



---

## North Coast Regional Water Quality Control Board

November 5, 2021

Tommie and Linda Dillion  
PO Box 1490  
Fort Bragg CA 95437

Certified Mail 7021 0950 0001 6499 5240

Dear Tommie and Linda Dillion:

**Subject: Notice of Violation, Transmittal of Inspection Report for the October 11, 2021 Inspection of Mendocino County Assessor's Parcel 037-650-05-00, and Directive to Respond within 30 days**

**File:** Cannabis Program Inspections, Mendocino County, October 11, 2021, CIWQS Place ID 877264

### **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 Mendocino County Assessor's Parcel Number 037-650-05-00 (the Property):

1. California Water Code (Water Code) sections 13260 and 13264
2. Water Quality Control Plan for the North Coast Region (Basin Plan) section 4.2.1

On October 11, 2021, North Coast Regional Water Quality Control Board (Regional Water Board) staff inspected the Property and observed cannabis cultivation with an associated disturbed area exceeding 3,000 square feet. This letter directs you to address the violations noticed herein. Within 30 days, please contact Regional Water Board staff to discuss your plan to correct the observed violations.

### **Background**

LandVision records show that you purchased the Property on December 18, 2002.

On October 11, 2021, staff from the Regional Water Board, accompanied by personnel from California Department of Fish and Wildlife (CDFW) 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

---

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

of waters of the state. During the inspection, staff observed cannabis cultivation operations of sufficient size and scope to require regulatory coverage under the State Water Resources Control Board Order No. WQ 2019-0000-DWQ General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities (Cannabis General Order).

Attached is a copy of the water quality inspection report (Attachment B – Property Inspection Report and Attachment C – Inspection Map and Photolog). Please review the inspection report carefully and completely. The inspection report contains recommendations for correcting observed violations and advises you of the Regional Water Board permits necessary for projects/activities that result in discharges of waste to receiving waters.

### **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 October 11, 2021 inspection report, Regional Water Board staff observed violations of the California Water Code section 13260 and 13264 for cannabis cultivation operations of sufficient size and scope to require regulatory coverage at WQ4, and Basin Plan Section 4.2.1, Prohibition 2, for threatened discharges of organic and earthen material in the vicinity of WQ4 to a watercourse to the southeast.

### **Directive to Respond Within 30 Days**

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:

---

<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 submitting the appropriate fee (see below) and providing the information required in the online application: [https://www.waterboards.ca.gov/water\\_issues/programs/cannabis/](https://www.waterboards.ca.gov/water_issues/programs/cannabis/) Upon completion of the application through the online portal, you will receive a Notice of Receipt confirming your application and providing you a Fee Payment Application Number. When you submit the fee for this enrollment, you must include the Fee Payment Application Number on your electronic payment, check, or money order(s). All checks or money orders shall be made payable to: "State Water Resources Control Board," and shall be delivered by U.S. Mail to: Accounting Office, Attn: Water Quality Fees – Cannabis General Order, P.O. Box 1888, Sacramento, CA 95812-1888;
- 2) Filing a Report of Waste Discharge to obtain individual Waste Discharge Requirements (WDRs) specific to the Property and submitting the appropriate fee. Since this option is project-specific, you will need to contact staff at [Brian.Fuller@waterboards.ca.gov](mailto:Brian.Fuller@waterboards.ca.gov) for further instructions and to determine the appropriate application fee;

OR

- 3) Providing information demonstrating why regulatory coverage is not needed for the parcel identified above. If you 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 any 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.

Application fees submitted pursuant to Options 1 or 2, above, must be submitted to the State Water Board within 30 days of submitting the online application or Report of Waste Discharge. Failure to submit the application fee within 30 days will result in the application being voided and will thus constitute a failure to comply with the above directive pursuant to Water Code sections 13260 and 13264.

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.

### **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 October 11, 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 Brian Fuller 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 Brian Fuller by email at [Brian.Fuller@waterboards.ca.gov](mailto:Brian.Fuller@waterboards.ca.gov) or by phone at (707) 576-2806.

