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## North Coast Regional Water Quality Control Board

September 21, 2023

Certified Mail No. 7021 0950 0001 6500 1773

Alfredo Vizcaino  
PO Box 1049  
Covelo CA 95428-1049

Dear Alfredo Vizcaino:

**Subject: Notice of Violation, Transmittal of Report for August 23, 2023 Inspection of Mendocino County Assessor's Parcel Number 034-100-25-00, and Recommendation to Respond within 30 days**

**File:** Cannabis Program Inspections, Mendocino County, 2023, Alfredo Vizcaino, CIWQS Place ID 890276

### **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 034-100-25-00 (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, 13264, and 13350;
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 23, 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

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

## **Background**

Land Vision records show Alfredo Linares Vizcaino owns the Property with the last transfer of ownership occurring on November 8, 2019. 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 July 1, 2021.

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:

1. Violations of the Basin Plan Section 4.2.1 Prohibition 1 and Water Code section 13350 at location WQ1 for discharges of fine sediment into an unnamed tributary to the Middle Fork Eel River.
2. Violations of the Basin Plan Section 4.2.1 Prohibition 2 and Water Code section 13264 at locations WQ1 for the continued threat of discharging fine sediment into an unnamed tributary to the Middle Fork Eel River.

3. 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.
4. Violations of the California Water Code section 13264 for unauthorized discharges of domestic waste (i.e., human waste) to land at WQ5 where they threaten to discharge into a water of the state of California.
5. Site conditions at WQ1, WQ2 and WQ5 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/](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 stream crossing 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](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](mailto: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](mailto: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](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)  
Jeremiah Puget, [Jeremiah.Puget@waterboards.ca.gov](mailto:Jeremiah.Puget@waterboards.ca.gov)

**Division of Water Rights**

Ryan Babb, [Ryan.Babb@waterboards.ca.gov](mailto:Ryan.Babb@waterboards.ca.gov)  
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**Department of Fish and Wildlife**

Daniel Harrington, [Daniel.Harrington@Wildlife.ca.gov](mailto:Daniel.Harrington@Wildlife.ca.gov)  
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Warden Kyle Perdue, [Kyle.Perdue@Wildlife.ca.gov](mailto:Kyle.Perdue@Wildlife.ca.gov)  
Warden Justin Rhoades, [Justin.Rhoades@wildlife.ca.gov](mailto:Justin.Rhoades@wildlife.ca.gov)  
Captain Douglas Willson, [Douglas.Willson@wildlife.ca.gov](mailto:Douglas.Willson@wildlife.ca.gov)

**Mendocino County Sheriff's Office**

Sergeant Clinton Wyant, [WyantC@mendocinocounty.org](mailto:WyantC@mendocinocounty.org)

**Mendocino County**

[cannabisprogram@mendocinocounty.org](mailto:cannabisprogram@mendocinocounty.org)

**California Environmental Protection Agency**

Hasti Javid, [Hasti.Javid@calepa.ca.gov](mailto:Hasti.Javid@calepa.ca.gov)

**Department of Cannabis Control**

Jaime Masuda, [Jaime.Masuda@cannabis.ca.gov](mailto:Jaime.Masuda@cannabis.ca.gov)

## Attachment A – Regulatory Citations

Regulatory Section	Citation
<a href="#">Basin Plan</a> 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: (<a href="https://www.waterboards.ca.gov/northcoast/water_issues/programs/basin_plan/">https://www.waterboards.ca.gov/northcoast/water_issues/programs/basin_plan/</a>)</p>
<a href="#">Basin Plan</a> 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: (<a href="https://www.waterboards.ca.gov/northcoast/water_issues/programs/basin_plan/">https://www.waterboards.ca.gov/northcoast/water_issues/programs/basin_plan/</a>)</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."
California Water Code Section 13350(a)	"A person who (1) violates a cease and desist order or cleanup and abatement order hereafter issued, reissued, or amended by a regional board or the state board, or (2) in violation of a waste discharge requirement, waiver condition, certification, or other order or prohibition issued, reissued, or amended by a regional board or the state board, discharges waste, or causes or permits waste to be deposited where it is discharged, into the waters of the state, or (3) causes or permits any oil or any residuary product of petroleum to be deposited in or on any of the waters of the state, except in accordance with waste discharge requirements or other actions or provisions of this division, shall be liable civilly, and remedies may be proposed, in accordance with subdivision (d) or (e)."
Cannabis Policy and General Order No. WQ 2019-0001-DWQ	<p>State Water Resources Control Board <a href="#">Cannabis Cultivation Policy</a> and <a href="#">General Waste Discharge Requirements Order No. WQ 2019-0001-DWQ for Discharges of Waste Associated with Cannabis Cultivation Activities</a></p> <p>Available at:  <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>



