



North Coast Regional Water Quality Control Board

September 19, 2023

Certified Mail No. 7021 0950 0001 6500 1711

Rafeal Carrillo
PO Box 1060
Covelo CA 95428-1060

Dear Rafeal Carrillo:

Subject: Notice of Violation, Transmittal of Report for August 22, 2023 Inspection of Mendocino County Assessor's Parcel Numbers 034-340-04-00, and Recommendation to Respond within 30 days

File: Cannabis Program Inspections, Mendocino County, 2023, Rafeal Carrillo, CIWQS Place ID 890273

THIS LETTER RECOMMENDS 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 034-340-04-00 (the Property):

1. Water Quality Control Plan for the North Coast Region (Basin Plan) Section 4.2.1, Prohibition 2;
2. California Water Code (Water Code) Sections 13260 and 13264;
3. State Water Resources Control Board (State Water Board) Cannabis Cultivation Policy Principals and Guidelines for Cannabis Cultivation (Cannabis Policy).

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 22, 2023, North Coast Regional Water Quality Control Board (Regional Water Board) staff (Staff) inspected the Property and observed cannabis cultivation exceeding 10,000 square feet in size. Accordingly, we recommend that you address the

HECTOR BEDOLLA, CHAIR | VALERIE QUINTO, EXECUTIVE OFFICER

violations noticed herein. Within 30 days, please contact Staff to discuss your plan to correct the observed violations.

Background

Land Vision records show Rafeal Carrillo and Maria Escareno own the Property with the last transfer of ownership occurring on January 29, 2021. According to review by Staff on September 15, 2023, of aerial imagery available from Google Earth, cannabis cultivation activities are evident on the property as early as July 1, 2021.

On August 22, 2023, 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 Department of Cannabis Control, the State Water Resources Control Board Division of Water Rights, 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 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 August 22, 2023 inspection, Staff observed: violation of the Basin Plan Section 4.2.1 Prohibition 2 at location WQ3 for threatened discharge of organic material to an unnamed tributary to Mill Creek; Staff observed large-scale cannabis cultivation and associated activities that were being conducted without first obtaining regulatory coverage for associated waste discharges, in violation of Water Code section 13260 in the vicinities of WQ2, WQ3 and WQ8; Staff observed violations of the California Water Code section 13264 for unauthorized discharges of domestic waste (i.e., human waste), used waste oil, refuse, and cannabis cultivation associated wastes to land where they threaten to discharge into a water of the state of California at

WQ3, WQ5, WQ6 and WQ7; and site conditions at WQ1 through WQ8 that violate 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 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 under the Cannabis General Order. For more information, please visit the [Regional Water Board's website](https://www.waterboards.ca.gov/northcoast/water_issues/programs/cannabis/) at:
(https://www.waterboards.ca.gov/northcoast/water_issues/programs/cannabis/)

Additional Potential Liabilities

The Regional Water Board is in the process of considering whether the violations of the Basin Plan, Cannabis Policy and Water Code 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 the Basin Plan, Cannabis Policy and 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

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

Jeremiah Puget, Jeremiah.Puget@waterboards.ca.gov

Division of Water Rights

Zachary Gomer, Zachary.Gomer@Waterboards.ca.gov

Stormer Feiler, Stormer.Feiler@waterboards.ca.gov

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

Department of Fish and Wildlife

Kari Gahan, Kari.Gahan@wildlife.ca.gov

Paul Garrison, Paul.Garrison@Wildlife.ca.gov

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

Warden Justin Rhoades, Justin.Rhoades@wildlife.ca.gov

Captain Douglas Willson, Douglas.Willson@wildlife.ca.gov

Mendocino County Sheriff's Office

Sergeant Clinton Wyant, WyantC@mendocinocounty.org

Mendocino County

cannabisprogram@mendocinocounty.org

Sean Crackbon, CrackbonS@mendocinocounty.org

California Environmental Protection Agency

Hasti Javid, Hasti.Javid@calepa.ca.gov

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 2	<p>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.”</p> <p>Available at: (https://www.waterboards.ca.gov/northcoast/water_issues/programs/basin_plan/)</p>
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)	<p>“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).”</p>

Regulatory Section	Citation
California Water Code Section 13264(a)	<p>“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: (1) The issuance of waste discharge requirements pursuant to Section 13263. (2) The expiration of 140 days after compliance with Section 13260 if the waste 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.”</p>
California Water Code Section 13265(a)	<p>“Any person discharging waste in violation of Section 13264, after such violation has been called to his attention in writing by the regional board, is guilty of a misdemeanor and may be liable civilly in accordance with subdivision (b). Each day of such discharge shall constitute a separate offense.”</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

TO: Jeremiah Puget

FROM: Brian Fuller

DATE: September 19, 2023

**Report of August 22, 2023 Warrant Inspection,
Mendocino County
Assessor's Parcel Number 034-340-04-00 (the "Property")**

File: Cannabis Program Inspections, Mendocino County, 2023, Rafeal Carrillo,
CIWQS Place ID 890273

Property information:

Watershed: Eel River Hydrologic Unit; Middle Fork Eel River Hydrologic Area;
Round Valley Hydrologic Subarea; (HU/HA/HSA 111.72; see Table 2-1 of the Water
Quality Control Plan for the North Coast Region (Basin Plan), for beneficial uses).

