CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION

Draft Cleanup and Abatement and
Investigative Order R3-2026-0071

for

FF 9500 LLC, Farming First LLC, Farming First Holdings LLC, 9451 Cultivators LLC, and 9500 Cultivators LLC
Assessor Parcel Number 099-010-060
Santa Barbara County

Cleanup and Abatement and Investigative Order R3-2026-0071 is hereby issued to FF 9500 LLC, Farming First LLC, Farming First Holdings LLC, 9451 Cultivators LLC, and 9500 Cultivators LLC, (hereinafter collectively referred to as Dischargers) as responsible parties, based on provisions of Water Code section 13304, which authorizes the Central Coast Water Board to issue a cleanup and abatement order, and Water Code section 13267, which authorizes the Central Coast Water Board to issue investigative orders requiring the preparation and submittal of technical and monitoring reports.

The Executive Officer, acting under delegated authority, finds the following:

1. **Location and Site Conditions:** Site conditions on Santa Barbara County Assessor's Parcel Number (APN) 099-010-060, located at 9500 Batchelder Road, Los Alamos (Site), have impacted and continue to pose threats to water quality and beneficial uses of waters of the state.

   The land parcel consists of approximately 746.9 acres in western Santa Barbara County (Latitude 34.73391, Longitude -120.36607). An unnamed, intermittent (Class II) watercourse, tributary to San Antonio Creek, flows south to north along the Site's western boundary. San Antonio Creek flows through Vandenberg Space Force Base and discharges into the Pacific Ocean about two miles north of Space Launch Complex 10. San Antonio Creek is Clean Water Act section 303(d)-listed as impaired due to excessive levels of several pollutants.[1] The U.S. Environmental Protection Agency established a Total Maximum Daily Load (TMDL) for pathogens for San Antonio Creek in 2011. San Antonio Creek and its tributaries are waters of the state.

[1] Pollutants on the 2026 approved Clean Water Act section 303(d) List for San Antonio Creek include the following: Arsenic, Boron, Chloride, Dissolved Oxygen, Selenium, Sodium, Toxicity, *Escherichia coli* (*E. coli*), Ammonia, and Nitrate. See https://www.waterboards.ca.gov/water_issues/programs/water_quality_assessment/2026_integrated_report.html

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2. **Purpose of the Order:** This Order requires the Dischargers to clean up and abate the effects of waste caused by construction and inadequate maintenance of disturbed areas, access roads, and cultivation areas, and the resulting discharges and threatened discharges of sediment from the Site to surface waters, and to eliminate the threat of future discharges to unnamed tributaries of San Antonio Creek. Planning and cleanup actions required under this Order shall be conducted to comply with the following laws and regulations:

   A. Porter-Cologne Water Quality Control Act (Water Code section 13000 *et seq*.);

   B. Water Quality Control Plan for the Central Coastal Basin (Basin Plan);[2]

   C. State Water Resources Control Board (State Water Board) Policies and Procedures for Investigation and Cleanup and Abatement of Discharges under Water Code Section 13304 (Resolution 92-49);

   D. State Water Resources Control Board (State Water Board) Order WQ-2023-0102-DWQ, General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities (Cannabis General Order)[3] and State Water Resources Control Board (State Water Board) Cannabis Cultivation Policy – Principles and Guidelines for Cannabis Cultivation (Cannabis Cultivation Policy)[4]

   E. All other applicable State and Central Coast Water Board plans, policies, and regulations.

3. **Responsible Parties:** This Order finds that the Dischargers are responsible parties based on the following:

   The Dischargers, had or should have had knowledge of the activities that resulted in discharges and threatened discharges and had the legal ability to prevent those discharges from occurring, are responsible parties for the purposes of this Order. Additionally, these Dischargers have the ability and legal responsibility to remediate the conditions on the Site that have discharged or threaten to discharge waste from activities associated with cannabis cultivation to waters of the state. The Dischargers are responsible parties and are jointly and severally liable based on the following:

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[2] Basin Plan: https://www.waterboards.ca.gov/centralcoast/water_issues/programs/basin_plan/
[3] Cannabis General Order: https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2023/wqo2023-0102-dwq.pdf
[4] Cannabis Cultivation Policy: https://www.waterboards.ca.gov/water_issues/programs/cannabis/docs/policy/final_cannabis_policy_with_attach_a.pdf

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A. Parcel information available from the Santa Barbara County Assessor's Office - as accessed via Digital Map Products' cloud-based mapping application, LandVision - indicates that FF 9500 LLC, purchased APN 099-010-060 on December 22, 2021, from the Ted and Barbara Monighetti Trust. FF 9500 LLC, registered in California with the Secretary of State on September 3, 2021. According to the Statement of Information filed on September 13, 2023, the Type of Business is listed "Holding Company" *sic; read: Subsidiary Company*, with Farming First Holdings LLC listed as Manager or Member. As the landowner, FF 9500 LLC had the legal ability to control the activities on the Site that resulted in the discharge and/or threat of discharge and is a responsible party for purposes of this Order.

B. On September 9, 2020, an application identifying Farming First LLC, as the cannabis cultivation operator was submitted through the Water Boards Cannabis Cultivation Portal. The application lists William Terry as the Site contact and identified the landowner as Ted and Barbara Monighetti Trust, with Mike Monighetti as the landowner contact. Farming First LLC, registered in California with the Secretary of State on May 19, 2020. According to the Statement of Information filed on October 17, 2022, the Type of Business is listed "Agriculture", with William J. Terry listed as Manager or Member. As the cannabis cultivation operator, Farming First LLC had the legal ability to control the activities on the Site that resulted in the discharge and/or threat of discharge, and is a responsible party for purposes of this Order.