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## 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 034-100-25-00 (the "Property")**

File: Cannabis Program Inspections, Mendocino County, 2023, Alfredo Vizcaino, CIWQS Place ID 890276

**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 / afternoon

Weather: sunny

Type: Warrant Inspection

**Background/Objective:**

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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:**

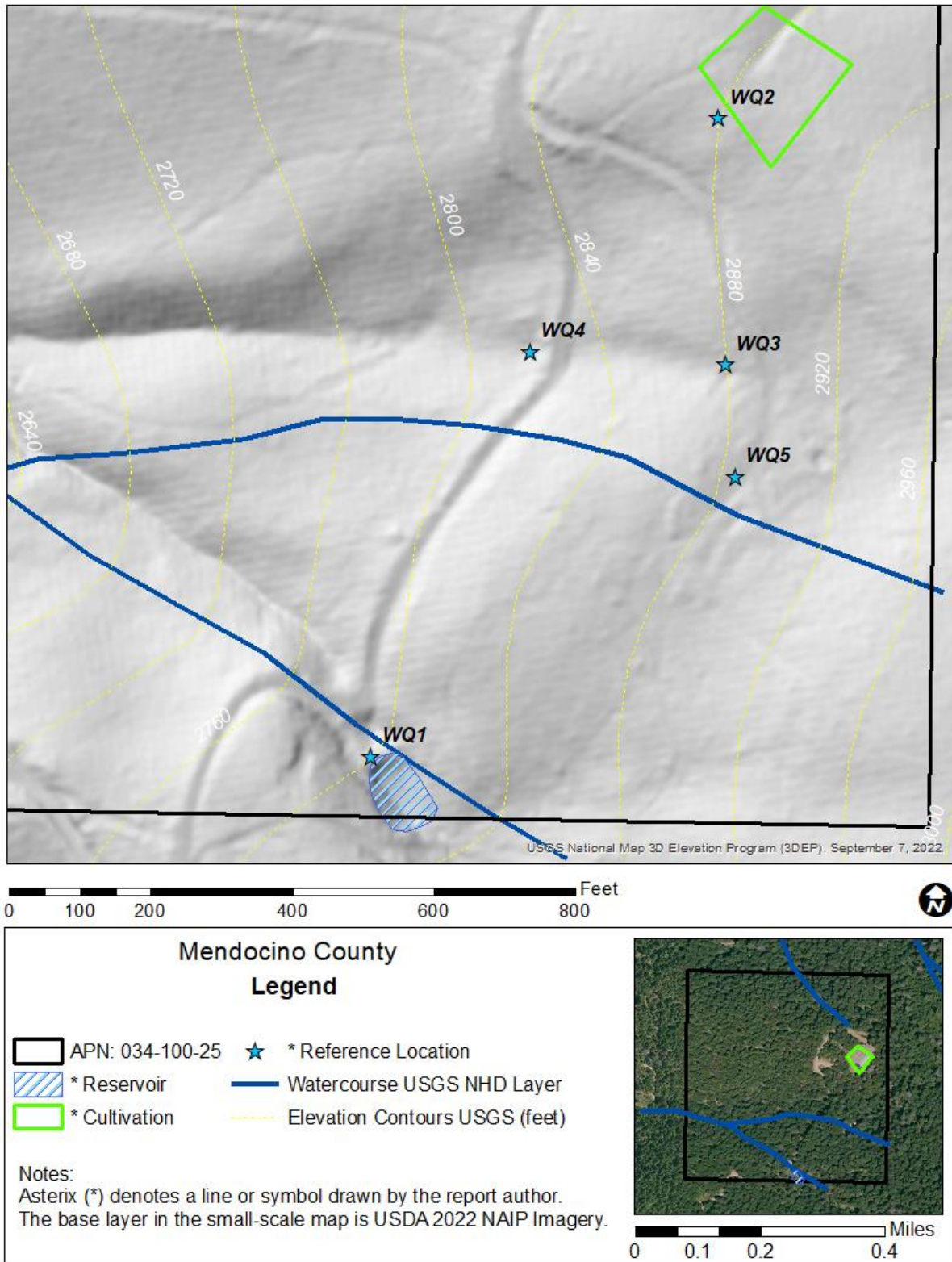


Figure 1—Aerial image/map showing inspection points discussed in this report.

