



North Coast Regional Water Quality Control Board

September 28, 2023

Evaristo Medrano, Omar G Villarreal-Lara and Julia E Medrano-Escalante
PO Box 2035
Redway, CA 95560

Certified No: 7021-0950-0001-6500-1674

Subject: **Notice of Violation, Transmittal of Inspection Report of August 17, 2023 Inspection of Humboldt County Assessor's Parcel Number 212-033-006**

File: Cannabis Inspections, Humboldt County 2023

THIS LETTER HAS RECOMMENDATIONS 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 Number (APN) (the Property):

1. State Water Resources Control Board (State Water Board) Cannabis Cultivation Policy Principals and Guidelines for Cannabis Cultivation (Cannabis Policy).
2. California Water Code (Water Code) section 13260

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

On August 17, 2023, staff of the North Coast Regional Water Quality Control Board (Regional Water Board) inspected the Property and observed cannabis cultivation and associated activities with unauthorized discharges of waste to land and threatened discharges of waste to waters of the state.

This letter has recommendations that you address the violations noticed herein. Within 30 days, please contact staff to discuss your plan to correct the observed violations and implement the recommendations within the staff inspection report.

HECTOR BEDOLLA, CHAIR | VALERIE QUINTO, EXECUTIVE OFFICER

Background

The Property is located off Thomas Road in Salmon Creek and on the slope above Salmon Creek, tributary to the South Fork Eel River near Miranda. Land Vision records show that the last Property transfer was on February 27, 2018 and that the Property is owned by Evaristo and Omar G Villareal-Lara Medrano and Julia Escalante.

On August 17, 2023, during the execution of a criminal search warrant served by the Humboldt County Sheriff's Office, Regional Water Board staff inspected the Property, accompanied by personnel from Humboldt County Code Enforcement and California Department of Fish and Wildlife. The purpose of the inspection was to evaluate site development and conditions on the Property, and to identify and assess any impacts or threatened impacts to the quality and beneficial uses of waters of the state, which include both surface water and groundwater. During the inspection, staff observed cannabis cultivation operations of sufficient size and scope to require regulatory coverage under the Cannabis General Order. According to Humboldt County Sheriff's Office personnel, required 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 – August 17, 2023 Water Quality Inspection Report). Please review the inspection report carefully and completely. The inspection report contains recommendations for correcting observed violations.

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 August 17, 2023 inspection report, staff observed large-scale cannabis cultivation and associated activities conducted in a manner that has resulted in numerous unauthorized threats of waste discharge to waters of the state, without first obtaining regulatory coverage for associated waste discharges, in violation of Water Code section 13260. These Property conditions also violate the Cannabis Policy.

During the inspection, staff observed Property conditions of concern, which include:

1. Active cannabis cultivation activities, greenhouse infrastructure, and materials.
2. Improper storage, handling, and containment of fertilizers, resulting in threats of discharges to land and threats of discharges to waters of the state.
3. Improper storage, containment, and disposal of cultivation related plastic refuse.

4. Refuse accumulation and defunct vehicles, RVs, and trailers located throughout the Property and are deteriorating.
5. Road conditions causing concentration of stormwater runoff, erosion, transport, and threat of delivery of sediment to waters of the state.

These Property conditions of concern lacked measures to prevent discharge and the threat of discharge of waste to waters of the state, in violation of Water Code section 13260, and the Cannabis Policy

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 areas 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:
(https://www.waterboards.ca.gov/northcoast/water_issues/programs/cannabis/)

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

A water quality certification is required prior to conducting instream work. The application for the water quality certification for cannabis cultivation-related projects is available here:

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 Policy 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.

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 August 17, 2023 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, 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 our staff Adona White by email at 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 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
Enforcement Unit

Attachments: Attachment A – Regulatory Citations
Attachment B – August 17, 2023 Water Quality Inspection Report

Cc: North Coast Regional Water Quality Control Board

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California Department of Fish and Wildlife

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Department of Cannabis Control

Erin Wonder, Erin.Wonder@cannabis.ca.gov

Attachment A – Regulatory Citations

Table 1 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>(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>(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>
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>Available at: https://www.waterboards.ca.gov/water_issues/programs/cannabis/docs/policy/final_cannabis_policy_with_attach_a.pdf_and https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2019/wqo2019_0001_dwq.pdf</p>

**North Coast Regional Water Quality Control Board
Attachment B**

**Cannabis Water Quality Inspection Report
Medrano Property**

	Inspection Details
Inspection Date & Time	August 17, 2023; 11:34
Address/Location	2120 Thomas Road, Miranda, CA
County	Humboldt
Assessor's Parcel Number (APN)	HUM 212-033-006
Watershed	Salmon Creek, South Fork Eel River
Property Owner's Legal Names	Evaristo Medrano, Omar G Villarreal-Lara and Julia E Medrano-Escalante
Mailing Address	P.O. Box 2035 Redway, CA 95560
Agency Responsible for Warrant	Humboldt County Sheriff's Office
Person Responsible for Warrant	Deputy Chad Crotty
Warrant Date	August 17, 2023
Warrant Type	Criminal Search
Lead Inspector Name	Adona White, PE, Water Resources Control Engineer
Office/Regional Board	North Coast Regional Water Quality Control Board
Other Personnel Onsite	Representatives from CDFW and Humboldt County Code Enforcement
Author of Report	Adona White
Permit Status/Waiver	unpermitted

Inspection Observations

The inspection map is shown in Figures 3 and 4 and includes the locations referenced at the features that could be of concern to water quality.

Point 1: Structure with small indoor.

Point 2: Junked vehicles and RVs.

Burned trash.

Point 3: Structure with trash outside.