C. Farming First Holdings LLC, registered in California on July 28, 2021. According to the Statement of Information filed on July 17, 2023, the Type of Business is listed "Holdings" [Holding Company]. Farming First Holdings LLC is listed as the manager of the following related entities: FF 9500 LLC, 9500 Cultivators LLC, and 9451 Cultivators LLC. According to the Statement of Information filed on July 17, 2023, William Terry served as the Chairman of the Board of managers and as of July 24, 2025, is listed as the sole manager of Farming First Holdings LLC. Based on Farming First Holdings LLC's active participation in, and exercise of control over, the cannabis cultivation activities at the Site that resulted in discharge and threatened discharge of waste, Farming First Holdings LLC, is a responsible party as an operator[5] for purposes of this Order.

D. Central Coast Water Board, Cannabis Regulatory Program staff received an email on April 9, 2021, from William Terry, requesting to change the Site's registered cannabis cultivator from Farming First LLC to 9451 Cultivators LLC, and 9500 Cultivators LLC. Effective April 19, 2021, 9451

[5] See United States v. Bestfoods (1998) 524 U.S. 51, 55: "[A] corporate parent that actively participated in, and exercised control over, the operations of the facility itself may be held directly liable in its own right as an operator of the facility."

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Cultivators LLC, and 9500 Cultivators LLC, became the registered cannabis cultivators at the Site. As the cannabis cultivation operators, 9451 Cultivators LLC, and 9500 Cultivators LLC, had the legal ability to control the activities on the Site that resulted in the discharge and/or threat of discharge, and are responsible parties for purposes of this Order.

E. Ventura County Superior Court document for Case number 2025CUPT047771, filed on September 9, 2025, indicates Stone Blossom Capital LLC was appointed as receiver over all assets of Farming First Holdings LLC and its subsidiaries on September 5, 2025.

F. The Central Coast Water Board reserves the right to amend this Order, or issue a subsequent Order, to add additional responsible parties when/if those parties are identified.

4. **Site History:** The Site is enrolled in the Cannabis General Order under Waste Discharge Identification (WDID) project number 3_42CC428992 with an effective date of October 21, 2020.[6]

A. Google Earth satellite imagery of the Site shows earth work and land development occurred in the cannabis cultivation area and in the riparian setback between February 27, 2021, and March 10, 2022.

B. Google Earth satellite imagery shows hoop house installation, covering an area of approximately 20 acres, occurred in the cultivation area between March 10, 2022, and April 27, 2023.

C. April 27, 2023, Google Earth satellite imagery shows evidence of channelized erosion occurring in the cultivation area and in the riparian setback; the imagery shows a large gully developed in the riparian setback and adjacent streambank near the west side of the cultivation area. The gully appears to have formed, in part, from cultivation area runoff.

D. The California Department of Fish and Wildlife (CDFW) issued a Lake and Streambed Alteration Agreement (LSAA) to William Terry on April 13, 2022, for the cultivation of cannabis and associated activities on 93 acres of the Site.

E. CDFW staff conducted an inspection of the Site on August 24, 2023. During the inspection staff observed issues of non-compliance with the April 13, 2022, LSAA. On October 11, 2023, CDFW issued a Non-compliance Letter to William Terry and 9500 Cultivators LLC, for using, as a water source, a well not included in the LSAA; and for missing reports

[6] Two land parcels, APN 099-010-045, and APN 099-010-060, are enrolled under WDID 3_42CC428992. This Order only addresses cannabis cultivation and associated activities that occurred on APN 099-010-060.

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required in the LSAA for Annual Water Use, Road Access and Maintenance, and Annual Reporting for Setbacks.

F. On October 30, 2024, Central Coast Water Board staff conducted an inspection of the Site with CDFW scientific staff. During the inspection, staff observed multiple rills, ditches, and other erosional features had been incised into the cannabis cultivation land surface and the adjacent riparian setback area located between the cultivation area and the intermittent watercourse. Staff also observed several prominent gullies had been incised into the intermittent watercourse's stream bank at locations where the rills and ditches intersected the bank. Staff observed measures that attempt to remediate and mitigate future erosion, such as the installation of jute netting and straw wattles; however, the measures appeared to be insufficient. During the inspection, staff informed the cultivator that erosional runoff originating from the cannabis cultivation area and flowing into the riparian setback, and the discharge of sediment resulting from that erosion and into the intermittent watercourse, were violations of the Cannabis General Order.

G. On June 19, 2025, Central Coast Water Board staff and CDFW scientific staff conducted a second inspection of the Site. Staff observed that most of the erosional features documented during October 30, 2024, inspection had increased in width and depth, and that additional erosional features had developed inside of the riparian setback area between the hoophouses and intermittent watercourse stream channel. During the inspection, staff informed William Terry that the erosion had continued and increased and that staff would be issuing a notice of violation (NOV) for non-compliance with the Cannabis General Order that were observed during the inspection (see NOV included here as Enclosure B to the transmittal letter for this Draft CAO). The Central Coast Water Board issued an NOV to the cultivator, landowner, and receivership on February 3, 2026, with the June 19, 2025, inspection report as an attachment to the NOV, for violations of the Cannabis General Order. The NOV required the Dischargers to submit a Disturbed Area Stabilization Plan (DASP), among other things.