Regulatory Status with the Regional Water Board:

There is no record of enrollment under either the historical California Regional Water Quality Control Board, North Coast Region Order No. 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), or 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) for this property.

Inspection information:

Date/time: August 22, 2023 / afternoon

Weather: sunny

Type: Warrant Inspection

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:

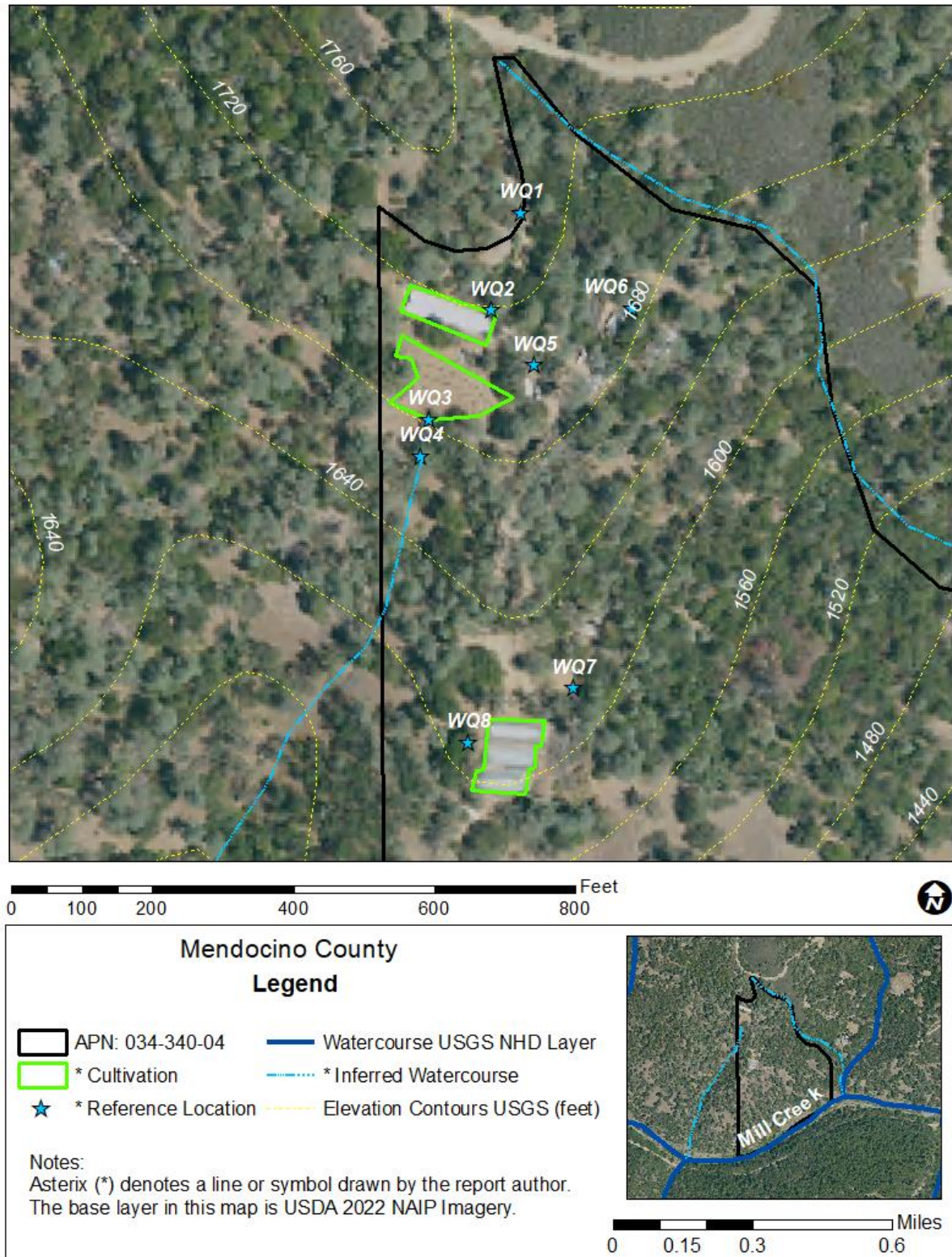


Figure 1—Aerial image/map showing inspection points discussed in this report.

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 Aerial Imagery and Photo Appendix for locations and details about features of concern to water quality.