### **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 south and stopped in the vicinity of WQ1. I observed a rectangular area encompassing a watercourse that had been excavated and an earthen dam had been constructed at WQ1 making an onstream reservoir. I observed that the reservoir's drainpipe had been shallowly buried in the berm, allowing for less than two feet of freeboard if the reservoir was filled. I observed that the reservoir's drainpipe was not long enough to transport all outflow beyond the tow of the berm.

Downstream from the reservoir, I observed a culvert inlet that was blocked by a fallen tree. I walked to the opposite side of the road and observed that sediment had deposited in the bottom of the pipe and in the receiving channel, which decreased the culverts capacity for transporting water by approximately 80 percent.

I drove north to WQ2 where I observed several hoop-type greenhouses occupying over 10,000 square feet of a graded pad. I observed Cannabis plants growing inside the hoop-type greenhouses. I walked south from the greenhouses to the area of a topographic swale that is mapped as a blueline stream in the National Hydrography Dataset. I followed the swale downstream to a culvert crossing the access road. I observed that the swale-bed was covered by branches and pine needles. I did not observe signs of scour along the swale nor in the vicinity of the unarmored culvert outlet. I drove to a residence located at WQ5 and observed a small structure with pit-toilet separate from the residence.

### **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. Retain a licensed professional to inventory, assess, any aquatic resources including springs, 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 WQ1, 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 Policy<sup>1</sup>.

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<sup>1</sup> 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](https://www.waterboards.ca.gov/water_issues/programs/cannabis/docs/policy/final_cannabis_policy_with_attach_a.pdf)

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 Order<sup>2</sup>.
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 Requirement<sup>3</sup>

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<sup>2</sup> [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>

<sup>3</sup> 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](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 December 31, 2004, obtained from Google Earth. The onstream reservoir identified at WQ1 is not apparent in the image.*



*Figure 3—Aerial image of the Property taken on May 6, 2007, obtained from Google Earth. The onstream reservoir identified at WQ1 is apparent in the image.*



*Figure 4—Aerial image of the Property taken on February 26, 2020, obtained from Google Earth. The image shows the area where staff observed a cultivation pad at WQ2. The area appears forested in this image.*



*Figure 5—Aerial image of the Property taken on July 1, 2021, obtained from Google Earth. The image shows a cultivation pad with three hoop-type greenhouses at WQ2*

**Photo Appendix:**



*Figure 6—Photo looking south at onstream reservoir located at WQ1. The reservoir is dry and lined with a black material.*



*Figure 7—Photo looking at the west bank of the reservoir located at WQ1. The reservoir wall appears to be excavated into a hillslope and is nearly vertical.*



*Figure 8—Photo looking north at reservoir outlet at WQ1.*



*Figure 9—Photo looking south at reservoir outlet at WQ1. The outlet pipe discharges onto the earthen dam embankment.*



*Figure 10— Photo looking south and upstream at a corrugated metal pipe inlet visible in the middle of the image. The reservoir outlet, pictured in the previous figure, is out of view in the back right of this image. The culvert inlet is blocked by a fallen tree.*



*Figure 11—Photo looking south and upstream at a corrugate metal pipe outlet. Sediment has deposited in the bottom of the pipe decreasing its capacity for transporting water by approximately 80 percent.*



*Figure 12—Photo showing cannabis plants growing inside a hoop-type greenhouse located at WQ2.*



*Figure 13—Photo taken from WQ3 looking west toward WQ4. The photo shows a topographic swale with its long axis passing from the left to center of the image.*



*Figure 14—Photo looking west and down gradient at a corrugated metal pipe located at WQ4. The presence of vegetation and the accrual of overlying leaf litter suggests that the culvert was installed years earlier.*



*Figure 15—Photo looking up-gradient at the outlet of a 24-inch diameter corrugated metal pipe at WQ4. The pipe discharges onto the forest floor and there is no sign of erosion or channel formation suggesting the culvert is only subjected to relatively small flowrates.*



*Figure 16—Photo showing small structure with pit-toilet located near to a residential structure at WQ5.*