H. Central Coast Water Board staff reviewed Google Earth satellite imagery dated June 27, 2025, after the June 19, 2025, inspection. The June 27, 2025, satellite imagery shows more pronounced channelized erosion in the cultivation area and in the riparian setback compared to April 27, 2023, satellite imagery; and shows a second gully associated with runoff from the cultivation area developed west of the hoop houses in the riparian setback and stream bank in the southern section of the Site. This is consistent with staff's observations of changes in site conditions between the October 30, 2024, and June 19, 2025, inspections.

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I. On April 28, 2026, Central Coast Water Board staff received a copy of a proposed DASP for the Site. Staff reviewed the DASP, determined it to be incomplete, and requested revisions on June 10, 2026 (Enclosure C to the Transmittal Letter for this Draft CAO).

5. **Compliance Assistance and Progressive Enforcement:** Central Coast Water Board staff conducted Site inspections on October 30, 2024 and June 19, 2025, and notified the cultivator in person during both inspections, and in writing on February 3, 2026, of issues of non-compliance with the Cannabis General Order: erosion and the discharge of sediment and runoff from the cannabis cultivation area into waters of the state. While enrolled in the Cannabis General Order, the cultivator failed to fulfill the requirements of their enrollment, to implement an adequate Site Management Plan, and to appropriately maintain measures necessary to control erosion and discharge of sediment or otherwise protect water quality. Staff communicated issues of non-compliance and provided guidance to achieve compliance with their enrollment.

6. **Factual Basis of Order:** Staff observed and documented conditions on the Site during inspections on October 30, 2024, and June 19, 2025; and from historic satellite imagery dated February 27, 2021, March 10, 2022, April 27, 2023, and June 27, 2025. On February 3, 2026, the Central Coast Water Board issued an NOV to the Dischargers accompanied by staff's June 19, 2025, inspection report. Central Coast Water Board staff observed Cannabis General Order violations and threats to receiving waters during an October 30, 2024 inspection and a June 19, 2025 inspection, and described and documented these violations in a February 3, 2026 NOV (Enclosure B to the transmittal letter for this Draft CAO). The NOV provides evidence that the Dischargers' activities associated with cannabis cultivation caused or permitted waste to be discharged or deposited where it is, or probably will be, discharged into waters of the state in violation of the Cannabis General Order requirements. Additionally, the Dischargers' cannabis cultivation activities created and threaten to create a condition of pollution or nuisance from sediment discharge from the Site to waters of the state due to inadequate best management practices or measures to prevent the discharge of waste. Subparagraphs A – D are discharges of waste in violation of the Cannabis General Order and subparagraphs E – G document continued threats of waste discharge to waters of the state that creates or threatens to create a condition of pollution or nuisance:

   A. Discharge of surface water runoff containing irrigation tailwater, sediment, plant waste, and/or chemicals originating from the cannabis cultivation area.

   B. Violating the minimum riparian setback requirement of 100 feet for a Class II, intermittent watercourse from land disturbances associated with cannabis cultivation activities.

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C. Failure to implement appropriate erosion control measures to minimize erosion of disturbed areas, which caused surface runoff containing irrigation tailwater, sediment, plant waste, and/or chemicals originating from the cannabis cultivation area.

D. Not incorporating erosion control measures to effectively minimize erosion and/or capture sediment, and monitoring either has not occurred or did not inform the Dischargers' management decisions, and maintenance of all erosion protection and sediment capture measures has not occurred year-round.

E. Discharge of surface water runoff containing sediment that could be, and has the potential to continue to be, discharged in a manner that could affect the quality of waters of the state.

F. Erosion caused by surface water runoff originating from the cannabis cultivation area has the potential to continue to occur and is disturbing and has the potential to continue to disturb aquatic and riparian habitat of waters of the state.

G. All disturbed areas are not stabilized to control erosion and sediment discharges from land disturbances created by channelizing surface runoff from the cannabis cultivation area.

7. **Beneficial Uses, Basin Plan Prohibitions, and Water Quality Objectives:** The Basin Plan designates beneficial uses of water within the Central Coast region, establishes water quality objectives, contains implementation programs for achieving objectives, and incorporates by reference the plans and policies adopted by the State and Regional Water Boards.

A. Beneficial Uses**:** Existing and potential beneficial uses of the intermittent watercourse include the following: Municipal and Domestic Water Supply (MUN) and protection of both recreation and aquatic life which includes, but is not limited to Water Contact Recreation (REC-1); Non-Contact Water Recreation (REC-2); Commercial and Sport Fishing (COMM); Cold Freshwater Habitat (COLD); Warm Fresh Water Habitat (WARM); and Spawning, Reproduction, and/or Early Development (SPWN).[7]

B. Basin Plan Prohibitions: The Basin Plan contains specific standards and provisions for maintaining high-quality waters of the state and provide protection to the beneficial uses identified. Waste discharged to inland surface waters of the state shall be essentially free of toxic substances, grease, oil, and phenolic compounds. The Basin Plan's discharge

[7] Basin Plan section 2.1: https://www.waterboards.ca.gov/centralcoast/water_issues/programs/basin_plan/docs/2024_basin_plan_r3.pdf

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prohibitions include the following waste discharge prohibitions (See sections 4.8.5.1. and 5.4. of the Basin Plan):

i. 4.8.5.1. Land Disturbance Prohibitions: “Unless authorized, or exempt by the California Water Code or the Basin Plan, the discharge or threatened discharge of sand, silt, clay, bark, slash, sawdust, or other organic or earthen materials into any waters of the State from soil disturbance activities in quantities deleterious to fish, wildlife, and other beneficial uses is prohibited.

