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North Coast Regional Water Quality Control Board

May 19, 2022

Hector Felix  
3704 S 100th Gln  
Tolleson, AZ 85353-4127

Certified Mail: 7021 0950 0001 6499 7428

Hector Felix  
14439 N. Fountain Hills Blvd. Unit C  
Fountain Hills, AZ 85268

Certified Mail: 7021 0950 0001 6499 7435

Hector Felix  
8900 Feliz Creek Dr  
Ukiah, CA 95482

Certified Mail: 7021 0950 0001 6499 7442

Dear Hector Felix:

**Subject: Notice of Violation, Transmittal of Report for April 20, 2022 Inspection of Mendocino County Assessor's Parcel APN 046-310-24-00**

**File:** Cannabis Program Inspections, Mendocino County, April 20, 2022, CIWQS Place ID 881088

**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: 046-310-24-00 (the Property):

1. State Water Resources Control Board Cannabis Cultivation Policy 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* (Cannabis General Order) various provisions
2. Water Quality Control Plan for the North Coast Region (Basin Plan) Section 4.2.1, Prohibitions 1 and 2.

According to our records, the cannabis cultivation operation located on this Property is not enrolled for coverage under the Cannabis General Order.

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

On April 20, 2022, North Coast Regional Water Quality Control Board (Regional Water Board) staff (Staff) inspected the Property and observed cannabis cultivation greenhouses. Accordingly, 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**

Land Vision records show that Hector Jesus Felix purchased the Property on December 20, 2019. According to aerial imagery reviewed by Staff on May 16, 2022, greenhouses were constructed on the Property in 2020. The topography on the Property dips steeply to the south where McNab Creek flows from west to east.

On April 20, 2022, during the execution of a criminal search warrant served by the California Department of Fish and Wildlife (CDFW), Staff, accompanied by personnel from CDFW, the State Water Resources Control Board Division of Water Rights and Mendocino County, and 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. During the inspection, staff observed cannabis cultivation operations of sufficient size and scope to require regulatory coverage under the Cannabis General Order. According to CDFW personnel, the requisite state and local authorizations for commercial cannabis cultivation are not associated with the Property.

Attached is a copy of the water quality inspection report (Attachment B – Property Inspection Report). 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 instream work and projects/activities that result in discharges of waste to receiving waters.

### **Relevant Requirements**

During the inspection, 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 report of the April 20, 2022 inspection, Staff observed commercial cannabis cultivation activities occurring on the Property with an associated disturbed area on the order of 10,000 square feet that did not comply with the requirements of the Cannabis General Order. Staff also observed violations of the Basin Plan Prohibitions 1 and 2 for discharges, threatened and actual, waste including imported potting soils and cannabis plants into McNab Creek and/or its tributaries. Staff describe these violations in the inspection report.

### **Additional Potential Liabilities**

The Regional Water Board is in the process of considering whether the violations of the Cannabis General Order and Basin Plan warrant further enforcement. We encourage you to take steps, to correct the violations as soon as possible, and secure 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 Cannabis General Order and the 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 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 our 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 our 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 at [Jeremiah.Puget@waterboards.ca.gov](mailto:Jeremiah.Puget@waterboards.ca.gov) or by phone at 707-576-2835. 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,

Jeremiah Puget  
Senior Environmental Scientist

Attachments: Attachment A – Regulatory Citations  
Attachment B – Inspection Report

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)

Jeremiah Puget, [Jeremiah.Puget@waterboards.ca.gov](mailto:Jeremiah.Puget@waterboards.ca.gov)

**Division of Water Rights**

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

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

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

**Department of Fish and Wildlife**

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

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)

**Mendocino County Sheriff's Office**

Sergeant Clinton Wyant, [WyantC@mendocinocounty.org](mailto:WyantC@mendocinocounty.org)

**Mendocino County Cannabis Program**

[CannabisProgram@mendocinocounty.org](mailto:CannabisProgram@mendocinocounty.org)

