



North Coast Regional Water Quality Control Board

August 9, 2023

Certified Mail No. 7021 0950 0001 6500 1230

Yesenia and Raul Carrillo
34320 Mendocino Pass Road
Covelo, CA 95428

Dear Yesenia and Raul Carrillo:

Subject: Notice of Violation, Transmittal of Report for May 9, 2023 Inspection of Mendocino County Assessor's Parcel Numbers 032-293-15-00

File: Cannabis Program Inspections, Mendocino County, 2023, Yesenia and Raul Carrillo, CIWQS Place ID 889632

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 032-293-15-00 (the Property):

1. Water Quality Control Plan for the North Coast Region (Basin Plan) Section 4.2.1, Prohibitions 1 and 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 May 9, 2023, North Coast Regional Water Quality Control Board (Regional Water Board) staff (Staff) inspected the Property and observed cannabis cultivation exceeding a combined half-acre in size. Accordingly, this letter directs you to address the violations

HECTOR BEDOLLA, CHAIR | VALERIE QUINTO, EXECUTIVE OFFICER

5550 Skylane Blvd., Suite A, Santa Rosa, CA 95403 | www.waterboards.ca.gov/northcoast

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

Background

Land Vision records show Yesenia and Raul Carrillo own the Property with the last transfer of ownership occurring on August 27, 2019. According to review by Staff on July 27, 2023, of aerial imagery available from Google Earth, the greenhouses identified in the inspection report at WQ1, WQ5, WQ8 and WQ11 were constructed between February 26, 2020 and July 1, 2021.

On May 9, 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, 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 report of the May 9, 2023 inspection, Staff observed: violations of the of the Basin Plan Section 4.2.1 Prohibition 1 at locations WQ9 and WQ10 for discharges of slash and waste potting soils into tributaries to the Black Butte River; violations of the Basin Plan Section 4.2.1 Prohibition 2 at locations WQ2 through WQ8 for threatened discharge of organic and earthen material to the Black Butte River; 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 WQ1, WQ5, WQ8, WQ10

and WQ11; Staff observed violations of the California Water Code section 13264 for unauthorized discharges of cannabis cultivation waste into a water of the state of California at locations WQ4, WQ6, WQ9, WQ10 and WQ11; and site conditions at WQ1 through WQ11 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 our [website](https://www.waterboards.ca.gov/northcoast/water_issues/programs/cannabis/) at:

(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 is an onstream reservoir and several stream crossings that must be corrected to comply with the Basin Plan. The work to correct these violations will require a water quality certification/waste discharge requirement prior to conducting instream work.

The [application for the water quality certification/waste discharge requirement](https://www.waterboards.ca.gov/northcoast/water_issues/programs/cannabis/pdf/200204/RB1_Cannabis_WQC_401_App.pdf) 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 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 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 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 Regional Water Board staff Brian Fuller by email at 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 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,

Original signed by Jeremiah Puget on August 9, 2023

Jeremiah Puget
Senior Environmental Scientist
Enforcement Unit

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
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Daniel Harrington, Daniel.Harrington@Wildlife.ca.gov
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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
Megan Dukett, dukettm@mendocinocounty.org

Carrillo Property
APN: 032-293-15-00
Notice of Violation

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August 9, 2023

Department of Cannabis Control

Travis White, Travis.White@cannabis.ca.gov

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

Attachment A – Regulatory Citations

Regulatory Section	Citation
Basin Plan Section 4.2.1, Prohibition 1	<p>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.”</p> <p>Available at: (https://www.waterboards.ca.gov/northcoast/water_issues/programs/basin_plan/)</p>
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)	“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.”
California Water Code Section 13265(a)	“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.”
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: August 9, 2023

**Report of May 9, 2023 Warrant Inspection,
Mendocino County
Assessor's Parcel Number (APN) 032-293-15-00 (the "Property")**

File: Cannabis Program Inspections, Mendocino County, 2023, Yesenia and Raul Carrillo, CIWQS Place ID 889632

Property information:

Watershed: Eel River Hydrologic Unit; Middle Fork Eel River Hydrologic Area; Black Butte River Hydrologic Subarea; (HU/HA/HSA 111.73; see Table 2-1 of the Water Quality Control Plan for the North Coast Region (Basin Plan), for beneficial uses)