Unless authorized or exempt by the California Water Code or the Basin Plan, placing or disposal of sand, silt, clay, bark, slash, sawdust, or other organic or earthen materials from soil disturbance activities at locations above the anticipated high water line of any waters of the State where they may be washed into said waters by rainfall or runoff in quantities deleterious to fish, wildlife, and other beneficial uses is prohibited.”

ii. 5.4.1. All Waters:

Item 4. “Unless authorized or exempt by the California Water Code or the Basin Plan, the discharge of sediment, well development water, or construction dewatering water, to waters of the state in a manner causing or threatening to cause a condition of pollution, contamination, or nuisance is prohibited.”

iii. 5.4.2. Inland Waters: “Wastes discharged to inland surface waters of the State shall be essentially free of toxic substances, grease, oil, and phenolic compounds. Unless authorized, waste discharges to the following inland surface waters of the State are prohibited:

Item 2. All surface waters within the San Lorenzo Hydrologic Subarea, the Aptos-Soquel Hydrologic Subarea, and the San Antonio Hydrologic Unit and all water contact recreation areas except where benefits can be realized from direct discharge of reclaimed water.”

C. Basin Plan Water Quality Objectives: Chapter 3 of the Basin Plan contains water quality objectives not to be exceeded as a result of waste discharges. The water quality general objectives (see section 3.3.2.1 of the Basin Plan) that are considered of particular importance in protecting the beneficial uses from unreasonable effects due to waste discharges from land development activities include the following:

i. Suspended Material: “Waters shall not contain suspended material in concentrations that cause nuisance or adversely affect beneficial

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uses."

ii. Settleable Material: "Waters shall not contain substances in concentrations that result in deposition of material that causes nuisance or adversely affect beneficial uses."

iii. Sediment: "The suspended sediment load and suspended sediment discharge rate of surface waters shall not be altered in such a manner as to cause nuisance or adversely affect beneficial uses."

iv. Turbidity: "Waters shall be free of changes in turbidity that cause nuisance or adversely affect beneficial uses. Increase in turbidity attributable to controllable water quality factors shall not exceed the following limits:

a. Where natural turbidity is between 0 and 50 Nephelometric Turbidity Units (NTU), increases shall not exceed 20 percent.

b. Where natural turbidity is between 50 and 100 NTU, increases shall not exceed 10 NTU.

c. Where natural turbidity is greater than 100 NTU, increases shall not exceed 10 percent."

8. **Clean Water Act Section 303(d) List of Impaired Waters:** Section 303(d) of the Federal Clean Water Act requires states to identify waterbodies that do not meet water quality objectives and are not supporting their beneficial uses. San Antonio Creek is a waterbody identified on the 303(d) List as impaired for specific pollutants that do not meet water quality objectives for: boron, chloride, Escherichia coli (E. coli), dissolved oxygen, sodium, nitrate, ammonia, arsenic, selenium, and toxicity.

9. **Statewide Resolutions and Policies:** State Water Board Resolution 92-49 sets forth the policies and procedures to be used during an investigation and cleanup of a polluted site and requires that cleanup levels be consistent with State Water Board Resolution 68-16, Statement of Policy with Respect to Maintaining High Quality Waters in California (Resolution 68-16). Resolution 92-49 requires waste to be cleaned up in a manner that promotes attainment of either background water quality, or the best water quality that is reasonable if background levels of water quality cannot be restored. Any alternative cleanup level to background must: (1) be consistent with the maximum benefit to the people of the state; (2) not unreasonably affect present and anticipated beneficial use of such water; and (3) not result in water quality less than that prescribed in the Basin Plan and applicable Water Quality Control Plans and Policies of the State Water Board. Resolution 92-49 directs that investigations and cleanup and abatement proceed in a progressive sequence. To the extent practical, it directs the Central Coast

Water Board to require and review for adequacy written work plans for each element and phase, and the written reports that describe the results of each phase of the investigation and cleanup.

10. **Legal Authority to Require Clean and Abatement:** Water Code section 13304, subdivision (a) states, in relevant part: "A person who has discharged or discharges waste into waters of this state in violation of any waste discharge requirements or other order or prohibition issued by a regional board or the state board, or who has caused or permitted, causes or permits, or threatens to cause or permit any waste to be discharged or deposited where it is, or probably will be, discharged into the waters of the state and causes, or threatens to create, a condition of pollution or nuisance, shall upon order of the regional board clean up the waste or abate the effects of the waste, or, in the case of threatened pollution or nuisance, take other necessary remedial action, including, but not limited to, overseeing cleanup and abatement efforts…"

    A. **Waste:** "Waste" is defined by Water Code section 13050, subdivision (d) to include, sewage and any and all other waste substances, liquid, solid, gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing, or processing operation, including waste placed within containers of whatever nature, prior to, and for purposes of disposal.

    Earthen material, including sediment when discharged to waters of the state, is a "waste" as defined in Water Code section 13050, subdivision (d). The sediment described above threatens to discharge to receiving waters in violation of Land Disturbance Activities 4.8.5.1, Land Disturbance Prohibitions contained within the Basin Plan. These wastes could become deleterious to fish, wildlife, or other beneficial uses.