**Mendocino County Code Enforcement**

Trent Taylor, [TaylorT@mendocinocounty.org](mailto:TaylorT@mendocinocounty.org)

**Department of Cannabis Control**

Erin Wonder, [Erin.Wonder@cannabis.ca.gov](mailto:Erin.Wonder@cannabis.ca.gov)

## Attachment A – Regulatory Citations

Regulatory Section	Citation
Cannabis Policy and General Order No. WQ 2019-0001-DWQ	<p>State Water Resources Control Board Cannabis Cultivation Policy and General Waste Discharge Requirements Order No. WQ 2019-0001-DWQ for Discharges of Waste Associated with Cannabis Cultivation Activities</p> <p><a href="https://www.waterboards.ca.gov/water_issues/programs/cannabis/docs/policy/final_cannabis_policy_with_attachment_a.pdf">https://www.waterboards.ca.gov/water_issues/programs/cannabis/docs/policy/final_cannabis_policy_with_attachment_a.pdf</a></p> <p>and</p> <p><a href="https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2019/wqo2019_0001_dwq.pdf">https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2019/wqo2019_0001_dwq.pdf</a></p>
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.”

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## North Coast Regional Water Quality Control Board

TO: Jeremiah Puget

FROM: Brian Fuller

DATE: May 17, 2022

**Inspection Report for April 20, 2022 Warrant Inspection,  
Mendocino County  
Assessor's Parcel Number (APN) 046-310-24-00 (the "Property")**

File: Cannabis Program Inspections, Mendocino County, 2022, Felix,  
CIWQS Place ID 881088

**Property information:**

Watershed: Russian River Hydrologic Unit; Upper Russian River Hydrologic Area; Ukiah Hydrologic Subarea (HU/HA/HSA 114.31; see Table 2-1 of the Water Quality Control Plan for the North Coast Region (Basin Plan), for beneficial uses)

**Inspection information:**

Date/time: April 20, 2022 / 9am -10am

Weather: Light rain

Type: Warrant Inspection

**Attendance:**

Mollie Preijers, Environmental Scientist (ES), Division of water Rights (Division)  
Richard Ramirez, Environmental Scientist (ES), Division  
Tim Dodson, Senior ES Specialist, California Department of Fish and Wildlife (CDFW)  
Brian Fuller, P.G., Engineering Geologist, Regional Water Board

**Background/Objective:**

Objectives for Regional Water Board staff included observing site development and activities and identifying and assessing onsite features or conditions that are causing or may cause adverse impacts to the quality and beneficial uses of receiving waters, including surface and groundwater.

