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## North Coast Regional Water Quality Control Board

August 20, 2021

Certified Mail No. 7016 0750 0001 0048 6115

Ayub and Sheila Castillo  
PO Box 903  
Miranda, CA 95553

Dear Ayub and Sheila Castillo,

**Subject: Notice of Violation and Transmittal of Inspection Report for July 21, 2021 Inspection of Humboldt County Assessor's Parcel APN 216-381-013, and Directive to Respond Within 30 Days**

**File:** Cannabis Program Inspections, Humboldt County, July 20, 2021, CIWQS Place ID 875408

### **THIS LETTER REQUIRES THAT YOU ACT WITHIN 30 DAYS**

This letter is to notify you of observed violations of the requirements listed below, and cited in Attachment A, at the property identified as Humboldt County Assessor's Parcel Numbers: APN 216-381-013 (the Property):

1. Water Quality Control Plan for the North Coast Region (Basin Plan) section 4.2.1 at location WQ3
2. California Water Code (Water Code) section 13264 at location WQ1

On July 20, 2021, North Coast Regional Water Quality Control Board (Regional Water Board) staff inspected the Property and observed site conditions and features developed for cannabis cultivation indoor and in hoop houses. Accordingly, this letter directs you to respond within 30 days by either enrolling in the Cannabis General Order, submitting a Report of Waste Discharge, or demonstrating why regulatory coverage is not needed, see below. Within 30 days, please contact Regional Water Board staff to discuss your plan to correct the observed violations.

### **Background**

LandVision records show that the Property was sold on August 12, 2019 by Gene Ghiolfo to Ayub and Sheila Castillo.

According to our records, this Property is not enrolled for coverage under the Cannabis General Order.

On July 21, 2021, staff from the Regional Water Board, accompanied by staff of CDFW, State Water Board Division of Water Rights, and personnel of various law enforcement agencies, 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.

### **Relevant Requirements**

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

### **Observed Violations**

As documented in the inspection report, Regional Water Board staff observed violations of the Basin Plan, associated with threatened and actual discharges of sediment from a road and watercourse crossing at WQ3, and violations of the Water Code, associated with unauthorized discharge of waste at WQ1.

### **Directive to Respond Within 30 days**

During the July 20, 2021 inspection, staff observed cannabis cultivation in indoor facilities and hoop houses. The overall cannabis cultivation operation was of sufficient size and scope to require regulatory coverage under the State Water Resources Control Board (State Water Board) Order No. WQ-2010-0001-DWQ, *General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities* (Cannabis General Order).

Based on the observations detailed in the attached inspection report, the Regional Water Board has determined that, pursuant to Water Code sections 13260<sup>1</sup> and 13264<sup>2</sup>, you are required to respond to this NOV within 30 days by **either**:

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<sup>1</sup> Water Code section 13260 states, in relevant part: (a) All of the following persons shall file with the appropriate regional board a report of the discharge, containing the information which may be required by the regional board: (1) Any 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.

<sup>2</sup> Water Code section 13264 states, in relevant part: (a) No person shall initiate any new discharge of waste or make any material changes in any discharge...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: (1) The issuance of waste discharge requirements pursuant to Section 13263.

- 1) Enrolling the Property under the Cannabis General Order by providing the information required in the online application process. The application can be accessed at: [https://www.waterboards.ca.gov/water\\_issues/programs/cannabis/](https://www.waterboards.ca.gov/water_issues/programs/cannabis/)
- 2) Filing a Report of Waste Discharge in order to obtain individual Waste Discharge Requirements (WDRs) specific to your Property, or
- 3) Providing information demonstrating why regulatory coverage is not needed for the Property identified above. If you have received a Notice to Abate Nuisance from the County, will no longer be cultivating cannabis, and will restore the Property in compliance with the Water Boards' Cannabis Cultivation Policy (Policy), please provide a written response, including a copy of the County's notice and any other supporting documentation, including photos if relevant, explaining why you are not seeking regulatory coverage for the parcel identified above and how the Property will be restored in compliance with the Policy.

For Option 1 or 2, above, you must also submit an application fee to the State Water Board within 30 days of submitting the online application. Failure to submit the application fee within 30 days will result in the application being voided and failure to comply with the Water Code sections 13260 and 13264 directives in this Notice of Violation. For Option 1, Payments shall be identified using the Fee Payment Application Number (found on the Notice of Receipt). All checks or money orders shall be made payable to: "State Water Resources Control Board."

