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## North Coast Regional Water Quality Control Board

August 10, 2021

Certified Mail No. 7016 2070 0000 6486 2142

Antonio Garcia  
25 East Main Street  
Chicago Heights, IL 60411

Dear Antonio Garcia:

**Subject: Notice of Violation, Directive to Obtain Regulatory Coverage for Cannabis Cultivation, and Transmittal of Inspection Report for July 8, 2021 Inspection of Mendocino County Assessor's Parcels 154-140-02 and 154-130-02**

**File:** Cannabis Program Inspections, Mendocino County, Antonio Garcia, CIWQS Place ID 875363

This letter is to notify you of observed violations of California Water Code (Water Code) sections 13260 and 13264 for unauthorized discharges to waters of the state from the above-referenced parcels (Property).

This letter directs you, within 30 days, to take action to comply with Water Code 13260. In addition, this letter directs you, within 30 days, to contact Regional Water Board staff to advise of your plan to implement recommendations in the enclosed report.

### **Background**

On July 8, 2021, staff from the North Coast Regional Water Quality Control Board (Regional Water Board), accompanied by personnel from the California Department of Fish and Wildlife (CDFW), and Mendocino County Sheriff's Office, inspected the Property. The purpose of the inspection was to evaluate onsite development and conditions, and to identify and assess any impacts or threatened impacts to the quality and beneficial uses of waters of the state.

Enclosed is a copy of the water quality inspection report (July 8, 2021 Inspection Report). Please review the inspection report carefully and completely. The inspection report contains recommendations for correcting observed violations and water quality concerns observed on the Property and advises you of the Regional Water Board permits necessary for instream work and projects/activities that result in discharges of waste to receiving waters.

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GREGORY A. GIUSTI , CHAIR | MATTHIAS ST. JOHN, EXECUTIVE OFFICER

### **Relevant Requirements**

During the inspection, Regional Water Board staff observed features and conditions on the Property that represent violations of water quality requirements and regulations. Attachment A – Regulatory Citations, provides references to these requirements and regulations.

### **Observed Violations**

As documented in the inspection report, Regional Water Board staff observed cannabis cultivation and associated site disturbance of sufficient size and scope to require regulatory coverage under State Water Resources Control Board (State Water Board) Order No. WQ-2019-0001-DWQ, *General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities* (Statewide General Order). The Regional Water Board has no record of this Property's enrollment under the Statewide General Order. Outdoor cannabis cultivation activities in California with land disturbance of 2,000 square feet or more that are not enrolled for coverage under the Statewide General Order or individual waste discharge requirements violate Water Code section 13260.

Staff also observed violations of Water Code section 13264 associated with unauthorized discharge of waste to surface waters at the location identified as Watercourse (39.1586, -123.3836 Decimal Degrees) in the inspection report.

### **Additional Potential Liabilities**

The Regional Water Board is in the process of considering whether the violations of the Water Code warrant further enforcement. We encourage you to take steps to correct the violations as soon as possible, securing any applicable permits from this and other agencies prior to conducting work. Please note that the existing conditions, as observed and documented in the Inspection Report, may represent continuing violations of the Water Code.

Please note that correcting the conditions of non-compliance at the Property does not preclude enforcement for the violations alleged in this notice. As noted above, the Regional Water Board reserves its right to fully enforce the law against any violation and threatened violation by taking enforcement actions such as a cleanup and abatement order, time schedule order, administrative civil liabilities, and referral to the California Attorney General's office.

### **Directive to Obtain Regulatory Coverage**

Based on the observations detailed in the attached inspection report, and mentioned above, the Regional Water Board has determined that you are required to comply with Water Code section 13260 by taking one of the following actions within **30 calendar days of this letter**:

- 1) Enroll the property under the Statewide General Order by providing the information required in the online application process. The application can be accessed at: <https://public2.waterboards.ca.gov/cgo> You must also submit an application fee to the State Water Board within 30 days of submitting the online application. The fee must be submitted to one of the following addresses, based on the method of delivery.

By U.S. Mail:  Accounting Office Attn: Water Quality Fees – Cannabis General Order P.O. Box 1888 Sacramento, CA 95812-1888	In person or by courier delivery:  Accounting Office Attn: Water Quality Fees – Cannabis General Order 1001 I Street Sacramento, CA 95814
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- 2) File a Report of Waste Discharge in order to obtain individual Waste Discharge Requirements (WDRs) specific to your property.