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 by email 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, P.E.  
Enforcement Unit

211105\_BMF\_Dillion\_NOV

Attachments: Attachment A – Regulatory Citations  
Attachment B – Facilities Inspection Report  
Attachment C – Inspection Maps and Photolog

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)

Brian Fuller, [Brian.Fuller@Waterboards.ca.gov](mailto:Brian.Fuller@Waterboards.ca.gov)

**Division of Water Rights**

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

Karen Kramer, [Karen.Kramer@Waterboards.ca.gov](mailto:Karen.Kramer@Waterboards.ca.gov)

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

Richard Ramirez, [Richard.Ramirez@Waterboards.ca.gov](mailto:Richard.Ramirez@Waterboards.ca.gov)

Mollie Preijers, [Mollie.Preijers@Waterboards.ca.gov](mailto:Mollie.Preijers@Waterboards.ca.gov)

**Department of Fish and Wildlife**

Warden Justin Rhoades, [Justin.Rhoades@wildlife.ca.gov](mailto:Justin.Rhoades@wildlife.ca.gov)

Lieutenant Douglas Willson, [Douglas.Willson@wildlife.ca.gov](mailto:Douglas.Willson@wildlife.ca.gov)

Timothy Dodson, [Timothy.Dodson@wildlife.ca.gov](mailto:Timothy.Dodson@wildlife.ca.gov)

Christopher DeTar, [Christopher.DeTar@Wildlife.ca.gov](mailto:Christopher.DeTar@Wildlife.ca.gov)

**Mendocino County**

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

## Attachment A – Regulatory Citations

Regulatory Section	Citation
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 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)	“A person who fails to furnish a report or pay a fee under <a href="#">Section 13260</a> when so requested by a regional board is guilty of a misdemeanor and may be liable civilly in accordance with subdivision (b).”
California Water Code Section 13264	<p>“(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:</p> <p style="padding-left: 40px;">(1) The issuance of waste discharge requirements pursuant to Section 13263.”</p>

## FACILITIES INSPECTION REPORT

Region/Office: 1	Status: Performed	Reg. Measure ID: 445561
Program Type: IRRICANNABIS	WDID:	Order Number:
Scheduled Insp. Date:	Actual Insp. Date: 10/11/2021	

### Discharger Information

Party ID: 628683	Discharger Organization Name: Dillion, Tommie		
Address: Po Box1490	City, State, Zip: Fort Bragg, CA 95437-1490		
Discharger Contact Person:	Discharger Contact Phone:		
Discharger Contact Email Address:			

### Facility Information

Place ID 877264	Facility Name: Tommie Dillion		
Address:	City, State, Zip: Willits, CA 95490		
County: Mendocino	Latitude: 39.48568	Longitude: -123.39882	Method: Map Interpolation (digital)

### Lead Inspector Information

Lead Inspector Party ID: 568606	Lead Inspector Name: Brian Fuller		
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
1096130	Basin Plan Prohibition	10/11/2021	B	Water Quality Control Plan for the North Coast Region (Basin Plan) Section 4.2.1 for threatened discharges of organic and earthen material in the vicinity of WQ4 to a watercourse to the southeast.
1096131	Other Codes	10/11/2021	B	California Water Code Section 13260 and 13264: cannabis cultivation operations of sufficient size and scope to require regulatory coverage under State Water Resources Control Board Order No. WQ 2019-0001-DWQ (Cannabis General Order).

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

Recommendations:

1. Correct the roads on the Property to conform with the Cannabis Policy.
2. Cleanup, haul away, and properly dispose of cultivation waste.
3. Prior to cultivating cannabis or developing the property for cannabis cultivation, obtain required authorizations.

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

My inspection was associated with a criminal search warrant and I viewed only portions of the Property. See the attached map and photos for locations and details about features of concern to water quality.

I parked near a structure on the southwest side of the Property and walked east along a narrow road where I observed deep wheel ruts at WQ1. I followed the road south and observed a graded pad with an array of more than 100 hundred bags of imported potting soils opened on the top at WQ2. The pad is not visible in 2020 NAIP imagery.

I continued walking south and observed plastic pipe within the banks of Rows Creek at WQ3. I walked north along a different segment of road and observed a reservoir and hoop-type greenhouse in the vicinity of WQ4.

At WQ4, I observed a pile of cultivation waste where it threatened to discharge to a watercourse to the southeast.

