



---

North Coast Regional Water Quality Control Board

March 18, 2022

Ignacio Almonte  
HC62 Box 30F1  
Zenia, CA 95595  
[patriciarodriguez91@gmail.com](mailto:patriciarodriguez91@gmail.com)

Certified Mail 7021 0950 0001 6499 7039

Patricia Rodriguez  
6020 Morning Glen Court  
Rocklin, CA 95765  
[patriciarodriguez91@gmail.com](mailto:patriciarodriguez91@gmail.com)

Certified Mail 7021 0950 0001 6499 7077

Patricia Rodriguez  
58 E 117<sup>th</sup> St, Apt 3H  
New York, NY 10035

Certified Mail 7021 0950 0001 6499 7053

Dear Ignacio Almonte and Patricia Rodriguez:

Subject: **Notice of Violation, Transmittal of Inspection Report for February 16, 2022 Inspection of Trinity County Assessor's Parcel APN 022-080-034**

File: Cannabis Program Inspections, Trinity County, February 16, 2022, CIWQS Place ID 865097

**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 Trinity County Assessor's Parcel Number (APN): 022-080-034 (the Property):

1. State Water Resources Control Board Cannabis Cultivation Policy and 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

According to our records, the cannabis cultivation operation located on this Property is enrolled for coverage under the Cannabis General Order as Tier 1 Low Risk to water quality.

---

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

On February 16, 2022, North Coast Regional Water Quality Control Board (Regional Water Board) staff inspected the Property and observed cannabis cultivation-related greenhouses. This letter requires that you address the violations noticed herein. Within 30 days, please contact Regional Water Board staff to discuss your plan to correct the observed violations.

## **Background**

According to LandVision records, the Property was sold by William Shannon on March 16, 2006, to James and Radeana Johnson, who, on September 25, 2013, sold it to Ignacio Almonte and Patricia Rodriguez. On November 18, 2015, Ignacio Almonte sold the Property to Patricia Rodriguez.

According to aerial imagery review by Regional Water Board staff on March 8, 2022, a lush green, potential wetland area is visible across the northern portion of the Property, especially to the east of the north-south road, which connects to the larger watercourse located to the north of the Property. It appears that a small pond was located upstream of the access road. Between December 13, 2004 and May 24, 2009, an overflow channel constructed west of and parallel to the north-south road, north to the hydrologic divide and onto the next parcel, where another shallow onstream pond is located. Between April 24, 2010 and July 9, 2012, 0.9 acres were disturbed to the east of the north-south road to expand the pond to include the next 265 linear feet of potential wetland downstream.

Between May 30, 2014 and March 13, 2017, approximately 20,000 square feet of outdoor cultivation was installed on and near the pond berm, along with 4,000 square feet of hoop houses near the residence, and approximately 9,000 square feet of ground disturbance next to the upstream portion of the pond and probable wetland. In imagery from August 12, 2017, 25,000 square feet of outdoor and 2,350 square feet of greenhouse and light deprivation cultivation are visible. This same scale of cultivation is seen in the November 11, 2018 imagery. As of the October 11, 2020 imagery, the burn scare associated with the August Complex wildfire is visible. As of the July 1, 2021 imagery, four greenhouses remain, for a total of approximately 13,000 square feet of cultivation.

The Property was never enrolled under the Regional Water Board's Order No. R1-2015-0023, *Waiver of Waste Discharge Requirements and General Water Quality Certification for Discharges of Waste Resulting from Cannabis Cultivation and Associated Activities or Operations with Similar Environmental Effects in the North Coast Region* (Regional Cannabis Order), which as of February 1, 2015, was required for operations of the scale identified on the aerial imagery.

As of July 1, 2017, enrollment under the Cannabis General Order was required for operations of the scale identified on the aerial imagery. On February 25, 2020, Ignacio Almonte submitted information through the State Water Resources Control Board's (State Water Board's) online portal for discharges of waste associated with cannabis

cultivation related activities for APN 022-080-34, and listed Patricia Rodriguez as landowner of the Property. Based on the information submitted by Ignacio Almonte, the cannabis cultivation activities are classified as Tier 1, low risk. Effective February 25, 2020, the Property was enrolled into Cannabis General Order and assigned WDID 1\_53CC424825.