Inspection information:

Date/time: May 9, 2023 / midday

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:

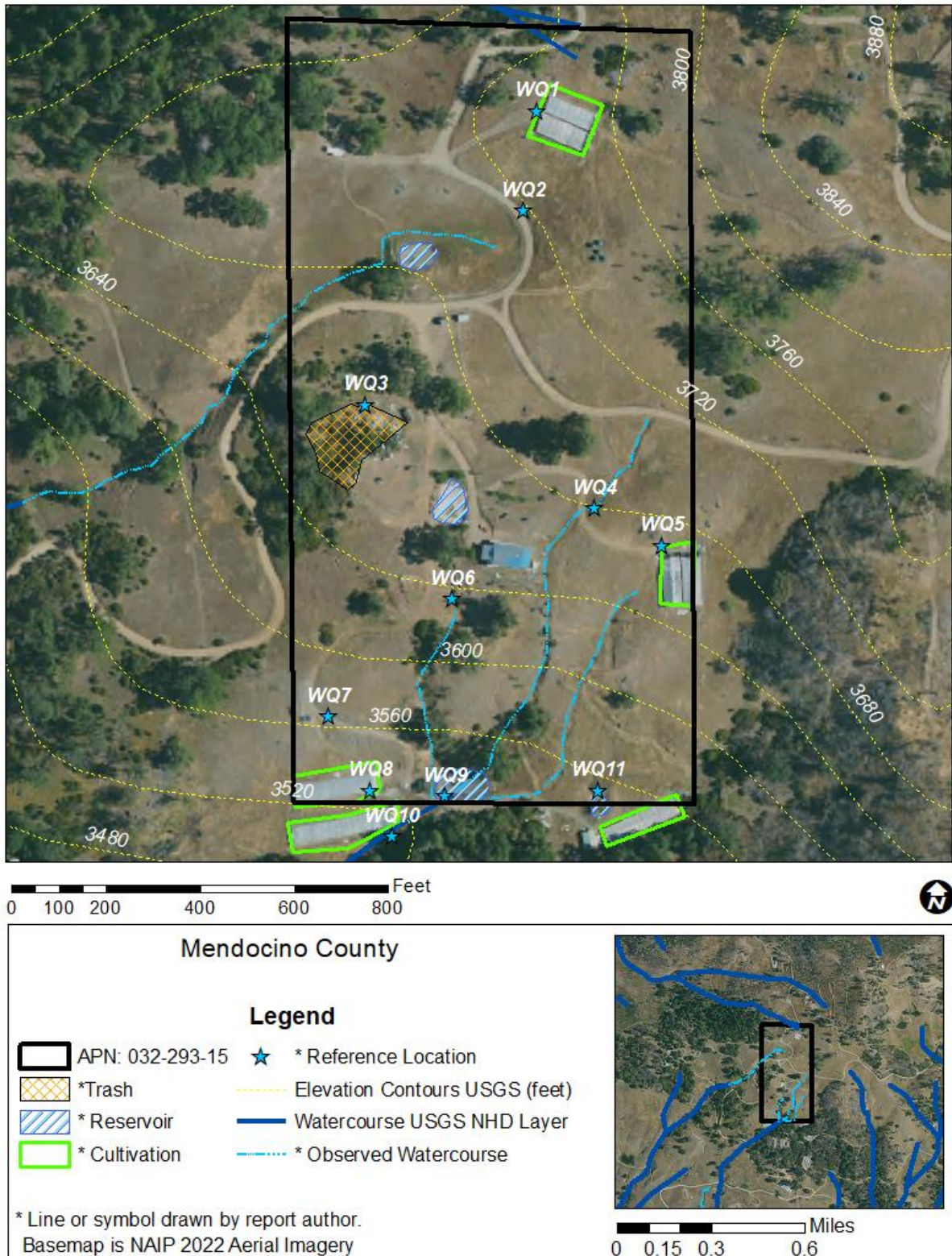


Figure 1—Aerial image/map showing inspection points discussed in this report.