Please submit the appropriate documents and payments to:

North Coast Water Board  
Attn: Diana Henriouille  
Cannabis Waste Discharge Regulatory Program  
5550 Skylane Boulevard, Suite A  
Santa Rosa, CA 95403

**OR**

- 3) If you believe regulatory coverage is not required under any of the options listed above, either because **there is no cultivation** or associated activities occurring, or because the operations that are occurring are not subject to regulation under the Statewide General Order or individual WDRs, please **provide a written response** explaining your non-applicability (with all supporting documentation including photos if necessary) to the Regional Water Board at the address provided above. Regional Water Board staff may contact you to verify your response.

Failure to comply with Water Code sections 13260 and 13264 may result in an administrative civil liability under Water Code sections 13261 and 13265 not to exceed \$1,000 per violation for each day in which each violation occurs.

Future correspondence regarding this matter will be sent to you at this address unless an alternative address is provided to the Regional Water Board. Failure to accept mail from the Regional Water Board is not a valid excuse for non-compliance with any future enforcement orders, and a failure to respond or otherwise appear at a future enforcement proceeding could subject you to a default order and the imposition of administrative civil liability.

Antonio Garcia - 4 -  
Mendocino APN 154-140-02 and 154-130-02  
July 8, 2021 Inspection

August 10, 2021

### **Inspection Report Recommendations**

As mentioned above, the July 8, 2021 Inspection Report provides recommendations to correct violations, as well as to address features and conditions that threaten to impact water quality. **Within 30 days of this letter**, please advise Kate Hawken of your intentions, plan, and schedule to implement recommendations in the inspection report. Kate Hawken can be reached by email at [Katherine.Hawken@waterboards.ca.gov](mailto:Katherine.Hawken@waterboards.ca.gov) or by telephone at (707) 445-6127.

Sincerely,

Mona Dougherty, P.E.  
Senior Water Resource Control Engineer

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**cc: California Department of Fish and Wildlife**  
Timothy Dodson, [Timothy.Dodson@wildlife.ca.gov](mailto:Timothy.Dodson@wildlife.ca.gov)  
Kari Gahan, [Kari.Gahan@wildlife.ca.gov](mailto:Kari.Gahan@wildlife.ca.gov)

**Division of Water Rights**  
Stormer Feiler, [Stormer.Feiler@Waterboards.ca.gov](mailto:Stormer.Feiler@Waterboards.ca.gov)

**North Coast Regional Water Quality Control Board**  
Kason Grady, [Kason.Grady@waterboards.ca.gov](mailto:Kason.Grady@waterboards.ca.gov)  
Diana Henrioulle, [Diana.Henrioulle@waterboards.ca.gov](mailto:Diana.Henrioulle@waterboards.ca.gov)

**Mendocino County**  
Cannabis Program, [CannabisProgram@mendocinocounty.org](mailto:CannabisProgram@mendocinocounty.org)

Attachment A – Regulatory Citations

Regulatory Section	Citation
California Water Code Section 13260	<p>“(a) Each of the following persons shall file with the appropriate regional board a report of the discharge, containing the information that may be required by the regional board:</p> <p>(1) A person discharging waste, or proposing to discharge waste, within any region that could affect the quality of the waters of the state, other than into a community sewer system.</p> <p>(2) A person who is a citizen, domiciliary, or political agency or entity of this state discharging waste, or proposing to discharge waste, outside the boundaries of the state in a manner that could affect the quality of the waters of the state within any region.”</p>
California Water Code Section 13261(a)	<p>“A person who fails to furnish a report or pay a fee under Section 13260 when so requested by a regional board is guilty of a misdemeanor and may be liable civilly in accordance with subdivision (b).”</p>
California Water Code Section 13264 (a)	<p>“No person shall initiate any new discharge of waste or make any material changes in any discharge, or initiate a discharge to, make any material changes in a discharge to, or construct, an injection well, prior to the filing of the report required by Section 13260 and no person shall take any of these actions after filing the report but before whichever of the following occurs first:</p> <p>(1) The issuance of waste discharge requirements pursuant to Section 13263.</p> <p>(2) The expiration of 140 days after compliance with Section 13260 if the waste to be discharged does not create or threaten to create a condition of pollution or nuisance and any of the following applies:...</p> <p>(3) The issuance of a waiver pursuant to Section 13269.”</p>

<b>Regulatory Section</b>	<b>Citation</b>
California Water Code Section 13265(a)	"Any person discharging waste in violation of Section 13264, after such violation has been called to his attention in writing by the regional board, is guilty of a misdemeanor and may be liable civilly in accordance with subdivision (b). Each day of such discharge shall constitute a separate offense."

