARRANT: This inspection was conducted in accordance with an administrative inspection warrant issued by the Shasta County Superior Court

ACCOMPANIED BY: Lieutenant DeWayne Little, California Department of Fish & Wildlife
Steven Crowl, Warden, California Department of Fish & Wildlife
Tobi Freeny, ES, California Department of Fish & Wildlife
Dannas Berchtold, Engineering Associate, Central Valley Regional Water Quality Control Board

Clint Snyder, Assistant Executive Officer, Central Valley
Regional Water Quality Control Board
John Tomasello, Code Enforcement Officer, Shasta
County Department of Resource Management

EQUIPMENT USED:

Garmin Rino 655t GPS & Two-way Radio
Haglof Inc. C1 Inclinometer
Bushnell Yardage Pro Laser Rangefinder
Measuring Tape 300 feet
Tape Measure 25 feet
Nikon Coolpix AW120 GPS Camera

Attachments:

Appendix a – Figures 1- 3
Appendix b – Photographs #1 - #14
**Appendix c – Warrant and Affidavit in support of
Warrant**

OBSERVATIONS AND COMMENTS

BACKGROUND

On 7 October 2014 Mr. John Tomasello from the Shasta County Department of Resource Management alerted the Central Valley Regional Water Quality Control Board (Central Valley Water Board), Redding Office that a large grading project had been conducted without permits off of Baker Ridge Rd. east of Rainbow Lake in Ono, Shasta County, Assessor Parcel Number 041-300-035-000 (here after "Site"). The Central Valley Water Board was advised that this illegal grading, which included unpermitted road construction and terracing, was conducted to establish a large marijuana growing operation. Mr. Tomasello also indicated in his correspondence that the Shasta County Sheriff's Department served a warrant on 7 October 2014 at the Site, where they found and eliminated marijuana plants.

On 22 October 2014 Mr. Marc Pelote and Mr. John Tomasello from the Shasta County Department of Resource Management conducted an inspection of Site. During this inspection they took photographic evidence of extensive grading and newly constructed roads, with rills forming on unprotected slopes and the general failure of erosion controls. They passed those photos to Lt. DeWayne Little of the California Department of Fish and Wildlife (CDFW), who provided them to Central Valley Water Board staff the following day, and informed the Central Valley Water Board of their findings.

On 23 October 2014 representatives from the Central Valley Water Board met with Lt. Little to discuss the Site's conditions. Lt. Little had conducted a fly over of the site on 15 May 2014, and had been in frequent communication with Shasta County Department of Resource Management representatives as well as the Shasta County Sheriff's Department regarding the Site. Lt. Little and Central Valley Water Board staff determined during this meeting that the road construction and hillside terracing had inadequate erosion control measures in place and presented a significant sediment discharge hazard to nearby Doby Creek, a tributary of the North Fork Cottonwood Creek, an anadromous fishery. Due to the activities taking place in close proximity to a fish bearing stream, Central Valley Water Board and CDFW staff decided to conduct a follow up inspection of the Site.

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The North Fork Cottonwood Creek is a major tributary of Cottonwood Creek. The beneficial uses of Cottonwood Creek are listed in The Water Quality Control Plan for the Sacramento and San Joaquin River Basins as: Municipal & Domestic Supply; Agricultural Supply; Water Contact & Non-contact Recreation; Warm & Cold Freshwater Habitat; Migration of Aquatic Organisms; Spawning, Reproduction, and/or early Development (fish); and Wildlife Habitat.

Based on evidence gathered and statements made by Mr. Marc Pelote and Mr. John Tomasello of the Shasta County Department of Resource Management, and Lt. DeWayne Little of CDFW, Central Valley Water Board staff obtained an administrative inspection warrant from the Shasta County Superior Court to inspect the Site and surrounding properties, and to document any water quality violations including, but not limited to:

- a) Entering the premises and observing the physical conditions,
- b) Taking photographs and video of the physical conditions of the site and documenting any processes or activities being conducted,
- c) Questioning or conferring with persons present on the property privately,
- d) Measuring the pumping rate of surface water diversion, water diversion area, height and facilities
- e) Collecting and analyzing samples of water potentially impacted by contaminants of concern,
- f) Testing water for pollutants including sediment, fertilizers, pesticides, and
- g) Inspecting and duplicating any writings and records of spills or emergencies, business plans, contingency plans, etc.