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 northern portion of Property from the west and observed greenhouses covering an area of 6,000 square feet with growing cannabis plants at WQ1. On the road leading to the greenhouses from the south, at WQ2, I observed groundwater emanating from the cut-face upslope from the road and concentrating on the road surface. Downslope of the road, I observed grasses that appeared to have been laid flat by flowing water. I observed that the local topography was shaped such that the surface water from WQ2 would flow immediately north of the nearby reservoir.

At WQ3, I observed a large area where waste was being collected and sorted. At WQ4, I observed a road fording a watercourse with pooled water on the road surface. The road leads to a greenhouse at WQ5 that covers an area of 6,000 square feet. I observed a graded earthen pad at WQ6 with fabric soil bags from past cultivation. I observed a partially blocked, 12-inch diameter culvert directed into a watercourse on the downslope side of the pad, but I did not find the culvert inlet upslope of the pad. I observed cannabis cultivation waste including plant stalks, slash and wire mesh within the channel downstream from the pad.

At WQ7, I observed a gully that had eroded into the middle of a dirt road leading to greenhouses covering an area of 12,000 square feet at WQ8 and a reservoir at WQ9. I observed three watercourses approaching the reservoir: the channel from WQ6 passes the western bank of the reservoir and flows over the dirt road transporting fine sediment to the receiving watercourse downstream from WQ9; the channel from WQ4 discharges into the northeast corner of the reservoir; the topography east of the reservoir is shaped in such a way to direct the watercourse originating in the vicinity of WQ5 over a road and into the reservoir. At WQ9, I observed a 20-inch diameter culvert directing the reservoir outfall to a USGS mapped blue-line stream. I observed voids surrounding the pipe outlet indicating that earthen fill had been eroded and discharged to the channel downstream. I also observed slash placed in the channel.

I observed waste potting soils damming the watercourse at WQ10, in an area that appears south of the property boundary mapped in Figure 1; however, I suspect that the waste came from the cannabis cultivation occurring on the subject Property because there is a clear fence separating this Property from the property to the south and it did not appear to be easy to access to the waste discharge location from the southern property. At WQ11, I observed plastic sheeting in the wetland that the below Aerial Images indicate was dredged between July 9, 2012 and May 30, 2014. South of WQ11, I observed another greenhouse covering an area of approximately 5,000 square feet.

Recommendations for the Discharger:

1. Immediately collect all refuse and 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 of California (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 5 below). Properly dispose of these wastes at a licensed waste collection facility.
2. Retain a licensed professional to inventory, assess, all aquatic resources including wetlands and watercourses that are Waters of the State on the Property, and to develop a workplan and schedule to implement measures to ensure that all impacted features, including the onstream reservoir at WQ9 and dredged wetlands at WQ11 are restored and that all developed features, roads and watercourse crossings throughout the Property are corrected, restored, and/or maintained in conditions that comply with the Cannabis Cultivation Policy¹.
3. Dispose of all development and restoration-related earthen spoils in a manner to prevent/minimize transport and delivery to receiving waters.
4. Prior to cultivating cannabis or developing a property for cannabis cultivation, enroll for coverage under the Cannabis General Order².
5. 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 southern portion of the Property taken on July 9, 2012, obtained from Google Earth. The area south of a residence pictured in the top of the image appears undeveloped. A dashed blue line identifies a watercourse originating in the middle of the image and passing through the bottom of the image. A white dashed box identifies the location of a wetland.



Figure 3— Aerial image of southern portion of the Property taken on May 30, 2014, obtained from Google Earth. Vehicle tracks are visible crossing the watercourse in the bottom of the image and the wetland in the bottom right, at WQ11, has been dredged creating a pond.



Figure 4—Aerial image of southern portion of Property taken on June 8, 2016, obtained from Google Earth.



Figure 5— Aerial image of southern portion of the Property taken on August 12, 2017, obtained from Google Earth. A reservoir appears constructed on the stream at WQ9 in the bottom of the image and a pad appears in the lower left of the image.



Figure 6— Aerial image of southern portion of Property taken on February 26, 2020, obtained from Google Earth. The Reservoir at WQ9 has filled with water.

