



North Coast Regional Water Quality Control Board

June 22, 2023

Yesenia Carrillo and Raul Carrillo
PO Box 650
Covelo, CA 95428

Certified Mail No. 7021-0950-0001-6500-1131

Dear Yesenia and Raul Carrillo:

Subject: Notice of Violation, Transmittal of Inspection Report for May 22, 2023, Inspection of Mendocino County Assessor's Parcel No. 032-180-45-00, and Requirement to Respond within 30 days

File: Cannabis Program Inspections, Mendocino County, May 22, 2023,
CIWQS Place ID 888912

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 032-180-45-00 (the Property):

1. State Water Resources Control 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* (Cannabis General Order) and State Water Resources Control Board (State Water Board) *Cannabis Cultivation Policy Principals and Guidelines for Cannabis Cultivation* (Cannabis Policy) various provisions
2. Water Quality Control Plan for the North Coast Region (Basin Plan) Section 4.2.1
3. California Water Code (Water Code) Section 13260 and 13264

According to our records, the cannabis cultivation operation located on this Property is not enrolled for coverage under the Cannabis General Order No. WQ 2019-0001-DWQ.

HECTOR BEDOLLA, CHAIR | VALERIE QUINTO, EXECUTIVE OFFICER

On May 22, 2023, North Coast Regional Water Quality Control Board (Regional Water Board) staff inspected the Property and observed active outdoor cannabis cultivation.

Background

LandVision records show that the Property was sold to Yesenia and Raul Carrillo on December 7, 2020.

On May 22, 2023, staff from the Regional Water Board, accompanied by staff of the California Department of Fish and Wildlife (CDFW), 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. 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 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, 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 May 22, 2023, inspection report, Regional Water Board staff observed violations of the California Water Code, section 13264 (a), and Basin Plan Prohibition, section 4.2.1. In addition, staff observed violations of the Cannabis General Order Attachment A, Section 1 - General Requirements and Prohibitions Nos. 1, 25, 32, and 37; and Section 2 - Requirements Related to Water Diversions and Waste Discharge for Cannabis Cultivation Nos. 3-4, 7, 15-17, 22-24, 26, 31, 38, 39, 48-57, 66, 69, 73, 90, 117, 119-120, 123, and 130. Staff observed these violations at Property locations identified in the inspection report as WQ1 through WQ38.

Legal Requirements

The State Water Board adopted the Cannabis Policy and the Cannabis General Order on October 17, 2017, and updates on February 5, 2019, which remain in effect today. The purpose of the Cannabis Policy is to ensure that the discharge of waste and diversion of water associated with cannabis cultivation does not have a negative impact

on water quality, aquatic habitat, riparian habitat, wetlands, and springs. The Cannabis Policy applies to cannabis cultivation activities throughout California including, Commercial Recreational, Commercial Medical, and Personal Use Medical. The Policy does not apply to recreational cannabis cultivation for personal use, which is limited to six plants under the Adult Use of Marijuana Act (Proposition 64, approved by California voters in November 2016).

The Cannabis General Order is the statewide water quality permit that implements the Cannabis Policy through the overarching general Waste Discharge Requirements (WDRs) in accordance with the California Water Code and is available for eligible cannabis cultivators to enroll under. The Cannabis General Order regulates waste discharges from cultivation sites including sediment, irrigation runoff, fertilizers, pesticides/herbicides, petroleum, agricultural related chemicals, cultivation related waste, and refuse. Threats of waste discharge may be from irrigation runoff, over fertilization, pond failure, road construction, grading activities, domestic and cultivation related waste, refuse placement, etc. All commercial cannabis cultivators must obtain coverage under the Cannabis General Order, including for both indoor and outdoor cultivation.

Cultivation activities on the Property requires conformance with the Cannabis Policy and enrollment in under the Cannabis General Order. For more information, please visit our website at: [Cannabis Cultivation Waste Discharge Regulatory Program | California Northcoast Regional Water Quality Control Board](https://www.waterboards.ca.gov/northcoast/water_issues/programs/cannabis/)
(https://www.waterboards.ca.gov/northcoast/water_issues/programs/cannabis/)

As documented in the inspection report, the site conditions observed on the Property do not meet the requirements of the Cannabis Policy. Please provide a written response supporting documentation, including photos if relevant, explaining how the Property will be restored in compliance with the Policy.

As documented in the inspection report, there are numerous existing stream crossings that must be upgraded or decommissioned to comply with the Basin Plan, which will require a water quality certification prior to conducting instream work.

The application for the water quality certification for cannabis cultivation-related projects is available at: [North Coast Cannabis Water Quality Certification Application](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)

Additional Potential Liabilities

The Regional Water Board is in the process of considering whether the violations of the California 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 California 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 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 Regional Water Board staff Ermias Berhe 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 Ermias Berhe by email at Ermias.Berhe@Waterboards.ca.gov or by phone at 707-445-6128.

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 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, P.E.