Line 4: Rilled road surface.

Point 5: Feed tank with open top and uncontained fertilizer jugs, located in swale.

Point 6: Excavated pit.

Polygon 7: Cultivation area (CA1) and trailer.

Polygon 8. Cultivation area CA2 with plastic tarps over slope.

Polygon 9. Cultivation area CA3 and RV.

Point 10: Cultivation-related refuse and junked vehicles.

Point 11: Trash and RV.

Point 12: Refuse accumulation.

These features pose threats to the quality of waters of the state with the threatened and actual discharges to surface waters. Waste discharges to land pose threats of contamination to surface and groundwater quality and can become mobilized during precipitation events and at times of increased surface water flow and runoff.

Inspection Recommendations

1. Immediately cease unauthorized cannabis cultivation.
2. Remove cultivation infrastructure and properly dispose of waste including but not limited to trash, fertilizer, pesticide and petroleum containers, plastic tarps and sheeting at a legal disposal facility.
3. Cleanup fertilizer containers and feed tanks and prevent discharge of nutrients to land in a manner that threatens water quality. Properly dispose of all pesticides

and fertilizers at a legal disposal facility.

4. Cleanup potting soil and properly locate and stabilize or remove and dispose at a legal disposal facility.
5. Cleanup refuse and junk vehicles and properly dispose at a legal disposal facility.
6. Prior to cultivating cannabis or developing a property for cannabis cultivation, ensure cannabis cultivation activities are in conformance with state and local requirements. Enroll for coverage under the Cannabis General Order. Details about enrolling in the Cannabis General Order can be found at: <https://public2.waterboards.ca.gov/mt/Home/Index>
7. Ensure the Property is cleaned up and winter-ready as soon as possible prior to the onset of winter wet weather with increased threat of impacts to waters of the state. Please document in your submissions evidence of completion of the cleanup work as soon as possible prior to October 15, 2023.

Enforcement Discretion

The observations in this report will be assessed for violations of the California Water Code. The Regional Water Board and the State Water Board reserve the right to take any enforcement action authorized by law.

Inspection Maps

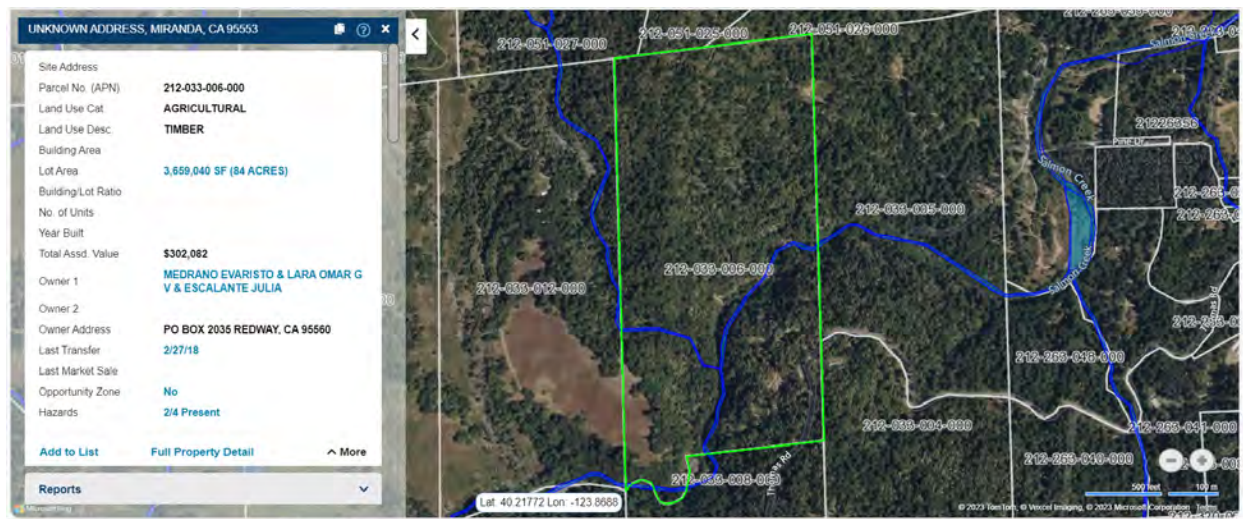


Figure 1. Property map and ownership information.



Figure 2. Inspection map with aerial imagery showing the point, line, and polygon feature locations of interest shown in the following photos.



Figure 3 Inspection map with terrain showing features of interest shown in the following photos.

Inspection Photographs

All photographs taken by Adona White on August 17, 2023.



Figure 4. Point 1. Structure with small indoor.



Figure 5. Point 1. Structure with small indoor.



Figure 6. Point 2. Junked vehicles.



Figure 7. Point 2. Tractor.



Figure 8. Point 2. RVs.



Figure 9. Burn pile with metal.



Figure 10. Point 3. Structure.



Figure 11. Point 3. Generators and equipment within structure.



Figure 12. Line 4. Rilled road surface.



Figure 13. Point 5. Water storage tanks.



Figure 14. Point 5. Feed tank with open top and uncontained fertilizer jugs, located in swale.



Figure 15. Point 6. Pit.



Figure 16. Polygon 7. Cultivation area (CA1).



Figure 17. Trailer at CA1.



Figure 18. Polygon 8. Cultivation area CA2.



Figure 19. Plastic refuse over slope from CA2.



Figure 20. Polygon 9. RV at cultivation area CA3.



Figure 21. Point 10. Cultivation-related refuse.



Figure 22. Point 10. Vehicles.



Figure 23. Point 11. Trash and RV.



Figure 24. Point 12. Refuse accumulation.



Figure 25. Point 12. Refuse accumulation.