Please submit the appropriate documents and payments to:

North Coast Water Board  
Attn: Cannabis Permitting  
5550 Skylane Boulevard, Suite A  
Santa Rosa, CA 95403

Failure to comply with the requirements of this Notice of Violation, pursuant to 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.

### **Additional Potential Liabilities**

The Regional Water Board is in the process of considering whether the violations of the Water Code and the Basin Plan 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 and Basin Plan.

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. Administrative civil liabilities may be assessed on a daily basis in the amount up to \$5,000 for each day the violation occurs or up to \$10 per gallon, but not both pursuant to Water Code section 13350.

### **Inspection Report Recommendations**

As mentioned above, the July 20, 2021 Inspection Report provides recommendations to correct the alleged violations, as well as to address features and conditions that threaten to impact water quality. **Within 30 days of this letter**, please advise Regional Water Board staff Adona White of your intentions, plan, and schedule to implement recommendations in the inspection report. If you have questions about what is required of you to comply with the requirements outlined above, and to advise as to your plan and schedule to correct the alleged violations, please contact Regional Water Board staff Adona White by email at [Adona.White@waterboards.ca.gov](mailto:Adona.White@waterboards.ca.gov) or by phone at 707-576-2672.

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.

You may also contact me at [Diana.Henrioulle@waterboards.ca.gov](mailto:Diana.Henrioulle@waterboards.ca.gov). Additionally, we are available to meet with you if you wish to discuss this letter or our waste discharge regulatory programs in further detail.

Sincerely,

Diana Henrioulle  
Enforcement Unit

210820\_AW\_er\_Castillo\_Insp\_NOV

Attachments: Attachment A - Regulatory Citations

Attachment B – Facilities Inspection Report and Map and Photo Appendix

Certified Mail – Return Receipt requested

**cc: North Coast Regional Water Quality Control Board**

[Northcoast.Cannabis@waterboards.ca.gov](mailto:Northcoast.Cannabis@waterboards.ca.gov)

Claudia Villacorta, [Claudia.Villacorta@waterboards.ca.gov](mailto:Claudia.Villacorta@waterboards.ca.gov)

Kason Grady, [Kason.Grady@waterboards.ca.gov](mailto:Kason.Grady@waterboards.ca.gov)

Adona White, [Adona.White@waterboards.ca.gov](mailto:Adona.White@waterboards.ca.gov)

**Division of Water Rights**

Stormer Feiler, [Stormer.Feiler@waterboards.ca.gov](mailto:Stormer.Feiler@waterboards.ca.gov)

Taro Murano, [Taro.Murano@waterboards.ca.gov](mailto:Taro.Murano@waterboards.ca.gov)

**Department of Fish and Wildlife**

Ryan Bourque, [Ryan.Bourque@wildlife.ca.gov](mailto:Ryan.Bourque@wildlife.ca.gov)

Scott Bauer, [Scott.Bauer@wildlife.ca.gov](mailto:Scott.Bauer@wildlife.ca.gov)

**Humboldt County Sheriff's Office**

Sergeant Conan Moore, [cmoore@co.humboldt.ca.us](mailto:cmoore@co.humboldt.ca.us)

## 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 style="padding-left: 40px;">(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 style="padding-left: 40px;">(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 style="padding-left: 20px;">(1) The issuance of waste discharge requirements pursuant to Section 13263.</p> <p style="padding-left: 20px;">(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 style="padding-left: 20px;">(3) The issuance of a waiver pursuant to Section 13269.”</p>
California Water Code Section 13265(a)	<p>“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.”</p>

Regulatory Section	Citation
Basin Plan Section 4.2.1, Prohibition 1	Prohibits “[t]he discharge of soil, silt, bark, slash, sawdust, or other organic and earthen material from any logging, construction, or associated activity of whatever nature into any stream or watercourse in the basin in quantities deleterious to fish, wildlife, or other beneficial uses.”
Basin Plan Section 4.2.1, Prohibition 2	Prohibits “[t]he placing or disposal of soil, silt, bark, slash, sawdust, or other organic and earthen material from any logging, construction, or associated activity of whatever nature at locations where such material could pass into any stream or watercourse in the basin in quantities which could be deleterious to fish, wildlife, or other beneficial uses.”
California Water Code Section 13350	“A person who (1) violates a cease and desist order or cleanup and abatement order hereafter issued, reissued, or amended by a regional board or the state board, or (2) in violation of a waste discharge requirement, waiver condition, certification, or other order or prohibition issued, reissued, or amended by a regional board or the state board, discharges waste, or causes or permits waste to be deposited where it is discharged, into the waters of the state, or (3) causes or permits any oil or any residuary product of petroleum to be deposited in or on any of the waters of the state, except in accordance with waste discharge requirements or other actions or provisions of this division, shall be liable civilly, and remedies may be proposed, in accordance with subdivision (d) or (e).”