On December 19, 2018, the California Department of Fish and Wildlife (CDFW) sent Ignacio Almonte a letter with the subject, *Incomplete Notification of Lake or Streambed Alteration, Notification No. 1600-2018-0709-R1, Diversion for Cannabis Cultivation, Trinity County APN 022-080-34*, citing that the application does not have a complete project description regarding how the pond fills (by diversion or well) and regarding the diversion that is reportedly on US Forest Service lands and if that could legally be used for commercial cannabis irrigation. In response, on January 30, 2019, Timberland Resource Consultants (TRC) described that the pond filled with rainwater only (not surface or ground water), and that the spring diversion was for domestic use only with tank storage. On January 28, 2021, CDFW sent Ignacio Almonte a letter with the subject, *Notification of Lake or Streambed Alteration, Notification No. 1600-2018-0709-R1, Trinity County APN: 022-080-34-00*, and identified that CDFW did not achieve the timeline required by law to issue a draft Lake or Streambed Alteration Agreement (Agreement) and therefore the applicant could complete the project described in the notification without an Agreement.

Based on the information submitted through the portal, the Division of Water Rights issued Ignacio Almonte a Small Irrigation Use Registration for diversion and use from an unnamed spring tributary to Kettenpom Creek located on the APN of the Property, but with coordinates located on Forest Service lands. The water right specifies the purpose of use is irrigation of 0.23 acres.

The 2019 Annual Reporting submitted by TRC described 10,000 square feet of cultivation and the sections about input sources or use records were left blank. The 2020 Annual Report submitted by Down River Solutions, LLC describes 10,200 square feet of cultivation and 11,318 square feet in another section. It describes that the pond has 200,000 gallon capacity and was filled by rainfall.

On February 16, 2022, during the execution of a criminal search warrant served by CDFW, staff from the Regional Water Board, accompanied by staff of CDFW, Trinity County Environmental Health, and personnel of various law enforcement agencies, inspected the Property. There was no county permit or state cultivation license associated with 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.

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 technical reports that are required of you.

### **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 February 16, 2022 inspection report, Regional Water Board staff observed violations of the Cannabis General Order Attachment A, Section 1 - General Requirements and Prohibition No. 1. Staff describes these violations in the inspection report.

### **Site Management Plan (SMP)**

Pursuant to the Cannabis General Order, all enrollees must submit a Site Management Plan within 90 days of enrollment. As of the date of this letter, no SMP has been submitted and the deadline for submitting your SMP has passed.

### **Cannabis General Order Enrollment**

It appears that aspects of the application are inaccurate or out of date. **Within 30 days of the date of this letter you must modify the enrollment under the Cannabis General Order, representative of the new ownership, as well as any changes in facility operator, and Discharger.** To modify enrollment, you must handwrite in your selection on the enclosed Application Summary (Attachment C) and sign and date next to the handwritten change. Submit a copy of the edited summary to [NorthCoast.Cannabis@waterboards.ca.gov](mailto:NorthCoast.Cannabis@waterboards.ca.gov).

### **Potential Liabilities**

The Regional Water Board is in the process of considering whether the violations warrant 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 February 16, 2022 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 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 [Mona.Dougherty@waterboards.ca.gov](mailto:Mona.Dougherty@waterboards.ca.gov) or by phone at 707-445-6129. 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,

Mona Dougherty, PE  
Senior Water Resource Control Engineer  
Cannabis Program

Attachments:            Attachment A – Regulatory Citations  
                                 Attachment B – Inspection Report  
                                 Attachment C – General Cannabis Order Application Summary  
                                 (Hardcopy only)

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**

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

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

**Department of Fish and Wildlife**

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

Josh Zulliger, [Joshua.zulliger@wildlife.ca.gov](mailto:Joshua.zulliger@wildlife.ca.gov)

**County Sheriff's Office**

Sergeant Nathaniel Trujillo, [ntrujillo@trinitycounty.org](mailto:ntrujillo@trinitycounty.org)

**Trinity County Environmental Health**

Kristy Anderson, [kanderson@trinitycounty.org](mailto:kanderson@trinitycounty.org)

**Department of Cannabis Control**

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

**Down River Solutions**

Marie Peterson, [stellaria.sftr@gmail.com](mailto:stellaria.sftr@gmail.com)

**Timberland Resource Consultants**

Chris Carroll, [carroll@timberlandresource.com](mailto:carroll@timberlandresource.com)

## Attachment A – Regulatory Citations

<b>Regulatory Section</b>	<b>Citation</b>
Cannabis Policy and General Order No. WQ 2019-0001-DWQ	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 <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> and <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>

### FACILITIES INSPECTION REPORT

Region/Office: 1	Status: Performed	Reg. Measure ID: 436938
Program Type: IRRICANNABIS	WDID: 1_53CC424825	Order Number: 2019-0001-DWQ
Scheduled Insp. Date:	Actual Insp. Date: 02/16/2022	