**FACILITIES INSPECTION REPORT**

Region/Office: 1	Status: Performed	Reg. Measure ID: 444271
Program Type: IRRICANNABIS	WDID:	Order Number:
Scheduled Insp. Date:	Actual Insp. Date: 07/08/2021	

**Discharger Information**

Party ID: 626298	Discharger Organization Name: Garcia, Antonio	
Address: 25 East Main Street	City, State, Zip: Chicago Heights, IL 60411	
Discharger Contact Person:	Discharger Contact Phone:	

**Facility Information**

Place ID 875363	Facility Name: Antonio Garcia	
Address: 13321 Low Gap Road	City, State, Zip: Ukiah, CA 95482	
County: Mendocino	Latitude:	Longitude: Method:

**Lead Inspector Information**

Lead Inspector Party ID: 569684	Lead Inspector Name: Katherine Hawken	
Inspector Type:	<input checked="" type="checkbox"/> State <input type="checkbox"/> State Contractor <input type="checkbox"/> EPA Contractor <input type="checkbox"/> EPA (Regional) <input type="checkbox"/> EPA and State (EPA Lead) <input type="checkbox"/> EPA and State (State Lead)	

**INSPECTION TYPE**

Inspection Type: Miscellaneous inspection

**VIOLATIONS**Were Violations noted during this inspection?  Yes  No

Violation ID	Violation Type	Occurrence Date	Rank	Description
1092824	Unauthorized Discharge	07/08/2021	B	Cannabis cultivation of sufficient size and scope to require regulatory coverage under Order No. WQ 2019-0001-DWQ.

### INSPECTION SUMMARY (REQUIRED) (500 character limit)

Observations  
 Inactive cultivation: I observed four hoop houses with cannabis plants that had already been harvested.  
 Well: I observed an unsealed groundwater well.  
 Active cultivation: I observed ten hoop houses with active cannabis cultivation in grow bags. Surrounding the cultivation area, I observed slash and cultivation-related waste.

### GENERAL NOTES (OPTIONAL) (2000 character limit)

Observations cont.  
 Watercourse: In a Class III watercourse at 39.1586, -123.3836 Decimal Degrees, I observed an open plastic reservoir attached to a pump. I also observed gasoline and oil canisters in the watercourse.

Recommendations:

1. If the property owner and/or tenant(s) plan to continue cultivating cannabis on the Property, enroll for coverage under the State Water Board’s Order WQ 2019-0001-DWQ, General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities here: <https://public2.waterboards.ca.gov/cgo>
2. Store and contain all potting soil, cultivation-related waste, and chemicals, including pesticides and petroleum products, properly to prevent spillage and potential for migration/transport into receiving waters. Storage areas shall comply with the riparian setbacks and have secondary containment as necessary.
3. Remove the reservoir, pump, and canisters from the watercourse as soon as possible, prior to November 15, 2021. Use erosion control measures to stabilize the disturbed area and replant with native vegetation. Relocate all cannabis related infrastructure and waste at least 50 feet away from the watercourse.
4. Adhere to Bulletin 74: California Well Standards as required by the Department of Water Resources (<https://water.ca.gov/well-standards>) and enforced by Mendocino County for installation, maintenance, and destruction of wells.

For Internal Use (Optional)					
Reviewed By:	(1)	(2)	(3)		
CIWQS Entry Date:		Regional Board File Number:		CIWQS Inspection ID:	



Photo 1: Inactive cultivation:  
Four hoop houses with  
cannabis plants already  
harvested



Photo 2: Well: Unsealed  
groundwater well



Photo 3: Active cultivation: Ten hoop houses with active cannabis cultivation



Photo 4: Active cultivation: Slash and cultivation related waste around active cannabis cultivation area



Photo 5: Watercourse:  
Reservoir, pump, and gasoline  
and oil canisters in a Class III  
watercourse