## FACILITIES INSPECTION REPORT

Region/Office: 1	Status: Performed	Reg. Measure ID: 444333
Program Type: IRRICANNABIS	WDID:	Order Number:
Scheduled Insp. Date:	Actual Insp. Date: 07/20/2021	

### Discharger Information

Party ID: 626336	Discharger Organization Name: Castillo, Sheila V Ayub		
Address: Po Box 63	City, State, Zip: Miranda, CA 95553		
Discharger Contact Person:	Discharger Contact Phone:		
Discharger Contact Email Address:			

### Facility Information

Place ID 875408	Facility Name: Sheila V Ayub Castillo		
Address: 540 River Road	City, State, Zip: Alderpoint, CA 95511		
County: Humboldt	Latitude: 40.14871	Longitude: -123.64268	Method: Map Interpolation (digital)

### Lead Inspector Information

Lead Inspector Party ID: 526285	Lead Inspector Name: Adona White		
Inspector Type:	<input checked="" type="checkbox"/> State	<input type="checkbox"/> State Contractor	<input type="checkbox"/> EPA Contractor
	<input type="checkbox"/> EPA and State (EPA Lead)	<input type="checkbox"/> EPA and State (State Lead)	<input type="checkbox"/> EPA (Regional)

## INSPECTION TYPE

Inspection Type: Complaint inspection

## VIOLATIONS

Were Violations noted during this inspection?  Yes  No

Violation ID	Violation Type	Occurrence Date	Rank	Description
1092919	Unauthorized Discharge	07/20/2021	B	California Water Code Section 13264 for unauthorized discharge of waste to waters of the state at location WQ1.
1092920	Basin Plan Prohibition	07/20/2021	B	Water Quality Control Plan for the North Coast Region (Basin Plan) Section 4.2.1 for threatened discharge of sediment to a watercourse at location WQ3.

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

Recommendations:

1. Cleanup and properly dispose of refuse, amendments, cultivation waste.
2. Implement recommendations from Humboldt County Hazardous Materials unit.
3. Hire a qualified professional to assess the impacts to the waters of the state at WQ1, and develop and submit for approval, a treatment and permitting plan and schedule.
4. WQ2: stabilize flat
5. WQ3: Evaluate & upgrade or remove culvert, hydrologically disconnect road.

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

Humboldt County Sheriff warrant inspection of 216-381-013 with HumCo HazMaterials and Code Enforcement, Division of Water Rights, and CA Department of Fish and Wildlife.  
 Figure 2 of the map and photo appendix includes an inspection map showing the location of features discussed below.

The Property is accessed via a driveway that traverses midslope along the eastern portion of the property. Near the southern portion of Property, buildings have been constructed midslope above the driveway. The buildings appear to be associated with indoor cultivation, though no active cultivation was occurring. A fuel storage and generator were onsite and Humboldt County Hazardous Materials Unit conducted sampling. The buildings are constructed on a flat cut into the hillside.

WQ1: A seep emerges upslope of the buildings (GPS 524), with hydrophytic vegetation and surface flow observed. The water from the seep was visibly flowing and the hillside is saturated. The buildings are constructed in the flowline. Along the backside of the buildings, a trench is constructed to carry the water to an inside ditch along the driveway, where it flows down to River Road at GPS 523. The trench is holding water; the driveway ditch supports stream violets. Near the emergence of the seep is the residual of a burn pile with what appears to be burned plastic.

WQ2: A cut and fill flat is constructed below the driveway in the middle of the Property. The south end of the cleared flattened area located directly downslope of the seep and is surrounded by vegetation that is associated with wetland vegetation, suggesting the feature has long been supporting a wet hillside. The apex of the cut is overly steep and has eroded, which likely will continue unless stabilized. Spoils are placed on the outboard edge below the apex of the cut (GPS 525); the spoils are not stabilized.

WQ3: The driveway continues past the buildings and crosses a class III watercourse with a 24" CMP (GPS 526).

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

Castillo Inspection Map and Photo Appendix  
 July 20, 2021 Rancho Sequoia Inspection  
 CIWQS Inspection ID 44857916



Figure 1. Map with aerial imagery, Humboldt County parcels including APN 216-381-013, roads and watercourses.