I entered the Property from the north and parked near WQ1. At WQ1, I observed a gasoline powered water pump and motor oil container without secondary containment. I walked to the south and observed a hoop type greenhouse occupying 2,000 square feet of a graded pad. I observed an outdoor cultivation area south of WQ2 occupying 8,000 square feet of a south-dipping hillside. At the downslope edge of the cultivation area, marked as WQ3, I observed a pile of waste cannabis plant stalks. I walked south from this location down a drainage swale until I observed scour marks at WQ4, which I interpreted to be the point downstream from which the watercourse was capable of transporting sediment.

I walked northeast from WQ4 to WQ5 where I observed waste motor oil stored uncovered in such a way that it was susceptible to being transported to another location from stormwater. Farther east, at WQ6, I observed a trailer with its sewage discharge line connected to a pipe in the ground. From this location, I walked south to WQ7 where I observed a small, graded pad littered with refuse including motor oil containers. I observed two deep bore holes, approximately eight inches in diameter. One hole had a bent drill shaft protruding from the hole.

Southwest from WQ7, at WQ8, I observed a terraced cultivation pad with three hoop-type greenhouses covering an area exceeding 4,000 square feet. I observed tension cracks and erosional gullies along the western edge of the cultivation pad.

Recommendations for the Discharger:

1. Immediately cease the discharge of sewage to land, implement corrective actions, and obtain the appropriate county permit for the disposal of on-site wastewater (i.e., septic system permit).
2. Immediately collect all refuse and waste which threaten to discharge to receiving waters. Properly dispose of these wastes at a licensed waste collection facility.
3. Retain a licensed professional to inventory, assess, all aquatic resources watercourses that are Waters of the State on the Property, and to develop a workplan and schedule to implement measures to ensure that all developed features, including roads and cultivation pads, throughout the Property are

corrected, restored, and/or maintained in conditions that comply with the Cannabis Cultivation Policy¹.

4. Retain a qualified professional to either close or complete the wellholes at WQ8 according to Mendocino County's well ordinance and well standards.
5. Dispose of all development and restoration-related earthen spoils in a manner to prevent/minimize transport and delivery to receiving waters.
6. Prior to cultivating cannabis or developing a property for cannabis cultivation, enroll for coverage under the Cannabis General Order².
7. Prior to conducting work in a Water of the State, submit an application and pay the required application fee for a Water Quality Certification/Waste Discharge Requirement³

¹ The [Cannabis Cultivation Policy](https://www.waterboards.ca.gov/water_issues/programs/cannabis/docs/policy/final_cannabis_policy_with_attach_a.pdf) can be found at:
https://www.waterboards.ca.gov/water_issues/programs/cannabis/docs/policy/final_cannabis_policy_with_attach_a.pdf

² [Details about enrolling](https://public2.waterboards.ca.gov/mt/Home/Index) in the Cannabis General Order can be found at:
<https://public2.waterboards.ca.gov/mt/Home/Index>

³ The [application for instream work](https://www.waterboards.ca.gov/northcoast/water_issues/programs/cannabis/pdf/200204/RB1_Cannabis_WQC_401_App.pdf) can be found at:
https://www.waterboards.ca.gov/northcoast/water_issues/programs/cannabis/pdf/200204/RB1_Cannabis_WQC_401_App.pdf

Aerial Imagery:



Figure 2—Aerial image of the Property taken on February 26, 2020, obtained from Google Earth. The image shows that the Property was not yet developed for cannabis cultivation at that time.



Figure 3—Aerial image of the Property taken on July 1, 2021, obtained from Google Earth. The image shows hoop-type greenhouses at WQ3 and WQ9 as well as arrays of plants at WQ4.

Photo Appendix:



Figure 4—Photo showing a gasoline powered water pump and motor oil container without secondary containment at WQ1.



Figure 5— Photo showing cannabis plants growing in black plastic bags inside a hoop-type greenhouse at WQ2.



Figure 6—Photo looking west towards a pile of waste plant stalks at WQ3, identified by a white arrow in this photo. Wooden plants in the ground mark the southern boundary of an outdoor cultivation area. A topographic swale forms downslope from the waste pile to the left of the image.



Figure 7—Photo looking north towards WQ3. The photographer is standing at WQ4. Cannabis plants are identified by a white arrow in the top left of the image. The waste pile pictured in the previous image is out of view behind some trees.



Figure 8—Photo showing waste motor oil at WQ5 stored outdoors without cover from stormwater.



Figure 9—Photo of a trailer at WQ6 with its sewer discharge line connected to a pipe in the ground.



Figure 10—Photo looking at a narrow earthen pad at WQ7. The pad is littered with refuse including an old vehicle tire and motor oil container. The hole with a protruding drill shaft pictured in the following image is visible in the bottom right corner of this image.



Figure 11—Photo looking down a bore hole at WQ7. The hole is not cased or capped, and a drill shaft is protruding from the hole.



Figure 12—Photo looking south at the eastern side of the cannabis cultivation pad at WQ8.



Figure 13—Photo showing the western edge of the cultivation pad located at WQ8. An erosional gully is visible adjacent to cannabis plants in the right of the image and tension cracks are visible in the left of the image.