ONSITE INSPECTION: 28 October 2014

On 28 October 2014 at 0730 hours, Roy Sherrell, Kevin Pfeiffer, Pat Vellines, Danna Berchtold, and Clint Snyder from the Central Valley Water Board, Lt. DeWayne Little, Warden Steve Crawl and Environmental Scientist Tobi Freeny of CDFW and John Tomasello of the Shasta County Department of Resource Management met at the CDFW office in Shasta County.

Site safety and expectations of serving the Inspection Warrant were discussed, as well as general inspection guidelines and communication protocol. During the inspection, Central Valley Water Board staff carried the original signed warrant and copies of the signed warrant to provide to landowners. See Figure 1 for general site vicinity and location.

APN 041-300-035-000 Inspection (Christopher Cordes' Property)

Refer to Figures 1 - 3 for locations

At approximately 0900 hours, Central Valley Water Board and CDFW staff arrived at the property and entered onto Parcel APN 041-300-035-000. They found the gate to the property open and staff from Eddie Axner Construction working on the Site. Several men (approximately 5) were installing straw erosion control blankets on berms along the road section connecting the upper terrace to the lower terrace, while two other men were operating heavy equipment (a Komatsu PC 200 LC & Caterpillar D4G) on the east fill slope of the lower terrace. The inspection team parked on the lower terrace then Lt. Little informed the working men that the Central Valley Water Board and CDFW were there to conduct an inspection. The Site is composed of two terraces with a native soil surfaced road connecting the upper and lower terraces to Baker Ridge Road. Recent road construction has continued this road from the north side and to the west of the upper terrace. Central Valley Water Board staff collected information at GPS Way Point locations 025 and 100-118 on this parcel (Figures 1 - 3).

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The lower terrace was constructed by grading down a ridge and pushing the graded material to the west and southeast piling it to form an approximately 0.9 acre rectangular terrace with approximately 5 feet tall berms around the perimeter. On the northwest corner of the lower terrace (Way Point 100) Central Valley Water Board staff (Staff) found a storm water drainage discharge for the lower terrace surface. Directly adjacent to and below this discharge site staff encountered a large amount of potting soil that had been dumped over the edge and down the side slopes of the lower terrace (Photograph #1) as well as tires, metal, and other debris that had been incorporated into the fill of the terrace. The debris had been exposed by erosion (Way Point 101, Photograph #2). The potting soil covered an area on the side slope of approximately 1900 ft² and had an average depth of more than 12 inches. There was evidence that some of the potting soil, through visible rills, had washed downhill prior to our inspection. A sample was taken from the center of the potting soil mass (Way Point 102).

Staff followed the fill slope erosion scars, created by storm water drainage discharge from the lower platform surface, down the fill/side slope of the lower platform to a Class III (intermittent) watercourse below. The fill/side slope was approximately 60 feet long with greater than 55% slopes, as measured using a measuring tape and inclinometer. Staff measured one rill with a length of 54 feet, an approximate average width of at least 4 inches, and an approximate average depth of at least 6 inches on this fill/side slope (Photograph #3). Upon reaching the watercourse, Staff discovered clear evidence that storm water, sediments, and potting soil from the terrace surface, fill/side slopes, and potting soil dump had discharged directly into the watercourse (Way Point 103, Photograph #4).

Staff began following the watercourse, which did not have water flowing in it at the time but was very wet, downstream. The stream substrate was composed of fine material with the same color and composition as the fill/side slopes of the lower terrace. Approximately 40 feet downstream from Way Point 103 Staff discovered an area where during the most recent precipitation event a back eddy had formed allowing very fine sediments to become entrapped and fall out of suspension (Way Point 104, Photograph #5). Staff continued downstream documenting the composition of the stream substrate as well as areas where perlite from the potting soil had accumulated in and on the banks of the watercourse (Way Points 105 -109, Photograph #6).