**Inspection Map:**

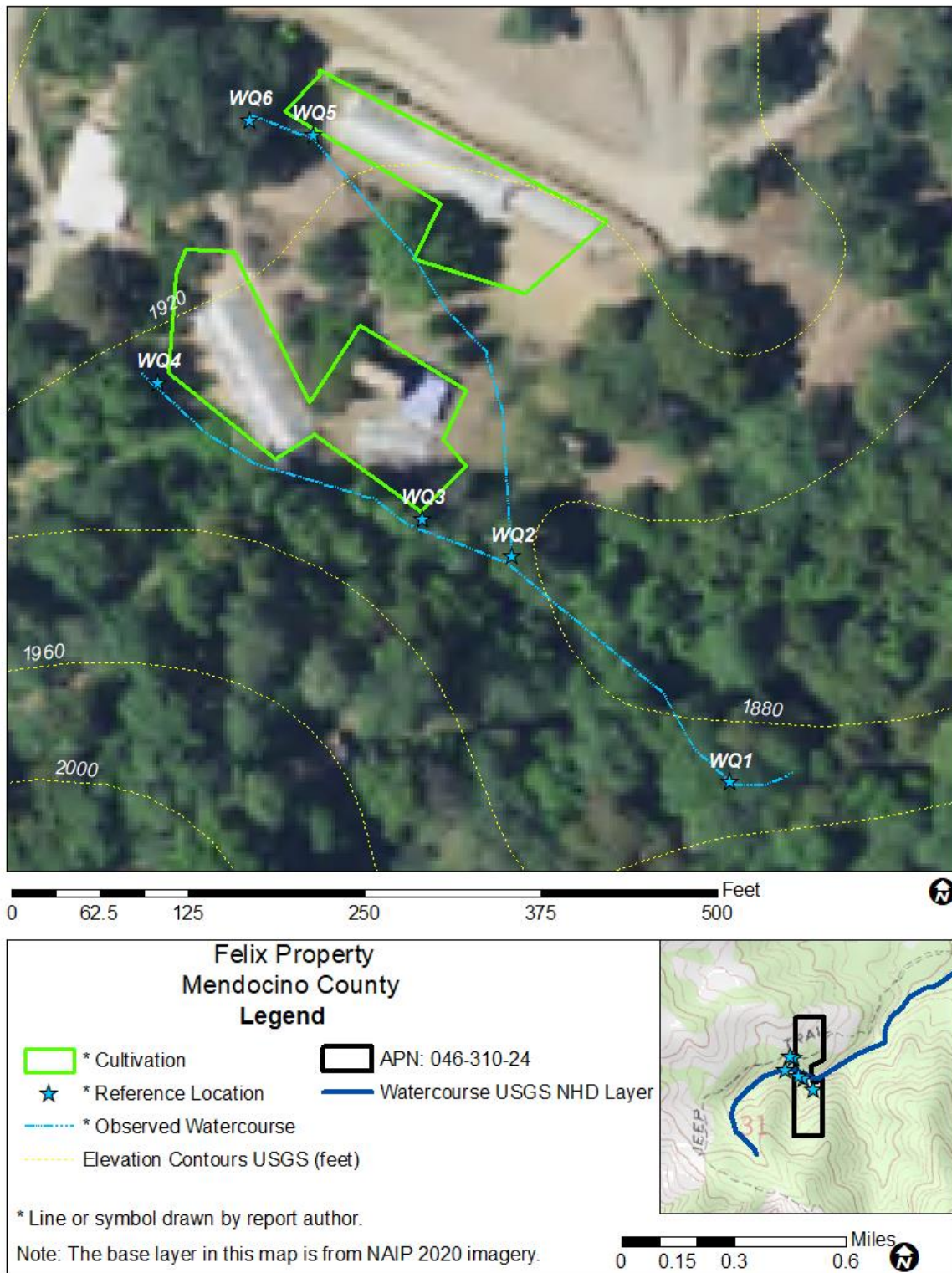


Figure 1: Aerial image/map showing inspection points discussed in this report.

**Inspection Narrative:**

The inspection was associated with a criminal search warrant, and I viewed only portions of the Property. See the above Inspection Map and below Photo Appendix for locations and details about features of concern to water quality.

I entered the Property from the east and walked south where I observed water diversion infrastructure on a watercourse at WQ2 (Photo 1 and Photo 2). Behind the active pump, I observed fuel and motor oil containers, and an out of service pump (Photo 3 and Photo 4), that threatened to discharge waste petroleum products to the watercourse at WQ1. I walked northwest along the channel and observed a waste metal drum and tire (Photo 4 and Photo 5) in a tributary to the larger watercourse. I continued walking to WQ3 where I observed a pile of cannabis cultivation waste (Photo 6) that threatened to discharge to the watercourse located less than less than ten feet to the south.

I continued walking northwest and observed an area at WQ4 with equisetum and other vegetation distinct from elsewhere on the Property (Photo 7 and Photo 8). This vegetation is indicative of wetland conditions. I walked north to a footpath fording a watercourse at WQ5 where I observed cannabis cultivation in the watercourse (Photo 9 through Photo 11). I walked upstream to WQ6 and I observed a culvert that had rusted through the bottom (Photo 12 through Photo 14).