Castillo Inspection Map and Photo Appendix  
July 20, 2021 Rancho Sequoia Inspection  
CIWQS Inspection ID 44857916



Figure 2. Inspection map of APN 216-381-013, with parcel boundaries, aerial imagery, location of GPS points, location of features of concern to water quality (WQ1-WQ3), as well a pin at the coordinates identified associated with the warrant.

WQ1: Building and Generator facilities  
built in seep wetland



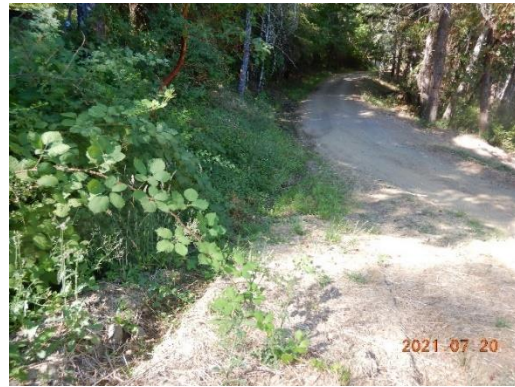
Figure 3. The seep supports hydrophytic vegetation; the buildings are built in the flowpath (WQ1).



*Figure 4. Water is pooled in the trench constructed around the backside of the fuel storage building.*



*Figure 5. The trench routes water around the building to a roadside ditch.*



*Figure 6. The roadside ditch carries water to the shared road.*



*Figure 7. The interior of the fuel storage building, including above ground storage tanks and generator.*



*Figure 8. Storage barrels are located between the buildings outside.*



*Figure 10. Outside the cultivation building, I observed fuel stains.*



*Figure 9. The cultivation building did not contain any growing plants but did have cultivation-related infrastructure and storage.*



*Figure 11. Below the buildings, vegetation is lush and green.*



*Figure 12. The south end of the lower flat is surrounded by hydrophytic*

*vegetation, likely associated with the seep at WQ1.*

WQ2: Cultivation Flat



*Figure 13. Looking from north to south at the lower flat, located below the building. The lush vegetation at the south end of the flat is below the seep described in WQ1. includes a hoop structure with cultivation beds, but no plants. The north end of the flat includes cut and fill construction.*



*Figure 14. The cut bank is overly steep and eroding.*



*Figure 15. Between the beds and the top of the fillslope, pond liner is placed.*



*Figure 16. The slope adjacent to the fillslope is steep.*



*Figure 17. Spoils are placed at the top edge of the fillslope on the north end of the flat at GPS 525.*

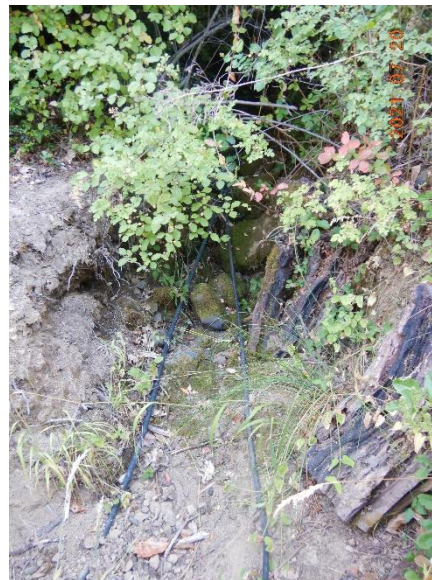
WQ3: Crossing



*Figure 18. The driveway continues past the buildings, above the flat, and over a watercourse, around a bend and up to an upper flat. This photograph looking south toward the buildings. The watercourse crossing is located at the break between the sun and shaded portions of the photo.*



*Figure 19. The watercourse at GPS 526 appears to be a Class III, and the crossing is a 24 inch corrugated metal pipe, with irrigations lines running through it. Photo shows inlet.*



*Figure 20. Upstream of the crossing, the watercourse is steep.*



*Figure 21. The road is hydrologically connected to the crossing and is dusty and unrocked.*



*Figure 23. Behind the buildings, a watercourse leads upslope, with irrigation line running in it.*



*Figure 22. Feed tanks are located at the edge of the slope that goes down toward the parcel to the north.*



*Figure 24. Water storage tanks are located on the slope above the buildings and are filled with a surface water diversion farther upslope, documented by inspectors from the California Department of Fish and Wildlife and the Division of Water Rights.*