    B. **Pollution:** "Pollution" is defined by Water Code section 13050, subdivision (l)(1) as, an alteration of the quality of the waters of the state by waste to a degree that unreasonably affects either waters of the state for beneficial use or facilities that serve these beneficial uses.

        i. Sediment discharged from land disturbances associated with cannabis cultivation that occurred within the cultivation area and adjacent riparian setback to the unnamed intermittent watercourse can alter the quality of those waters and unreasonably affect beneficial uses.

            a. Discharges of sediment and other inert material can alter the hydrologic and sediment transport regimes of surface waters by affecting the flow of water and establishment of vegetation. Such changes may lead to adverse conditions such as flooding, increases in suspended sediment and turbidity, accelerated

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erosion of the watercourse bed or banks, and localized accumulation of deleterious materials. Additionally, such discharges directly threaten wildlife habitat and aquatic species (beneficial uses impacted: SPWN, WARM, COLD, and COMM). The intermittent watercourse provides habitat for aquatic life, including amphibians and is a tributary to San Antonio Creek and Barka Slough which support multiple protected aquatic species. Sediment-laden stormwater can also discharge to surface water and result in increased turbidity that may impact aquatic habitats and affect the recreational and aesthetic enjoyment of the surface waters (beneficial uses impacted: REC-1 and REC-2).

b. Suspended sediment in surface waters can cause harm to aquatic organisms by abrasion of surface membranes, interference with respiration, and sensory perception in aquatic fauna. Suspended sediment can reduce photosynthesis in and survival of aquatic life by limiting the transmittance of light. The Basin Plan contains a water quality objective for sediment, which requires that the suspended sediment load and suspended sediment discharge rate of surface waters shall not be altered in such a manner as to cause nuisance or adversely affect beneficial uses.

   Suspended sediment can also physically damage gills causing fish mortality; increased physiological stress; reduce reproduction; impair normal feeding and predator avoidance behaviors, resulting in impacts to commercial and recreational fishing resources; increase water temperature; and fill in lagoons and wetlands converting them from aquatic to terrestrial habitat.

   Impacts to beneficial uses occur both during sediment transport and sediment deposition. In addition to the problems associated with suspended sediment, sediment is also an excellent transport mechanism for toxic pollutants (e.g., metals and synthetic organics) and nutrients, which bind to sediment particles (beneficial uses impacted: REC1, REC-2, COLD, WARM, SPWN, COMM, and MUN).

11. **Cleanup and Abatement Action Necessary:** Cleanup and abatement is necessary to ensure that any discharge of waste or existing condition of pollution is cleaned up, that the threat of unauthorized discharges to waters of the state from the Site that may create a condition of pollution are prevented, that the background water quality or the best water quality that is feasible is restored, and that any impacts to beneficial uses are mitigated. The issuance of a cleanup and

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abatement order pursuant to Water Code section 13304 is appropriate and consistent with the policies of the Central Coast Water Board and State Water Board.

12. **Technical Reports Required:** Water Code section 13267, subdivision (a) provides that the Central Coast Water Board, "in establishing or reviewing any water quality plan or waste discharge requirements, or in connection with any action relating to may investigate the quality of any water of the state within its region." Water Code section 13267, subdivision (b) provides that the Central Coast Water Board, in conducting an investigation, may require a discharger to furnish, under penalty of perjury, technical or monitoring program reports. The burden, including costs, of preparing these reports must bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. This Order requires three types of technical and monitoring reports. Staff estimate the total cost of technical reports required by this Order to be approximately $13,020 to $56,860. The costs of the technical or monitoring reports required by this Order bear a reasonable relationship to the need for these reports and the benefit to be gained by these reports, as discussed below:

    A. Disturbed Area Stabilization Plan (DASP) is a technical report that Dischargers at high risk, Tier 1 or Tier 2 cannabis cultivation sites are required to submit to the Regional Water Board, and to implement upon the Central Coast Water Board's approval. The DASP is necessary to: (1) assess impacts to waters of the state resulting from the development and use of the Site, including cut and fill and grading of cultivation-related areas, resulting in hydrologic and geomorphic impacts to watercourses, the discharge and threatened discharge of sediment and stormwater runoff, and the discharge and threatened discharge of sediment and stormwater runoff (2) determine the appropriate restoration and abatement work to correct those impacts; and (3) create a plan along with an implementation schedule that will guide the scope of work to clean up and abate the discharges and threat of discharges of waste on or from the Site. By requiring the Dischargers to submit a DASP, the Central Coast Water Board or its delegated officer will have the opportunity to review and approve the scope of the proposed restoration and corrective actions to confirm that the proposed work will adequately remediate site conditions and prevent the discharges of sediment and other wastes from further impacting the beneficial uses of sensitive water bodies. The DASP requirements (i.e., field inspection and report preparation, etc.) presented in the *Direct Cost Analysis for the Proposed Cannabis Cultivation Policy* (2017 Direct Cost Analysis),[8] are estimated to cost between $2,100 - $4,200.

[8] The 2017 Direct Cost Analysis is available at: https://www.waterboards.ca.gov/water_issues/programs/cannabis/docs/policy/20171017_cannabis_cultivation_policy_cost_analysis.pdf

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B. DASP Completion Report is necessary to demonstrate that the Dischargers have successfully completed implementation of the DASP in a timely manner in accordance with this Order. The DASP Completion Report must include a summary of the scope of work done and the purpose of that work, expected additional work and anticipated timeline dates of completion of that work, and a description of any ongoing monitoring requirements and how they will be implemented. The benefit derived from the DASP Completion Report is the Central Coast Water Board's, or its delegated officer's, ability to verify that remedial activities and best management practices were adequately implemented to ensure that cleanup and abatement activities remedy all water quality threats and impacts. The cost of the DASP Completion report (i.e., field inspection and report preparation) is comparable to the report preparation component of a combined Site Management Plan and Site Erosion and Sediment Control Plan as described in the 2017 Direct Cost Analysis described above, which are estimated to cost between $2,760 and $7,920 each. Therefore, the estimated cost to prepare the DASP Completion Report is between $5,520 and $15,840.