**Recommendations:**

1. Immediately collect all refuse and cannabis cultivation wastes which have discharged and/or threaten to discharge to receiving waters and which can be collected by hand. You are not authorized to use heavy equipment in a water of the state or modify the bed bank or channel of a water of the state without a permit from the Regional Water Board (see recommendation 6 below). Properly dispose of these wastes at a licensed waste collection facility.
2. Retain a qualified professional to inventory and assess all aquatic resources including watercourses and wetlands that are waters of the State of California on the Property, and to develop a workplan and schedule to implement measures to ensure that all developed features, roads and watercourse crossings throughout the Property are corrected, restored, and/or maintained in conditions that prevent or minimize erosion, sediment transport/delivery, and adverse impacts to water quality and beneficial uses.
3. Dispose of all development and restoration-related earthen spoils in a manner to prevent/minimize transport and delivery to receiving waters.
4. Comply with requirements/directives from CDFW and the Division of Water Rights with respect to appropriate permitting/licensing for the water diversion and infrastructure and ensure that water diversion features are modified/maintained so

as to minimize the potential for adverse impacts to water quality and beneficial uses.

5. Prior to cultivating cannabis or developing a property for cannabis cultivation, enroll for coverage under the Cannabis General Order.
6. Prior to conducting work in a water of the state, submit the below application and pay the required application fee for a Water Quality Certification/Waste Discharge Requirement:

[https://www.waterboards.ca.gov/northcoast/water\\_issues/programs/cannabis/pdf/200204/RB1\\_Cannabis\\_WQC\\_401\\_App.pdf](https://www.waterboards.ca.gov/northcoast/water_issues/programs/cannabis/pdf/200204/RB1_Cannabis_WQC_401_App.pdf)

**Photo Appendix<sup>1</sup>:**



*Photo 1— Looking south toward WQ1. A water tank and gasoline powered pump are installed on the right bank of a watercourse with flowing water. Pipes extending from the pump inlet extend into the watercourse.*



*Photo 2— Looking at watercourse in the vicinity of WQ1. Plastic pipes are visible within the channel banks.*

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<sup>1</sup> Timestamp on photos is slow by one hour.



*Photo 3— Gasoline powered pump, fuel can and motor oil container on right bank of watercourse at WQ1*



*Photo 4— Looking north at a waste metal drum in tributary at WQ2.*



*Photo 5— A waste tire partially buried in sediment in the tributary located at WQ2.*



*Photo 6— Looking west at WQ3. A pile of cultivation waste approximately six feet square containing cannabis stalks, root balls, and plastic netting is located 10 feet from the watercourse which is visible in the back of the image.*



*Photo 7— Looking west in the vicinity of WQ4. Greenhouses and plastic netting are visible surrounded by plants from the genera Equisetum.*



*Photo 8— Looking east in the vicinity of WQ4. A greenhouse and plastic netting are visible surrounded by plants from the genera Equisetum.*



*Photo 9— Looking southeast and downstream from a footpath fording a watercourse at WQ5. Waste cannabis stalks are visible filling the channel in the middle back of the image.*



*Photo 10— Looking southeast and downstream from a footpath fording a watercourse at WQ5. Plastic waste, cannabis stalks and cannabis root balls are visible within the watercourse banks.*



*Photo 11— Close-up view of cannabis root balls identified in the previous image. The watercourse has water in it and white speckles in the root balls identify the presence of perlite which is contained in imported potting soils.*



*Photo 12— The outlet of the culvert located at WQ6. The pipe is 15 inches in diameter, and 20 feet long. Holes have rusted through the bottom of the metal pipe allowing water to flow below the pipe.*



*Photo 13— Looking southeast and downstream from the culvert at WQ6. The culvert is perched several feet above the channel bed.*



*Photo 14— Looking northwest and upstream from the culvert at WQ6. The watercourse width upstream averages between 2 and 3 feet wide.*