For Internal Use (Optional)

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

**Inspection Maps and Photolog for inspection conducted, October 11, 2021**

Map and photo selection completed by Brian Fuller, PG, Engineering Geologist

**Inspection Map**

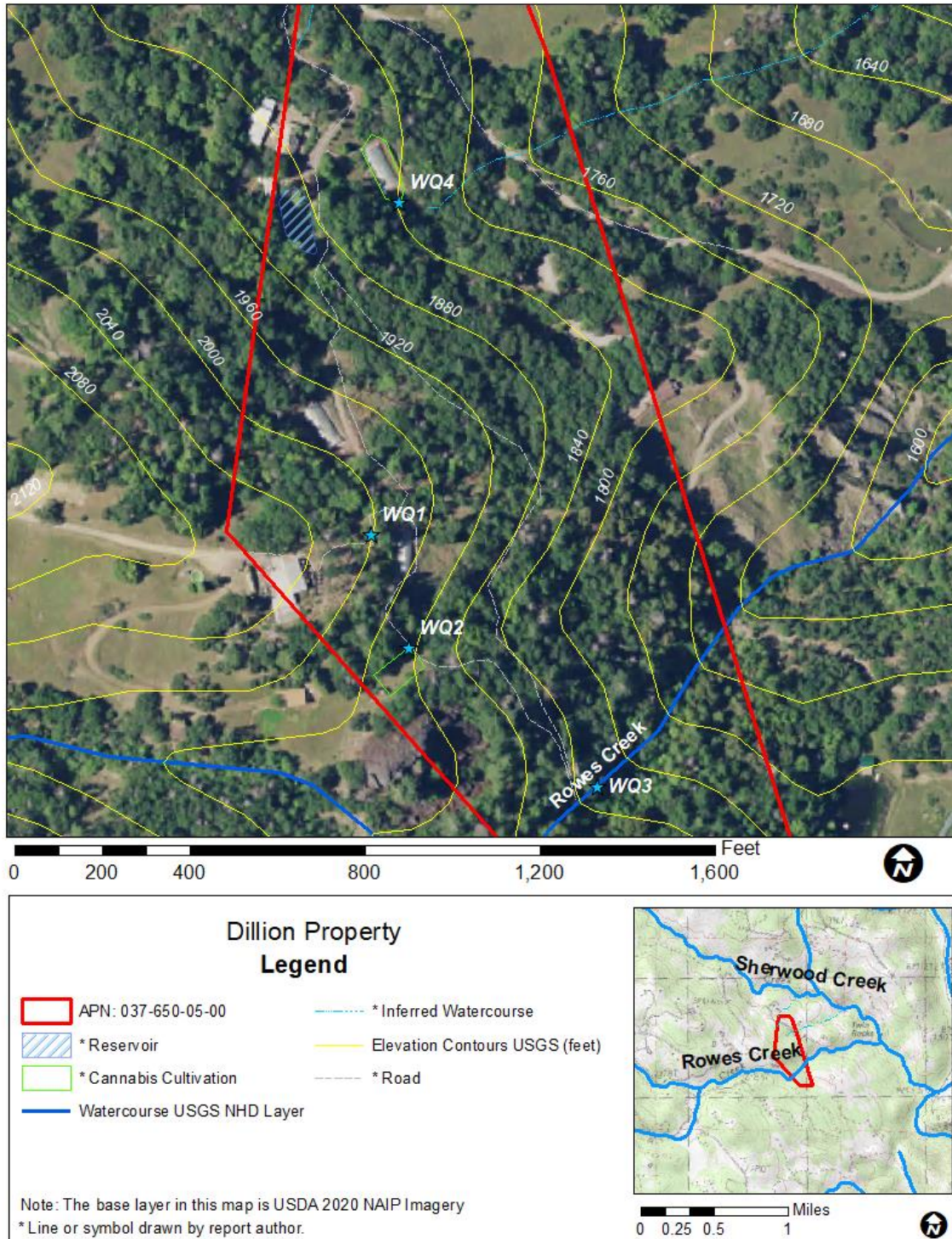


Figure 1: Map of Property, including inspection points of interest.

**Photo Appendix:**



*Photo 1—Tire ruts visible on road in the vicinity of WQ1.*



*Photo 2—Recently constructed cultivation pad at WQ2.*



*Photo 3—Looking southeast at Rows Creek in the vicinity of WQ3.*



*Photo 4—Looking north at reservoir west of WQ4.*



*Photo 5—Looking east toward greenhouse in the vicinity of WQ4.*



*Photo 6—Cultivation waste located at WQ4.*



*Photo 7—Looking at swale upslope from channelized watercourse southeast of WQ4 and pictured in below image.*



*Photo 8—Looking east and downslope where watercourse transitions from a swale to a channel with a defined bed and bank.*