At Way Point 108 Staff encountered flowing water in the watercourse along with two ephemeroptera (mayfly) larvae within the watercourse and aquatic plants along its banks (Photograph #7). At this point the watercourse changes from Class III (intermittent) to Class II (aquatic life bearing). Staff continued downstream until they reached the confluence of another class III watercourse (Way Point 109) that originated at the toe of the fill/side slope of the south side of the lower terrace. Staff followed the class III watercourse up to the toe of the fill/side slope of the south side of the lower terrace.

From Way Point 110 Staff took multiple photos of the slash that was used, but failed as evident from the deep rills under the slash, to protect the side slopes of the southeastern side of the lower terrace from erosion (Photograph #8). At Way Point 111 Staff found a stake with writing presumably used to plan and construct the lower terrace. This suggests that the terrace design and construction was conducted by individuals with knowledge in grading techniques and intent. At Way Point 112 Staff took multiple photos of the previously mentioned heavy equipment being used on the fill/side slope of the east side of the lower terrace to push the slash down the hill and remove rills that had formed as a result of the failed erosion controls (Photograph #9).

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From Way Points 113 and 114 Staff took multiple photos of the large scale rill erosion that had occurred on the unprotected southern and western slopes of the lower terrace. There was no evidence that erosion control measures had ever been placed on these slopes (Photograph #10), and from Way Point 114 Staff could see that sediment from this erosion had reached the watercourse below.

A representative sample of the native soil was collected at Way Point 025. The very fine particles had washed off leaving a "crusty" sandy surface that had to be removed before a representative sample could be collected. The sample was described as being a Silty Sand: yellow-light brown, moist, with approximately 55% well graded (fine to coarse) angular sand; approximately 45% fines with low to medium plasticity, little to no dry strength, no dilatency, and high toughness; with trace angular, fine, hard gravels; and is interpreted to be decomposed granite.

The upper terrace was constructed similar to the lower, by grading material to form a rectangular native soil surface with large berms around the perimeter. Using a GPS, Staff determined that this terrace surface is approximately 0.3 acres in size. Two 3000 gallon water tanks were located upslope and to the north northwest of the upper terrace surface (Photograph #11) and Staff found another area of dumped potting soil on the east fill/side slope of the upper terrace. At the time of the inspection the 1 water tank was full and the other approximately half full and there were no pipes connected to these tanks.

Staff discovered a previously unknown and recently constructed section of road that started from the north side of the upper terrace and traveled west ("New Road"). Staff investigated a section of the New Road discovering areas with fresh tracks from heavy equipment and identifying several areas where sediment had been discharged directly to a watercourse (Way Point 115). Staff also discovered a watercourse that had been diverted by the road construction (Way Point 116), and an un-culverted, non-armored watercourse crossing that used more than 3840 ft³ of fine grained fill material (Way Point 117, Photograph #12). Above this crossing the watercourse had a more stable substrate with very little, if any, of the sand that formed the substrate of the watercourse below this crossing and the terraces.

Finally, Staff stopped to inspect a watercourse crossing located at the entrance to the property (Way Point 118). The crossing was composed of a 24" metal culvert with tires and native soil used as fill (Photograph #13). The native soil surfaced road between the lower terrace and the watercourse crossing was in-sloped with no outlets. All storm water runoff from that section of road discharges directly to the watercourse on the upstream side of this watercourse crossing. The culvert was more than 50% plugged and Staff found areas along the banks of this watercourse, where sediment from the road had discharged to the watercourse. Staff found a layer of sediment within the watercourse from the road, 34 inches thick, directly below the storm water discharge of the road. (Photograph #14)

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 rights to take any enforcement action authorized by law.