**Discharger Information**

Party ID: 606998		Discharger Organization Name: Ignacio Almonte	
Address: Hc62 Box 30f1		City, State, Zip: Zenia, CA 95595	
Discharger Contact Person:	Ignacio Almonte	Discharger Contact Phone:	929-406-7036
Discharger Contact Email Address: patriciarodriguez91@gmail.com			

**Facility Information**

Place ID 865097	Facility Name: Almonte Site		
Address: 3508 Hoaglin Road		City, State, Zip: Zenia, CA 95595	
County: Trinity	Latitude: 40.138827	Longitude: -123.403119	Method:

**Lead Inspector Information**

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

### INSPECTION TYPE

Inspection Type: Complaint inspection

### VIOLATIONS

Were Violations noted during this inspection?  Yes  No

Violation ID	Violation Type	Occurrence Date	Rank	Description
1102025	Late Report	02/16/2022	B	Site Management Plan
1102115	Order Conditions	02/16/2022	B	State Water Resources Control Board Order WQ 2019-0001-DWQ General Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities (Cannabis General Order), various provisions

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

Recommendations:

1. Submit a wetland delineation of wetland features on the Property; describe any impacts to waters of the state from the construction and management of the pond or other cannabis-related infrastructure.
2. Improve pond ditch water quality.
3. Submit a Site Management Plan.
4. Work with CDFW and DIV to determine and secure any applicable permits or licensing required for surface water diversion, storage, and use.

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

I inspected TRI APN 022-080-034 (the Property), on February 16, 2022, during the service of a criminal search warrant by California Department of Fish and Wildlife (CDFW) and other law enforcement officers. No Trinity County cultivation permit or a license from Department of Cannabis Control is associated with the Property. Onsite, law enforcement officers found and destroyed 6,135 of dried, processed cannabis.

The Property is associated with a residence on the Shannon Ranch, is mostly flat, and includes a pond and greenhouses. The access road was in good condition. Fuels, nutrients and amendments appeared contained, with room for improved house keeping. Burned materials were evident on the Property.

The pond has an upstream and a downstream area, with an access road dividing them. A ditch runs to the north as an overflow; the ditch is thick with algae. The unlined pond is built in what appears to have been natural wetlands and thus may be waters of the state. No SMP has been submitted which would require the identification of wetlands, nor has there been a technical report submitted identifying the bounds of wetland could be impacted by development, and require adequate setbacks under the Cannabis General Order. There is inconsistent information about the water source and use.

A group water system is located on a hill adjacent to the Property. The spring diversion was actively draining to a tank labeled Shannon Ranch. A well was there, but appeared to not be connected. We were unable to located the waterlines or point of diversion associated with the spring.

A greenhouse is located 100' from the edge of the pond.

I observed a water line from the Property running on to the next door parcel, APN 022-080-025, suggesting an affiliation. The search warrant covered that parcel as well; I inspected that property as well and observed cultivation infrastructure but no active cultivation and no water storage thereon after the 2020 fire.

For Internal Use (Optional)