C. Annual Monitoring Reports are necessary to allow the Central Coast Water Board, or its delegated officer, to confirm the long-term stability of restored areas, to identify any areas where restoration is failing or needs improvement, and to demonstrate the effectiveness of erosion control measures in preventing sediment discharges to waters of the state. Given the condition of the Site is a result of the Dischargers' activities, observation and maintenance of the completed project for a period of five years is needed to ensure that the anticipated water quality benefits are achieved in the long term and that DASP components continue to function and remain effective.

Stormwater runoff monitoring is required by the Cannabis General Order during the winter period for dischargers classified as Tier 1 or Tier 2 and characterized as moderate or high risk. Stormwater runoff monitoring is necessary to show if mitigation efforts are effective during storm events. Stormwater runoff monitoring and reporting must be provided in the Annual Monitoring Report and be consistent with the requirements listed in the *Cannabis General Order, Attachment B: Monitoring and Reporting, Storm Water Runoff Monitoring.*[9]

The cost to prepare an Annual Monitoring Report (i.e., field inspection and report preparation) is comparable to that of a Site Closure Report as presented in the 2017 Direct Cost Analysis, which is estimated to cost between $1,080-$4,760. Therefore, the cost to prepare five Annual

[9] Cannabis General Order, Attachment B: Monitoring and Reporting Program: https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2023/wqo2023-0102-dwq.pdf#page=43

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Monitoring Reports is estimated to be between $5,400 and $23,800.

13. **California Environmental Quality Act:** Issuance of this Order is being taken for the protection of the environment and to enforce the laws and regulations administered by the Central Coast Water Board and, as such, is exempt from provisions of the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et seq.) in accordance with California Code of Regulations, title 14, sections 15307, 15308, and 15321. To the extent that the Order requires minor alterations to land and/or earth-disturbing and re-vegetation activities not to exceed five acres in size and to assure restoration of stream habitat and prevent erosion, this Order is exempt from provisions of CEQA pursuant to California Code of Regulations, title 14, sections 15304 and 15333. This Order generally requires the Dischargers to submit plans for approval prior to implementation of cleanup, abatement, and restoration activities at the Site. Mere submittal of plans is exempt from CEQA as submittal will not cause a direct or indirect physical change in the environment and/or is an activity that cannot possibly have a significant effect on the environment.

    CEQA review at this time would be premature and speculative, as there is simply not enough information concerning the Dischargers' proposed remedial activities and possible associated environmental impacts. If the Central Coast Water Board determines that implementation of any plan required by this Order will have a significant effect on the environment that is not otherwise exempt from CEQA, the Central Coast Water Board will conduct the necessary and appropriate environmental review prior to implementation of the applicable plan. Should additional environmental review be required in connection with the requirements of this Order, the Central Coast Water Board may recover costs associated with preparing and submitting any documents necessary for environmental review. If necessary, the Dischargers and a consultant acceptable to the Central Coast Water Board shall enter into a memorandum of understanding with the Central Coast Water Board regarding such costs prior to undertaking any environmental review.

REQUIRED ACTIONS

IT IS HEREBY ORDERED, pursuant to Water Code sections 13267 and 13304, the Dischargers must submit technical and monitoring reports described below and clean up the wastes and abate the impacts to water quality in accordance with the scope and schedule set forth below.

1. **Submit a Revised Disturbed Area Stabilization Plan:** By **60 days after final adoption of this Order,** the Dischargers shall submit to the Central Coast Water Board a complete Disturbed Area Stabilization Plan (DASP), addressing comments provided to the Discharger on their draft DASP, subject to review and concurrence by the Central Coast Water Board or its delegated officer.

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The DASP shall include evaluation and proposed remedial actions to ensure site stabilization and the control of all potential pollutant sources related to the development and remedial actions necessary on the Site to protect water quality.

The DASP must address all features on the Site, including, but not limited to the areas identified in the June 19, 2025, Inspection Report, and any other areas impacted directly or indirectly from activities associated with past cannabis cultivation at the Site.

The DASP must be prepared by, or under the supervision of, a Qualified Professional[10] and must be submitted to the Central Coast Water Board and approved by the Central Coast Water Board's Executive Officer prior to its implementation.

The DASP must address, at minimum, the items listed in Attachment D of the Cannabis General Order. To ensure abatement of unauthorized discharges, the Discharger must demonstrate, at minimum, the following:

A. Characterization of the topography, hydrology, soil, and vegetation of the Site under natural conditions and under current conditions.

B. Identification of the cause(s) of erosion in the riparian setback since the Site was first disturbed for cannabis cultivation and up to the present. Identification of specific measures that will be taken to address each identified cause associated with, or accelerated by, cannabis cultivation activities. Measures shall be designed to prevent gullying and rilling at erosion rates higher than natural denudation.

C. A facility map and description that includes characterization of areas disturbed by development and maintenance activities including site clearing, grading, sloping, and armoring, and include as-built drawings of the graded flats, driveway, access roads and drainage systems.