Approved:		
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Inspectors Signatures



Kevin Pfeiffer, G.I.T
Engineering Geologist



Roy Sherrell, MFR
Environmental Scientist



Patricia Vellines, P.G.
Engineering Geologist

Reviewer Signature



Clint Snyder, P.G.
Assistant Executive Officer

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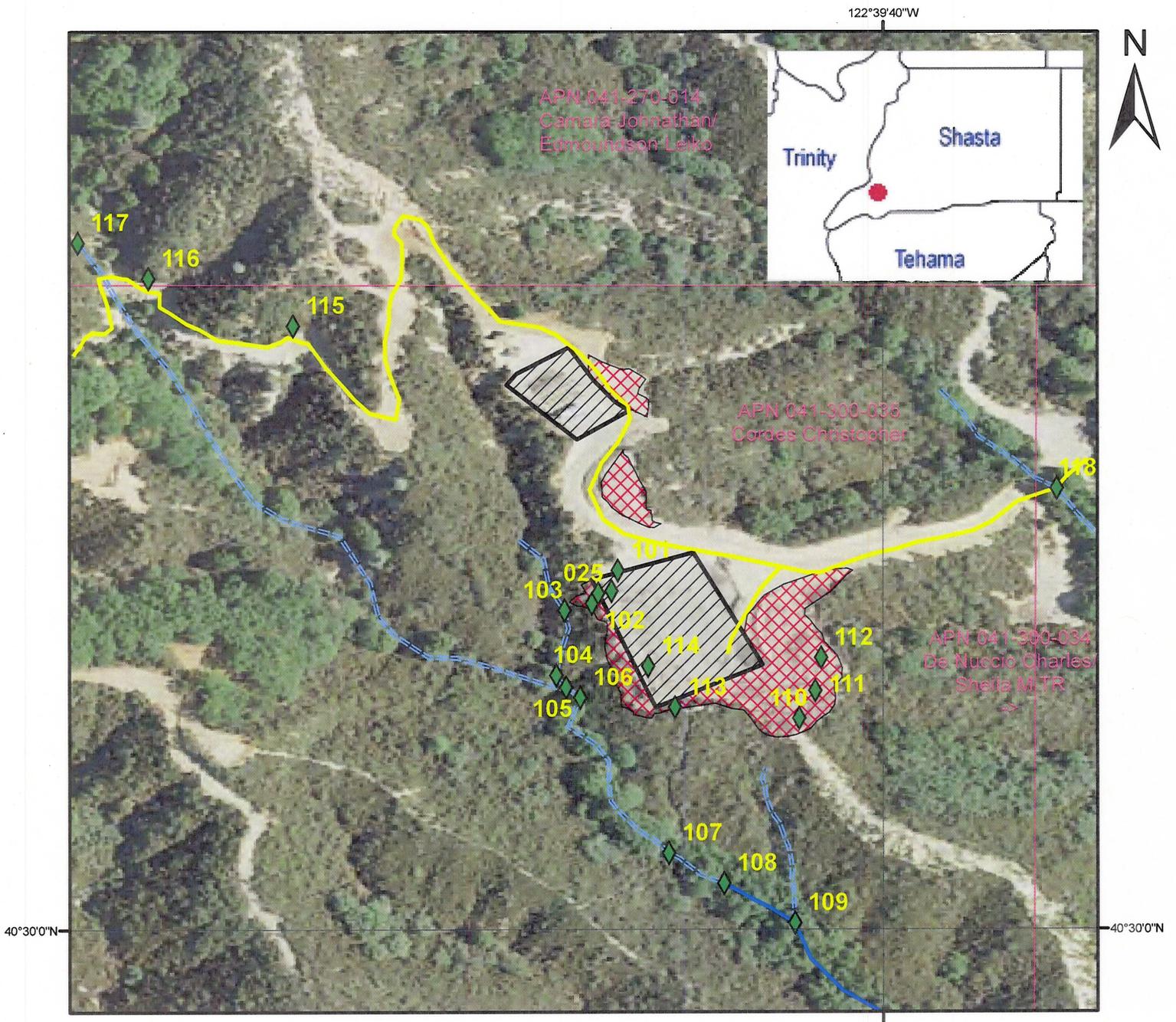
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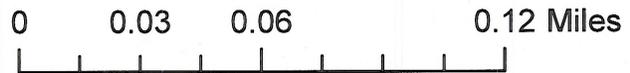
Appendix A – Figures 1 - 3