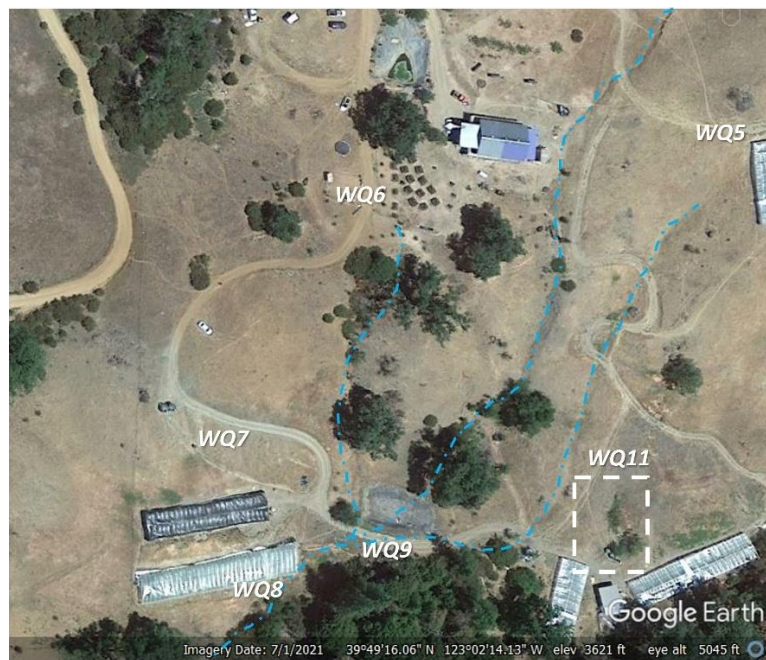


Figure 7— Aerial image of southern portion of Property taken on July 1, 2021, obtained from Google Earth. Hoop-type greenhouses are visible in the lower-left, right and bottom-right of the image.

Photo Appendix⁴:



Figure 8—Cannabis plants growing in soil bags resting on permeable ground within a greenhouse at WQ1.



Figure 9—Looking north at road located at WQ2. Groundwater emanating from above the road concentrates on the earthen road surface.

⁴ Timestamp on photos is slow by one hour.



Figure 10—Trash including plastic sheeting and pipe in pile at WQ3.



Figure 11— Trash including scrap metal and several old appliances at WQ3.



Figure 12— Trash including glass bottles and metal cans in pile at WQ3.



Figure 13— Buried plastic drum within area of large trash pile at WQ3.



Figure 14—A road fording a watercourse at WQ4.



Figure 15—Looking east at northern side of greenhouse located at WQ5.



Figure 16— Looking south from northwest corner of greenhouse located at WQ5. A topographic swale visible in the right of the image connects to a watercourse with a defined bed and bank channel out of view to the right of the image.



Figure 17—Earthen pad filling watercourse at WQ6. Fabric soil bags show past outdoor cannabis cultivation on pad. Waste slash, wire mesh and other trash are within the channel downstream in the right of the image.



Figure 18—Partially buried culvert outlet at WQ6 among cultivation waste including plant stalks and plastic containers.



Figure 19—Looking south along watercourse at WQ6.



Figure 20—A gully eroded along the middle of a dirt road at WQ7. Cannabis greenhouses located at WQ8 are visible in the top-right of the image and an onstream pond located at WQ9 is visible in the top-middle with a pickup truck parked on the reservoir’s impounding berm for scale.



Figure 21—Photo of a 12-inch-tall clipboard in road gully at WQ7.



Figure 22—Looking west toward reservoir at WQ9 and greenhouses at WQ8. The topography is shaped such that flowing water from the stream behind the photographer would enter the road and flow into the reservoir in the upper right of the image.



Figure 23—Water on top of the reservoir's impounding berm. The topography is shaped such that the stream channel approaching the reservoir from the northwest would bypass the reservoir and flow over the road at this location.



Figure 24—Sediment laden water from road surface pictured in previous image, flowing towards the USGS mapped blueline stream out of view to the right of the image.



Figure 25—Reservoir outlet drain at WQ9 directed toward USGS mapped blueline stream out of view to the right of the image. The outlet pipe is 20-inches in diameter and lacks armor which has resulted in erosion and downstream transport of the earthen fill.



Figure 26—Slash, cut by a saw, and placed into the watercourse downstream from WQ9.



Figure 27—Used potting soil, identifiable by white speckles of perlite, damming watercourse at WQ10.



Figure 28—Plastic sheet covering dredged wetlands at WQ11.