Senior Water Resources Control Engineer

Filename 230522_Yesenia and Raul Carrillo_NOV_Report

Attachments: Attachment A - Regulatory Citations
Attachment B - Facilities Inspection Report
Attachment C – Inspection Map and Photo Log

Certified Mail – Return Receipt requested

cc: North Coast Regional Water Quality Control Board

Northcoast.Cannabis@waterboards.ca.gov

Claudia Villacorta, Claudia.Villacorta@waterboards.ca.gov

Kason Grady, Kason.Grady@waterboards.ca.gov

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Division of Water Rights

Taro Murano, Taro.Murano@waterboards.ca.gov

Department of Fish and Wildlife

Daniel Harrington, Daniel.Harrington@Wildlife.ca.gov

Cheri Sanville, cheri.sanville@wildlife.ca.gov

Grace Nunn, Nunn, Grace.Nunn@Wildlife.ca.gov

Mendocino County Sheriff's Office

Sergeant Clinton Wyant, WyantC@mendocinocounty.org

Mendocino County Planning and Permitting

General email, cannabisprogram@mendocinocounty.org

Megan Dukett, dukettm@mendocinocounty.org

Department of Cannabis Control

Jaime Masuda, jaime.masuda@cannabis.ca.gov

Attachment A – Regulatory Citations

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 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 Section 13260 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(a)	“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: (3) The issuance of waste discharge requirements pursuant to Section 13263. (2) The expiration of 140 days after compliance with Section 13260 if the waste

Regulatory Section	Citation
	to be discharged does not create or threaten to create a condition of pollution or nuisance and any of the following applies... (3) The issuance of a waiver pursuant to Section 13269.”
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 Cannabis Cultivation Policy (https://www.waterboards.ca.gov/water_issues/programs/cannabis/docs/policy/final_cannabis_policy_with_attach_a.pdf) and Cannabis General Order WQ 2019-0001-DWQ (https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2019/wqo2019_0001_dwq.pdf)

Attachment B – Facilities Inspection Report

FACILITIES INSPECTION REPORT

Region/Office: 1	Status: Performed	Reg. Measure ID: 453111

Discharger Information

Party ID: 640132	Discharger Organization Name: Carrillo, Yesenia and Carrillo, Raul
Address: Po Box 650	City, State, Zip: Covelo, CA 95428
Discharger Contact Person:	Multiple Contacts Discharger Contact Phone:
Discharger Contact Email Address:	

Facility Information

Place ID 888912	Facility Name: Yesenia and Raul Carrillo property
Address: 34320 Mendocino Pass Road	City, State, Zip: Covelo, CA 95428
County: Mendocino	Latitude: 39.83848 Longitude: -123.08679 Method:

Lead Inspector Information

Lead Inspector Party ID: 591567	Lead Inspector Name: Ermias Berhe
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
1117966	Basin Plan Prohibition	05/22/2023	B	Basin Plan Section 4.2.1, Prohibition 2 at WQ5
1117967	Order Conditions	05/22/2023	B	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 at WQ1 through WQ38
1117968	Other Codes	05/22/2023	B	California Water Code (Water Code) Section 13260 and 13264 for cultivation without permit

INSPECTION SUMMARY (REQUIRED) (500 character limit)

Recommendations:

1. Remove all cannabis cultivation related activities at WQ4. If you intend to continue cannabis cultivation, enroll under the Cannabis General Order WQ 2019-0001-DWQ through the Cannabis Program Portal at: <https://public2.waterboards.ca.gov>
2. Hire a qualified professional to address the water quality issues at watercourse crossings.
3. Work with the Division of Water Rights and seek permits for water diversions.
4. Apply for any proposed instream work.

GENERAL NOTES (OPTIONAL) (2000 character limit)

General Notes:

I observed an outdoor cannabis cultivation of sufficient size, approximately 13,500 square feet, and scope to require enrollment under the Cannabis General Order DWQ-2019-0003-WQ. The cannabis cultivation area was also within the required setback of a watercourse. I also observed seven watercourse crossings, and a few of these watercourse crossings are either improperly installed or failing and/or threatening sediment delivery to surface waters. I observed an uncontained generator, gasoline tanks, a water pump, and improperly disposed trash and soil. I also observed surface water diversions and water storage tanks.