Baker Ridge Rd. Grow: 10-28-14 Inspection on NAIP 2014 Imagery



Description of Lines and Units

-  Waypoints
-  Road
-  Class III Waterway
-  Class II Waterway
-  Area Graded by Eddie Axner
-  Side Castings and DG Fill Material
-  Parcel Boundaries



1:3,000

Map Created By: Kevin Pfeiffer G.I.T
 Engineering Geologist
 Watershed Enforcement Team
 Central Valley Regional Water Quality Control Board



Baker Ridge Rd. Grow: 10-28-14 Inspection on NAIP 2014 Imagery Upper Pad and Roads

122°39'50"W



122°39'50"W

Description of Lines and Units

-  Waypoints
-  Road
-  Class III Waterway
-  Class II Waterway
-  Graded Area
-  Side Castings and DG Fill Material
-  Parcel Boundaries



1:1,800



Map Created By: Kevin Pfeiffer G.I.T
Engineering Geologist
Watershed Enforcement Team
Central Valley Regional Water Quality Control Board

Baker Ridge Rd. Grow: 10-28-14 Inspection on NAIP 2014 Imagery Lower Pad

122°39'40"W



Description of Lines and Units

-  Waypoints
-  Road
-  Class III Waterway
-  Class II Waterway
-  Graded Area
-  Side Castings and DG Fill Material
-  Parcel Boundaries



1:1,500



Map Created By: Kevin Pfeiffer G.I.T
Engineering Geologist
Watershed Enforcement Team
Central Valley Regional Water Quality Control Board

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Appendix B – Photographs #1 - #14

28 October 2014 Baker Ridge Inspection Photos 10-28-2014



Photograph #1. Way Point 102 – Potting soil that was dumped on fill/side slope of lower terrace.



Photograph #2. Way Point 101 – Tires and metal incorporated into fill material, now exposed by erosion.



Photograph #3. Rill through dumped potting soil on fill/side slope of lower terrace leading directly to watercourse.

28 October 2014 Baker Ridge Inspection Photos 10-28-2014



Photograph #4. Way Point 103 – Sediments from lower terrace surface and fill/side slopes in watercourse.

28 October 2014 Baker Ridge Inspection Photos 10-28-2014



Photograph #5. Way Point 104 – Area where very fine sediments (Silts & Clays) have accumulated along one side of the watercourse.

28 October 2014 Baker Ridge Inspection Photos 10-28-2014



Photograph #6. Way Point 106 – Perlite from potting soil entrapped on banks of watercourse.

28 October 2014 Baker Ridge Inspection Photos 10-28-2014



Photograph #7. Way Point 108 – Hydrophytic plants where the watercourse class changes from Class III to Class II (aquatic life bearing).



Photograph #8, Way Point 110 – Slash used in a failed attempt to protect steep (+55%) fill/side slopes from erosion.

28 October 2014 Baker Ridge Inspection Photos 10-28-2014



Photograph #9, Way Point 112 – Heavy equipment being operated on steep (+55%) fill/side slopes



Photograph #10. Way Point 113 – Large scale rill erosion on the unprotected steep (+60%) south and west fill/side slopes of the lower terrace.



Photograph #11 – Two 3000 gallon tanks in front of upper (foreground) and lower (background) terraces.

28 October 2014 Baker Ridge Inspection Photos 10-28-2014



Photograph #12. Way Point 117 – Un-culverted, non-armored watercourse crossing with native soil used for fill.



Photograph #13. Way Point 118 – Culverted watercourse crossing with tires and native soil used as fill.

28 October 2014 Baker Ridge Inspection Photos 10-28-2014



Photograph #14. Way Point 118 – Sediment from road surface stacked as high as 34" along banks of watercourse.

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Appendix C – Warrant and Affidavit in support of Warrant