D. A habitat assessment of a riparian area adjacent to the intermittent watercourse to provide reference for restoration of the riparian habitat at the Site. The assessment must include a biologic assessment, including frequency of plant and animal species found in the adjacent riparian area.

E. Stormwater drainage and routing mitigation measures. Mitigation measures must be tailored to the Site and include technical justification for site specific choices. This includes, and is not limited to:

    i. Adequate sizing and slope of altered and/or constructed drainage features and conveyance channels.

[10] See Cannabis Policy Attachment A, Section 2, item 72.

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ii. Placement, material, sizing, underlayment, and volume of riprap and/or other Velocity Dissipation Devices.

iii. Measures to manage stormwater runoff from hoop house plastic sheeting, and mitigation of any erosion caused by the runoff.

F. A Work Implementation Schedule that includes a time schedule and scope of work identifying significant milestones to be performed and finished.

G. A monitoring and revegetation plan for all exposed or disturbed riparian vegetation areas within the 100-foot riparian setback of the watercourse. The revegetation plan should include a monitoring plan with annual inspections and measurable success criteria to meet for survival and growth of revegetated areas for at least five years, and a minimum 85 percent vegetation survival rate has been achieved.

If livestock is permitted access to the property, an exclusion zone for the riparian setback must be designated; or the monitoring and revegetation plan must include a section to ensure that herbivory isn't affecting the achievement of success criteria.

A maintenance and repair section must be included that specifies how mitigation measures that become damaged and/or fail will be repaired and maintained.

Proposed success criteria that will be utilized to determine the effectiveness of specified cleanup actions in the proposal and for required annual monitoring, including the implementation and effectiveness of management measures and success criteria, according to the schedule approved in the plan.

2. **Implement the DASP:** Begin work proposed in the DASP on **April 2, 2027**. Starting at the end of the 2026/27 Winter Period (November 15, 2026 – April 1, 2027) begin the work proposed in the DASP and approved by the Central Coast Water Board. Central Coast Water Board staff must be notified at least 48 hours before work begins. As part of the DASP Implementation:

A. Submit reports after the completion of each significant milestone listed in the Work Implementation Schedule within 7 days of completing the milestone. The reports must include the completion status of site remediation, stabilization, restoration, and mitigation work. Include photographs of the site that show the condition of the site and the clean-up work that is being reported on. Include descriptions of the photographs that describe what is being shown in the photo.

B. Perform stormwater monitoring during all months in which work is

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occurring at the site during the winter season. Stormwater monitoring must be performed in a manner consistent with the *Cannabis General Order, Attachment B: Monitoring and Reporting, Storm Water Runoff Monitoring*.

During the winter season, stormwater monitoring shall be performed whenever work is performed to implement the DASP. Stormwater monitoring shall be performed during restoration monitoring in any following winter periods, and after storm events -during or outside of winter periods- that produce at least 0.5 inch of precipitation per day or 1.0 inch per seven days of precipitation. Ineffective erosion control measures must be repaired or replaced, immediately. Stormwater monitoring collected during the restoration monitoring period shall be included as part of the Annual Monitoring Report.

C. Complete all pre-monitoring work proposed in the DASP by **May 2, 2027**. The Dischargers shall complete all work to clean up and abate the Site contained in the DASP as approved by the Central Coast Water Board.

D. Submit a DASP Completion Report no later than **May 17, 2027**. The Dischargers shall submit a Completion Report for the DASP for approval by the Central Coast Water Board. The DASP Completion Report shall include accurate depictions, documentation, and as-built designs of all completed restoration construction and/or abatement measures included in the approved DASP to demonstrate the DASP has been fully implemented. This report shall also include pre- and post-construction photographs taken at each photo point, as depicted on site maps/figures.

3. **Submit Annual Monitoring Reports:** Upon completion of the restoration and mitigation work proposed in the DASP and approved by the Central Coast Water Board, continue to submit Annual Monitoring Reports by **March 31** of each year with annual inspections to quantify survival and growth of revegetated areas **for at least five years**, until the Central Coast Water Board approves a request to discontinue monitoring. Such a request may be submitted when the approved success criteria in the DASP are met with supporting documentation.

4. Each Annual Monitoring Report shall include, at a minimum, a completed inspection checklist, any stormwater monitoring that occurred, photos of areas restored, and a description of any location where restoration is failing and/or needs to be corrected to achieve the approved success criteria.

GENERAL REQUIREMENTS AND NOTICES

1. **Duty to Use Qualified Professionals:** The Dischargers shall provide documentation that identifies plans and reports required under this Order are prepared under the direction of appropriately qualified professionals. As required by the California Business and Professions Code sections 6735, 7835, and

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7835.1, engineering and geologic evaluations and judgments shall be performed by or under the direction of registered professionals competent and proficient in the fields pertinent to the required activities. The Dischargers shall include a statement of qualification and registration numbers of the responsible lead professionals in all plans and reports required under this Order. The lead professional shall sign and affix their registration stamp to the report, plan, or document. The required activities must be implemented by the appropriately qualified/licensed professional as otherwise required by law.

2. **Signatory Requirements**: All technical reports submitted by the Dischargers shall include a cover letter signed by the Dischargers, or a duly authorized representative, certifying under penalty of law that the signer has examined and is familiar with the report and that to his/her knowledge, the report is true, complete, and accurate. The Dischargers shall also state in the cover letter whether he/she will implement the recommendations/proposals provided in the report and the schedule for implementation.

