



---

## North Coast Regional Water Quality Control Board

August 22, 2023

Martha Machuca  
5756 Bronson Lane  
Winton, CA 95388

GLS Tracking Number: 559977357

Juan Carmona-Guevara  
PO Box 962  
Denair, CA 95316

GLS Tracking Number: 7021-0950-0001-6500-1469

Dear Martha Machuca and Juan Carmona-Guevara:

**Subject: Notice of Violation, Transmittal of Inspection Report for August 1, 2023, Inspection of Trinity County Assessor's Parcel Number 019-640-029, and Requirement to Respond within 30 days**

**File:** Cannabis Program Inspections, Trinity County, August 1, 2023, CIWQS Place ID 838411

### **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 019-640-029 (the Property):

1. State Water Resources Control Board (State Water 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) various provisions
2. California Water Code (Water Code) Section 13264(a)

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.

On August 1, 2023, North Coast Regional Water Quality Control Board (Regional Water Board) staff inspected the Property and observed cannabis cultivation in pots and raised

HECTOR BEDOLLA, CHAIR | VALERIE QUINTO, EXECUTIVE OFFICER

beds. Within 30 days, please contact Regional Water Board staff to discuss your plan to correct the observed violations.

### **Background**

Effective April 20, 2017, the Property was enrolled under Regional Cannabis Order R1-2015-0023, with discharger Jonah Porter and WDID 1A170549CTRI.

On May 1, 2019, Jeffery Hall submitted information through the State Water Board's online portal for discharges of waste associated with cannabis cultivation related activities for the Property and listed Martha Machuca as landowner of the Property and Juan Carmona-Guevara as the cultivator. Based on the information submitted by Jeffery Hall, the cannabis cultivation activities are classified as tier 1, low risk. Effective June 4, 2019, the Property was transitioned into the Cannabis General Order with WDID 1\_53CC415320.

On August 1, 2023, staff from the Regional Water Board, accompanied by staff of the California Department of Fish and Wildlife, 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.

Attached is a copy of the water quality inspection report (Attachment B – Inspection Report and Attachment C – Inspection Photo Log). Please review the inspection report carefully and completely. The inspection report contains recommendations for correcting observed violations.

### **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 August 1, 2023, inspection report, Regional Water Board staff observed violations of the California Water Code section 13264(a). In addition, staff observed violations of the Cannabis General Order Attachment A, Section 1 - General Requirements and Prohibitions Nos. 1 and 29, and Section 2 - Requirements Related to Water Diversions and Waste Discharge for Cannabis Cultivation Nos. 7, 58, 59, 105, 117, 119, 120, 123, and 124.

### **Additional Potential Liabilities**

The Regional Water Board is in the process of considering whether the violations of the Water Code 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 1, 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 Regional Water Board staff Kate Hawken 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 Kate Hawken by email at [Katherine.Hawken@waterboards.ca.gov](mailto:Katherine.Hawken@waterboards.ca.gov) or by phone at 707-445-6127.

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.

Within 30 days of the date of this letter, please contact Kate Hawken at [Katherine.Hawken@waterboards.ca.gov](mailto:Katherine.Hawken@waterboards.ca.gov) or 707-445-6127. You may also contact me at [Mona.Dougherty@waterboards.ca.gov](mailto:Mona.Dougherty@waterboards.ca.gov). 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 Resource Control Engineer

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

**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)

Mona Dougherty, [Mona.Dougherty@waterboards.ca.gov](mailto:Mona.Dougherty@waterboards.ca.gov)

**California Department of Fish and Wildlife**

Brendan Lynch, [Brendan.Lynch@wildlife.ca.gov](mailto:Brendan.Lynch@wildlife.ca.gov)

Jacqueline Matthews, [jacqueline.matthews@wildlife.ca.gov](mailto:jacqueline.matthews@wildlife.ca.gov)

Matthew Mitchell, [matthew.mitchell@wildlife.ca.gov](mailto:matthew.mitchell@wildlife.ca.gov)

**Trinity County Department of Environmental Health**

Rikki Townzen, [rtownzen@trinitycounty.org](mailto:rtownzen@trinitycounty.org)

## Attachment A – Regulatory Citations

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: (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 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>
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 <a href="#">Discharges of Waste Associated with Cannabis Cultivation Activities</a>  <a href="https://www.waterboards.ca.gov/water_issues/programs/cannabis/docs/policy/final_cannabis_policy_with_attach_a.pdf"> (https://www.waterboards.ca.gov/water_issues/programs/cannabis/docs/policy/final_cannabis_policy_with_attach_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></p>

### FACILITIES INSPECTION REPORT

Region/Office: 1	Status: Performed	Reg. Measure ID: 430272
Program Type: IRRICANNABIS	WDID: 1_53CC415320	Order Number: 2019-0001-DWQ
Scheduled Insp. Date:	Actual Insp. Date: 08/01/2023	

#### Discharger Information

Party ID: 614079	Discharger Organization Name: Juan Carmona-Guevara	
Address: 5756 Bronson Lane	City, State, Zip: Winton, CA 95388	
Discharger Contact Person:	Multiple Contacts	Discharger Contact Phone:
Discharger Contact Email Address: Multiple Email Addresses		

#### Facility Information

Place ID 838411	Facility Name: Juan Carmona-Guevara		
Address: 281 Sunset Road	City, State, Zip: Hayfork, CA 96041		
County: Trinity	Latitude: 40.42647	Longitude: -123.23698	Method:

#### Lead Inspector Information

Lead Inspector Party ID: 569684	Lead Inspector Name: Katherine Hawken		
Inspector Type:	<input checked="" type="checkbox"/> State	<input type="checkbox"/> State Contractor	<input type="checkbox"/> EPA Contractor
	<input type="checkbox"/> EPA and State (EPA Lead)	<input type="checkbox"/> EPA and State (State Lead)	<input type="checkbox"/> EPA (Regional)

### INSPECTION TYPE

Inspection Type: Miscellaneous inspection

### VIOLATIONS

Were Violations noted during this inspection?  Yes  No

Violation ID	Violation Type	Occurrence Date	Rank	Description
1119313	Other Codes	08/01/2023	B	California Water Code 13264

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

Observations:

I observed a groundwater well adjacent a mixing tank, generator, and oil containers (Photo 1). I observed a stockpile of trash including black bags, plastic tarps, cardboard boxes, and a partially burnt pile of domestic waste (Photos 2 and 3). I observed a recreational vehicle (RV) with a black pipe discharging to land (Photo 4). I observed cannabis plants in pots and in raised beds (Photo 5). I observed cannabis plant waste mixed with potting soil, slash, and trash (Photo 6).

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

Recommendations:

1. Relocate generator and oil containers to area with secondary containment to avoid spillage and potential leaching to groundwater.
2. Discontinue burning of trash. Separate woody debris, plant waste, soil, and trash. Regularly contain and dispose of all waste/ trash at a licensed transfer site.
3. Disconnect RV discharging to land without a permit. Adhere to Trinity County regulations on human waste management.

For Internal Use (Optional)

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

Martha Machuca Inspection Photo Log  
Photos taken by Kate Hawken on August 1, 2023



Photo 1: Groundwater well, mixing tank, oil containers, and generator.



Photos 2 and 3: Pile of trash bags, boxes, and plastic tarps (left). Burnt trash (right).



Photo 4: RV with black pipe discharging to land.



Photo 5: Cannabis plants in raised beds.



Photo 6: Cannabis plant waste, potting soil, woody debris, and trash mixed together.