



North Coast Regional Water Quality Control Board

September 21, 2023

Certified Mail No. 7021 0950 0001 6500 1759

Karla Navarrete
PO Box 1014
Covelo CA 95428-1014

Dear Karla Navarrete:

Subject: Notice of Violation, Transmittal of Report for August 23, 2023 Inspection of Mendocino County Assessor's Parcel Number 034-100-48-00, and Recommendation to Respond within 30 days

File: Cannabis Program Inspections, Mendocino County, 2023, Karla Navarrete, CIWQS Place ID 890275

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 034-100-48-00 (the Property):

1. California Water Code (Water Code) Sections 13260 and 13264;
2. 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 23, 2023, North Coast Regional Water Quality Control Board (Regional Water Board) staff (Staff) inspected the Property and observed cannabis cultivation exceeding a half-acre in size. Accordingly, we recommend that you address the violations noticed herein. Within 30 days, please contact Staff to discuss your plan to correct the observed violations.

HECTOR BEDOLLA, CHAIR | VALERIE QUINTO, EXECUTIVE OFFICER

Background

Land Vision records show Karla Navarrete owns the Property with the last transfer of ownership occurring on June 9, 2016. According to review by Staff on September 20, 2023, of aerial imagery available from Google Earth, cannabis cultivation activities are evident on the property as early as April 7, 2008.

On August 23, 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 23, 2023 inspection, 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 vicinity of WQ2; Staff observed violations of the California Water Code section 13264 for unauthorized discharges of domestic waste, spilled petroleum products and cannabis cultivation associated wastes to land at WQ1, WQ3, WQ4 and WQ5 where they threaten to discharge into a water of the state of California; and site conditions at WQ1 through WQ6 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 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 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,

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

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Mendocino County Sheriff's Office

Sergeant Clinton Wyant, WyantC@mendocinocounty.org

Mendocino County

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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
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>
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>

Regulatory Section	Citation
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 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



North Coast Regional Water Quality Control Board

TO: Jeremiah Puget

FROM: Brian Fuller

DATE: September 21, 2023

**Report of August 23, 2023 Warrant Inspection,
Mendocino County
Assessor's Parcel Number 034-100-48-00 (the "Property")**

File: Cannabis Program Inspections, Mendocino County, 2023, Karla Navarrete, CIWQS Place ID 890275

Property information:

Watershed: Eel River Hydrologic Unit; Middle Fork Eel River Hydrologic Area; Eden Valley Hydrologic Subarea; (HU/HA/HSA 111.71; 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 23, 2023 / midday

Weather: sunny

Type: Warrant Inspection

Background/Objective:

HECTOR BEDOLLA, CHAIR | VALERIE QUINTO, EXECUTIVE OFFICER

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 east and observed several petroleum-fueled generators located at WQ1. I observed that the generators lacked secondary containment and the permeable earthen ground below one of the generators was darker than the surrounding soils, suggesting motor oil had discharged to land at this location. I walked west and observed a cannabis cultivation area exceeding a half-acre in size with plants growing in raised garden beds and within hoop-type greenhouses.

West of the cultivation area, I observed a pile of cannabis cultivation waste at WQ3 including cannabis plant root balls, plastic netting, and plastic soil bags. I observed a shallowly excavated hole at WQ4 filled with domestic waste. I observed a pile of burned refuse at WQ5 including metal rods, quart sized cans and canisters designed for holding pressurized substances. Behind a building at WQ6, I observed many unlabeled 55-gallon drums. One of the drums had a pump and hose connected enabling fluid transfers at a location without secondary containment.

Recommendations for the Discharger:

1. Immediately collect all petroleum products that threaten to spill and haul away to a licensed waste disposal facility or store in accordance with the Cannabis Cultivation Policy¹.
2. Retain a qualified professional to investigate the extent of any contaminated soil associated with spilled petroleum products, including the spill in the vicinity of WQ1, and develop a workplan and schedule for cleaning up the spill.
3. Immediately collect all refuse and waste. Cease burning of refuse and waste. Properly dispose of these wastes at a licensed waste collection facility or in another manner that complies with the Cannabis Cultivation Policy¹.
4. Prior to cultivating cannabis or developing a property for cannabis cultivation, enroll for coverage under the Cannabis General Order².

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>

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

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 June 25, 2006, obtained from Google Earth. The image shows uniform vegetation cover suggesting that the Property had not yet been developed for cannabis cultivation.



Figure 3—Aerial image of the Property taken on May 6, 2007, obtained from Google Earth. The image shows two cleared areas, including a rectangle area in the vicinity of WQ2.



Figure 4—Aerial image of the Property taken on April 7, 2008, obtained from Google Earth. The image shows areas of circles in the previously cleared areas that are consistent in size, shape and pattern of arrays of outdoor cannabis cultivation.



Figure 5—Aerial image of the Property taken on June 13, 2015, obtained from Google Earth. The image shows a cleared area south of WQ6 with a rectangular frame at the location of where a hoop-type greenhouse was observed during the August 23, 2023 inspection.



Figure 6—Aerial image of the Property taken on February 26, 2020, obtained from Google Earth. The image shows additional clearing and hoop-type greenhouses west of WQ2.

Photo Appendix:



Figure 7—Photo looking at a petroleum-fueled generator located at WQ1. The generator does not have secondary containment. The permeable earthen ground below the generator is dark where motor oil has discharged to land.



Figure 8—Photo looking south at cannabis cultivation area in the vicinity of WQ2. The photo shows a row of cannabis plants growing in raised garden beds. The white plastic top of a hoop-type greenhouse is visible in the middle right of the image.



Figure 9—Photo looking north at area with terraced hoop-type greenhouses in the vicinity of WQ2. Rows of cannabis plants are visible growing inside the greenhouses.



Figure 10—Photo looking southeast towards terraced rows of hoop-type greenhouses. A pile of cannabis cultivation waste, located at WQ3, is visible in the middle left of the image. The pictured waste includes cannabis plant root balls, plastic netting and plastic soil bags.



Figure 11—Photo showing refuse placed in a shallowly excavated hole at WQ4.



Figure 12—Photo showing pile of burned refuse at WQ5. The burned waste includes metal rods, quart sized cans and canisters designed for holding pressurized substances.



Figure 13—A photo showing several 55-gallon drums without labels behind a building in the vicinity of WQ6.



Figure 14—Photo showing a 55-gallon drum without secondary containment in the vicinity of WQ6. A pump and hose are connected to the drum enabling fluid transfers at this location.