



Lahontan Regional Water Quality Control Board

August 13, 2020

Ramiro Avila
471 N California Ave
La Puente, CA 91744

Via Personal Service

Water Board Cleanup Team

INFORMATION REQUEST: CLEANUP AND ABATEMENT ORDER (CAO) NO. R6V-2020-(PROPOSED) FOR RAMIRO VILLA AVILA, LOS ANGELES COUNTY, ASSESSOR PARCEL NO. 3036-020-043

The Advisory Team, on behalf of the Lahontan Regional Water Quality Control Board (Water Board), would like to ask the following questions and provide comments regarding the proposed CAO. The Executive Officer must have all pertinent information in hand before approving a final CAO. The following questions, comments, and request for information are directed to the Parties to gather the necessary information for the Water Board to review the proposed CAO. Responses must be received by **September 10, 2020** and sent to: RB6enfproceed@waterboards.ca.gov.

Please respond to the following questions and comments:

Order No. R6V-2020 (Proposed)

- 1 Page 3, Section 7 includes the following statement, "filling the drainage channels with an estimated 229,703 gallons of native soil." As compared to the October 21, 2019 Notice of Violation, Page 2, Violation 2 "The total amount of fill is estimated to be approximately 1.3 million gallons of soil." Please provide an explanation for the discrepancy in estimated fill volume,
- 2 Page 8, Time Schedule Order, Section 1.b. please provide an explanation of why channel stabilization is not included as an example of drainage mitigation measures.
- 3 Page 8, Time Schedule Order, Section 1.b.i. please provide an explanation of why irrigation is an absolute requirement rather than a conditional requirement (e.g., plan must include a description of irrigation methods as appropriate for the chosen native species, etc.). Is irrigation necessary for the growth of all possible native species in this area?
- 4 The Order does not include a description of the drainage channels. Please provide a scaled site map of the drainage channels showing the areal extent of alleged disturbance, or some other picture or description depicting this information.
- 5 The Order does not contain requirements related to submittal of engineering calculations of storm water volumes and corresponding BMP design to handle the design volumes. Please explain why that is the case.

PETER C. PUMPHREY, CHAIR | PATTY Z. KOUYOUMDJIAN, EXECUTIVE OFFICER

In addition, a communication occurred between the Water Board Cleanup Team and the Advisory Team. That communication is attached to this letter (Attachment A). Parties may request an opportunity to address the communication within 10 days of the receipt of this letter. Please send any comments on the attached communication to Elizabeth Beryt, Attorney III, elizabeth.beryt@waterboards.ca.gov.

If there are procedural questions or clarification needed regarding the questions posed in this letter, the Advisory Team is available by conference call to help answer your inquiries. Please contact my Executive Assistant, Katrina Fleshman at (530) 542-5414 (katrina.fleshman@waterboards.ca.gov) to schedule a conference call.



PATTY Z. KOUYOUMDJIAN
EXECUTIVE OFFICER

cc: Cannabis Mailing (Lyris) List
Elizabeth Beryt, Attorney, State Water Board
Mike Plaziak, Assistant Executive Officer, Lahontan Water Board
Katrina Fleshman, Executive Assistant, Lahontan Water Board

Attachment A

Ex-Parte Communication

From: [Pool, Catherine@Waterboards](mailto:Pool.Catherine@Waterboards)
To: [Beryt, Elizabeth@Waterboards](mailto:Beryt.Elizabeth@Waterboards); [Letton, Ben@Waterboards](mailto:Letton.Ben@Waterboards)
Subject: FW: Avila CAO
Date: Tuesday, June 2, 2020 1:06:42 PM

From: Spencer, Alex@Waterboards <Alex.Spencer@Waterboards.ca.gov>
Sent: Monday, June 1, 2020 12:24 PM
To: Pool, Catherine@Waterboards <Catherine.Pool@waterboards.ca.gov>
Subject: RE: Avila CAO

Hi Cathe,

Just skimmed through this chain and I'm not sure if anyone responded to your question. In case no one has: this was an illegal outdoor trespass grow where the discharger (land owner) claims to not have knowledge of the operations. That combined with the fact that LA County does not permit outdoor cultivation makes this site not a candidate for enrollment in our program.

Thanks!

Alex Spencer | WRCE
(530) 542-5488 | alex.spencer@waterboards.ca.gov

Lahontan Water Board staff are teleworking due to an Executive Order from Governor Newsom. However, we are available via email and voicemail. We are responding to emails throughout the workday. Responses to voicemail may take more than one business day.

From: Taxer, Eric@Waterboards <eric.taxer@waterboards.ca.gov>
Sent: Monday, June 1, 2020 12:07 PM
To: Fleshman, Katrina@Waterboards <Katrina.Fleshman@Waterboards.ca.gov>; Ferguson, Scott@Waterboards <scott.ferguson@waterboards.ca.gov>
Cc: Pool, Catherine@Waterboards <Catherine.Pool@waterboards.ca.gov>; Spencer, Alex@Waterboards <Alex.Spencer@Waterboards.ca.gov>; Tauriainen, Andrew@Waterboards <Andrew.Tauriainen@Waterboards.ca.gov>
Subject: RE: Avila CAO

I indicated to Patty last week that the CAO was returned to us. We are conferring with legal for process serving.