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

## Maps

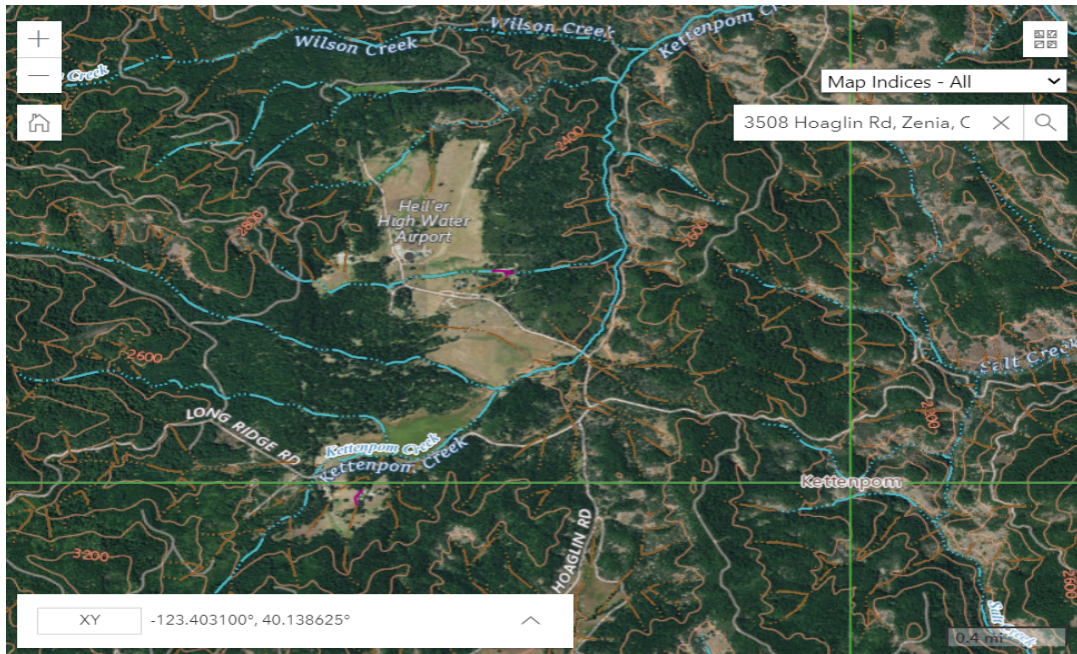


Figure 1. Property is located at 3508 Hoaglin Road, near Long Ridge Road, and drains to unnamed tributaries of Kettapom Creek, in the North Fork Eel River watershed. The Property is generally flat. A rural landing strip is located to the north east of the Property. This map shows the airport with label on Property, topography, and location of blue line watercourses and tributary flow lines.



Figure 2. In 2020 the August Complex wildfire burned through the Property. Property development includes a residence, outbuildings, greenhouses, a pond, and an access road to the parcels to the north.

Almonte Rodriguez Property  
 Inspection Maps and Photographs  
 CIWQS Inspection ID 47040563

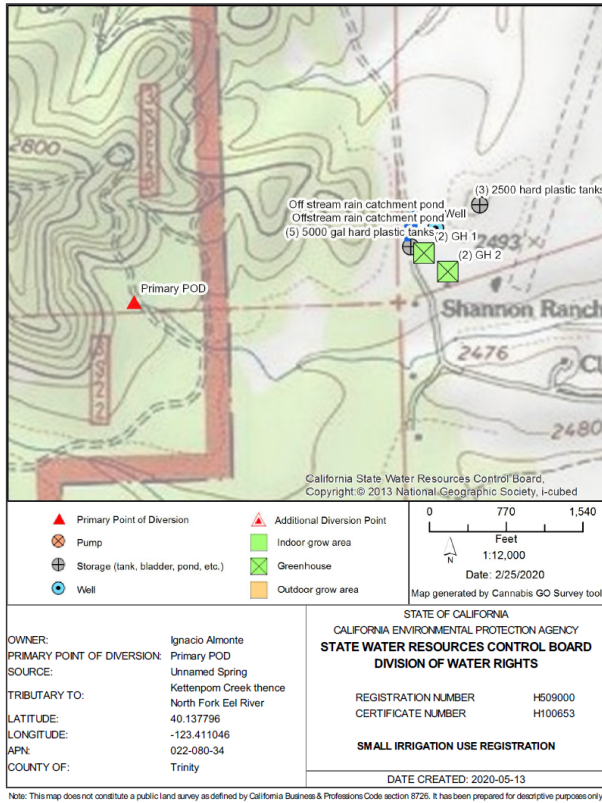


Figure 3. Map associated with water rights registration showing location of the point of diversion.



Figure 4. Map showing reported point of diversion relative to the Property, with parcel boundaries and pond.

### Inspection Photographs

All photographs taken by Adona White on February 16, 2022.



*Figure 5. Unnamed tributary to Kettenpom Creek at stream crossing on access road to Property.*



*Figure 8. Burned boards with greenhouses in distance.*



*Figure 6. The Property includes a series of outbuildings, shipping containers and trailers.*



*Figure 9. Generator on a trailer.*



*Figure 7. Shipping container, with greenhouses in distance.*



*Figure 10. Generator in a shed.*



*Figure 11. Three above ground fuel storage tanks under roof, items stored in containment vessel.*



*Figure 14. Upstream portion on pond, looking upstream.*



*Figure 12. Access road, water tanks, pond, and corner of greenhouse on photo right.*



*Figure 15. Upstream pond, upstream of access road, looking downstream.*



*Figure 13. View of pond with access road dividing them, on the left upstream.*



*Figure 16. View of downstream pond berm.*



*Figure 17. The downstream pond berm is not overly steep and I did not see any cracking or other signs of instability or erosion.*



*Figure 20. Swath of potential wetland near pond.*



*Figure 18. View of ground from base of berm.*



*Figure 21. Pooled water in tire tracks near pond.*



*Figure 19. View of ground from base of berm.*



*Figure 22. Surface water flowing downgradient, downstream of pond.*



*Figure 23. The pond overflows via a ditch to hydrologic divide to the north. The ditch is full of algae.*



*Figure 24. Pond overflow ditch with algae.*