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

Attachment C – Inspection Map and Photo Log

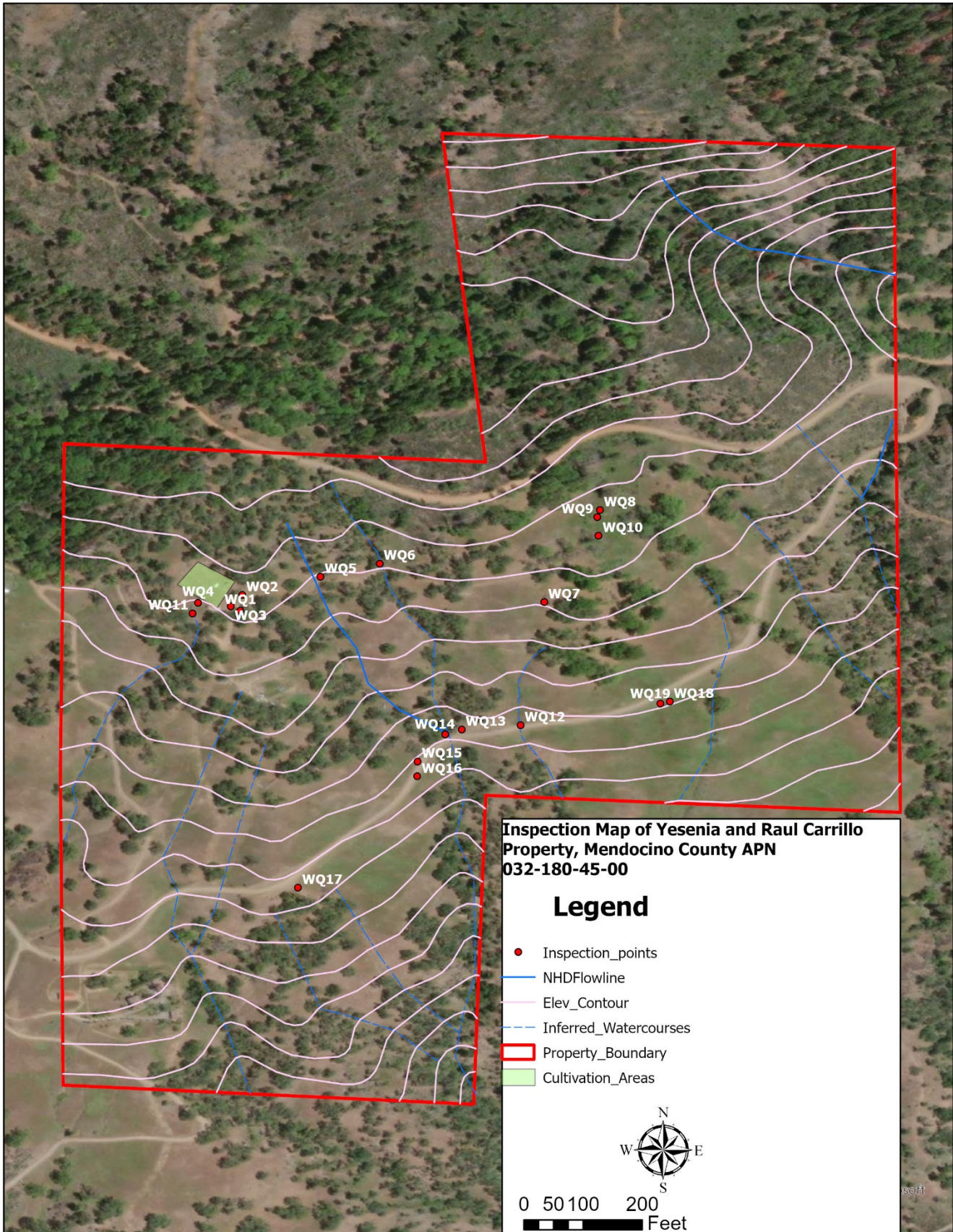


Figure 1 inspection map

Photo Log of May 22, 2023, Inspection of Yesenia and Raul Carrillo Property, Mendocino County APN 032-180-45-00. Photos taken by Ermias Berhe unless noted otherwise.



Photo 1: Outdoor kitchen and trash at WQ1



Photo 2: Water storage tanks at WQ3



Photo 3: Uncontained gasoline tank pump near water storage tanks at WQ3



Photo 4: Burned trash in the vicinity of cultivation area at WQ2



Photo 5: Cultivation area at WQ4



Photo 6: Soil and trash in the vicinity of cultivation area at WQ4



Photo 7: Uncontained gasoline containers, and a generator in the vicinity of cultivation area at WQ4



Photo 8: Rocked fill watercourse crossing at WQ5



Photo 9: Rocked fill stream crossing at WQ6



Photo 10: Uncontained pump and water storage tank at WQ7



Photo 11: Water storage in the vicinity of WQ9



Photo 12: A second water storage structure connected to a water supply pipe in the vicinity of WQ9



Photo 13: A third water storage structure in vicinity of WQ8



Photo 14: A partially buried water pipe connected to the second water storage tank at WQ10 and potentially diverting water from a spring



Photo 15: Inlet of a culverted watercourse crossing at WQ11



Photo 16: Outlet of a culverted watercourse crossing at WQ11



Photo 17: Cultivation area within the riparian setback of the headwaters of a watercourse at WQ11



Photo 18: Historical cultivation area southeast of WQ3



Photo 19: Inlet of a culverted watercourse at WQ12; it appears to be functioning properly



Photo 20: Outlet of a culverted watercourse crossing at WQ12



Photo 21: Water diversion structure at WQ13



Photo 22: Inlet of a partially rusted culverted watercourse crossing at WQ14



Photo 23: Outlet of a culverted watercourse crossing at WQ14



Photo 24: Inlet of a culverted watercourse crossing at WQ15, appears to be functioning well but needs clearing of the vegetation



Photo 25: Outlet of the culverted watercourse crossing at WQ16



Photo 26: Water storage tanks at WQ17



Photo 27: Point of Diversion (POD) from a spring at WQ18



Photo 28: Water pipe out of the POD at WQ18



Photo 29: Outlet of a watercourse crossing culvert at WQ19