   Any person signing a document submitted under this Order shall make the following certification*: "I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my knowledge and on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."*

3. **Notice of Onsite Work:** The Dischargers, or a duly authorized agent, shall notify Central Coast Water Board staff at least 48 hours prior to any onsite work, testing, or sampling that pertains to environmental remediation and investigation and is not routine monitoring, maintenance, or inspection. The Dischargers shall contact Central Coast Water Board Cannabis Regulatory Program staff at (805) 594-6194 or by email CentralCoast.Cannabis@waterboards.ca.gov .

4. **Notice of Change in Ownership or Occupancy**: The Dischargers shall file a written report on any changes in the Site's ownership or occupancy. This report shall be submitted to State Water Board staff no later than 30 days prior to a planned change and shall reference the number of this Order.

5. **Reasonable Access**: The Dischargers shall allow the State Water Board and Central Coast Water Board, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to enter at reasonable times to inspect the Site and any records that must be kept under the conditions of this Order for the purposes of assuring compliance with this Order or as otherwise authorized by the Water Code.

6. **Submissions:** The DASP and all monitoring reports, technical reports, or notices

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required under this Order shall be submitted to the Central Coast Water Board, Cannabis Regulatory Program staff at the addresses provided below. Central Coast Water Board staff will coordinate to obtain approval of the required submittals.

7. By email to: Central Coast Water Board Cannabis Regulatory Program staff, CentralCoast.Cannabis@waterboards.ca.gov .

8. **Other Regulatory Requirements:** The Dischargers shall obtain all applicable local, state, and federal permits necessary to fulfill the requirements of this Order prior to beginning the work. For example, proposed dredge or fill within waters of the United States requires a Clean Water Act section 404 permit from the US Army Corps of Engineers. Proposed work within waters of the United States or waters of the state requires a water quality certification or other waste discharge requirements from the Central Coast Water Board. Fish and Game Code (FGC) section 1602 requires a person or entity to notify CDFW before: 1) substantially diverting or obstructing the natural flow of a river, stream, or lake; 2) substantially changing the bed, channel, or bank of a river, stream, or lake; 3) using any material from the bed, channel, or bank of a river, stream, or lake; or 4) depositing or disposing of debris, waste, material containing crumbled, flaked, or ground pavement where it may pass into a river, stream, or lake.

9. **Cost Recovery**: Pursuant to Water code section 13304, the State or Central Coast Water Board is entitled to all reasonable costs it incurs to investigate and abate the effects of unauthorized discharges of waste and to oversee/supervise the cleanup of such waste, or other restoration action, required by this Order. If requested by the Central Coast Water Board or State Water Board, the Dischargers shall enroll in the State Water Board's Cost Recovery Program and shall reimburse the State of California for all reasonable costs actually incurred by the State Water Board and Central Coast Water Board.

10. **Delayed Compliance**: If for any reason, the Dischargers are unable to perform any activity or submit any document in compliance with the schedule set forth herein, or in compliance with any work schedule submitted pursuant to this Order and approved by the Central Coast Water Board or its delegated officer, the Dischargers may request, in writing, an extension of the time specified. The extension request shall include justification for the delay. Any extension request shall be submitted as soon as a delay is recognized and prior to the compliance date. An extension may only be granted by modification of this Order or by a letter from the Executive Officer. The Central Coast Water Board acknowledges that local, state, and federal permits may cause a delay beyond the control of the Dischargers and will take all the available relevant facts into consideration when considering whether or not to exercise its enforcement authority.

11. **Modifications**: Any modification to this Order shall be in writing and approved by the Central Coast Water Board or its delegated officer including any potential

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extension requests.

12. **Enforcement Authority**: If the Dischargers fail to comply with the requirements of this Order, this matter may be referred to the Attorney General for judicial enforcement or a complaint for administrative civil liability may be issued by the Central Coast Water Board. Failure to comply with this Order may result in the assessment of an administrative civil liability of up to $10,000 per violation per day and/or up to $10 per gallon when the violation results in the discharge of waste, pursuant to Water Code sections 13268, 13350, and/or 13385. The Central Coast Water Board reserves its right to take any enforcement actions authorized by law, including, but not limited to, violation of the terms and conditions of this Order.

13. **Potential Liability**: If the Dischargers fail to comply with the requirements of this Order, this matter may be referred to the Attorney General for judicial enforcement or a complaint for administrative civil liability may be issued by the Central Coast Water Board. Failure to comply with this Order may result in the assessment of an administrative civil liability of up to $10,000 per violation per day and $10 per gallon when the violation results in the discharge of waste, pursuant to California Water Code sections 13268, 13350, and/or 13385. The Central Coast Water Board reserves its right to take any enforcement actions authorized by law, including, but not limited to, violation of the terms and condition of this Order.

14. **No Limitation of Water Board Authority:** This Order in no way limits the authority of the Central Coast Water Board to institute additional enforcement actions or to require additional investigation and cleanup of the Site consistent with the Water Code. This Order may be revised as additional information becomes available.

15. **Requesting Review by the State Water Board**: Any person aggrieved by this action of the Central Coast Water Board may petition the State Water Board to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, section 2050 et al. The State Water Board must receive the petition no later than 5:00 p.m., 30 days following the date of this Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday, the petition must be received on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at: (http://www.waterboards.ca.gov/public_notices/petitions/water_quality) or will be provided upon request.

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This Order is effective upon the date of signature.

Ryan E. Lodge
Executive Officer

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