Eric J. Taxer, P.E. (he/him/his) | Senior Water Resource Control Engineer
Lahontan Regional Water Quality Control Board
Eastern California Regional Cannabis Unit
2501 Lake Tahoe Blvd, South Lake Tahoe, CA 96150
(530) 542-5434 | eric.taxer@waterboards.ca.gov

From: Fleshman, Katrina@Waterboards <Katrina.Fleshman@Waterboards.ca.gov>
Sent: Monday, June 1, 2020 11:36 AM
To: Ferguson, Scott@Waterboards <scott.ferguson@waterboards.ca.gov>; Taxer, Eric@Waterboards <eric.taxer@waterboards.ca.gov>
Cc: Pool, Catherine@Waterboards <Catherine.Pool@waterboards.ca.gov>
Subject: FW: Avila CAO

Hi Scott and/or Eric,

See Patty's email below. I need the names of the parties for the Avila CAO so that I can send out an email letting everyone know that the "comment period has ended and no comments were received".

Katrina

From: Kouyoumdjian, Patty@Waterboards <patty.kouyoumdjian@waterboards.ca.gov>
Sent: Monday, June 1, 2020 11:32 AM
To: Fleshman, Katrina@Waterboards <Katrina.Fleshman@Waterboards.ca.gov>
Cc: Plaziak, Mike@Waterboards <Mike.Plaziak@Waterboards.ca.gov>
Subject: FW: Avila CAO

Katrina:

Because we are separated on the Avila CAO, you should send a formal email as the EA to all the "parties" at the same time to let them know that the comment period has ended and no comments were received. I can review that email if you want and you can save it for future use. Also, you can do the same for the Goldberg CAO (not separated) when the time comes. You can get all the names from Scott/ Eric Taxer so we know who all should get the mail.

I am including Mike because he is neutral to the process, and I will have him be on the Advisory Team (once) on the Avila CAO before he shifts over to the Prosecution Team for all other cases.

Patty

From: Fleshman, Katrina@Waterboards <Katrina.Fleshman@Waterboards.ca.gov>
Sent: Monday, June 1, 2020 7:09 AM
To: Beryt, Elizabeth@Waterboards <Elizabeth.Beryt@waterboards.ca.gov>; Kouyoumdjian, Patty@Waterboards <patty.kouyoumdjian@waterboards.ca.gov>; Pool, Catherine@Waterboards <Catherine.Pool@waterboards.ca.gov>; Letton, Ben@Waterboards <Ben.Letton@waterboards.ca.gov>
Subject: RE: Avila CAO

Good morning,

Just checked the Enforcement inbox and no comments were received.

Katrina

From: Beryt, Elizabeth@Waterboards <Elizabeth.Beryt@waterboards.ca.gov>
Sent: Friday, May 29, 2020 3:41 PM
To: Kouyoumdjian, Patty@Waterboards <patty.kouyoumdjian@waterboards.ca.gov>; Pool, Catherine@Waterboards <Catherine.Pool@waterboards.ca.gov>; Letton, Ben@Waterboards <Ben.Letton@waterboards.ca.gov>
Cc: Fleshman, Katrina@Waterboards <Katrina.Fleshman@Waterboards.ca.gov>
Subject: RE: Avila CAO

Hi Patty,

Just as a reminder, we are not separated on the Goldberg CAO. So I would suggest that we make sure that the cannabis team and the OE attorney gets those comments too, as they and not the traditional A-team will be advising you.

Thanks!

Elizabeth Beryt
Attorney III
Office of Chief Counsel
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814
Office Line: (916) 327-7507
Work Cell: (916) 952-9053

Note: I am currently teleworking. If you need to reach me, please contact me by email or by my work cell number.

From: Kouyoumdjian, Patty@Waterboards <patty.kouyoumdjian@waterboards.ca.gov>
Sent: Friday, May 29, 2020 3:24 PM
To: Pool, Catherine@Waterboards <Catherine.Pool@waterboards.ca.gov>; Beryt, Elizabeth@Waterboards <Elizabeth.Beryt@waterboards.ca.gov>; Letton, Ben@Waterboards <Ben.Letton@waterboards.ca.gov>
Cc: Fleshman, Katrina@Waterboards <Katrina.Fleshman@Waterboards.ca.gov>
Subject: RE: Avila CAO

Hello all:

I think the Goldberg CAO due date is around June 1 too, so could someone check with Katrina next week on what is in the e-mail comment folders in case we got comments on either one. Thanks.

Patty

From: Pool, Catherine@Waterboards <Catherine.Pool@waterboards.ca.gov>
Sent: Friday, May 29, 2020 2:43 PM
To: Beryt, Elizabeth@Waterboards <Elizabeth.Beryt@waterboards.ca.gov>; Letton, Ben@Waterboards <Ben.Letton@waterboards.ca.gov>; Kouyoumdjian, Patty@Waterboards <patty.kouyoumdjian@waterboards.ca.gov>
Subject: RE: Avila CAO

The CAO and associated information looks really reasonable to me. My only question is why we are not asking them to submit a ROWD for them to get a cannabis permit? Are the violations so egregious that they will not be able to operate once they have corrected their mistakes? It seems like we would be more likely to obtain compliance if they could continue to operate.

Just curious.

Have a great weekend!

Cathe

-----Original Appointment-----

From: Beryt, Elizabeth@Waterboards <Elizabeth.Beryt@waterboards.ca.gov>
Sent: Friday, May 29, 2020 12:56 PM
To: Beryt, Elizabeth@Waterboards; Letton, Ben@Waterboards; Pool, Catherine@Waterboards; Kouyoumdjian, Patty@Waterboards
Subject: Avila CAO
When: Tuesday, June 2, 2020 1:00 PM-2:00 PM (UTC-08:00) Pacific Time (US & Canada).
Where: Microsoft Teams Meeting

Advisory Team meeting to discuss CAO, any comments that might have come in by June 1, and to develop a recommendation for Patty

[Join Microsoft Teams Meeting](#)

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