

**STATE OF CALIFORNIA**  
**REGIONAL WATER QUALITY CONTROL BOARD**  
**NORTH COAST REGION**

**Administrative Civil Liability Complaint No. R1-2025-0042**

**In the Matter of Margarita Vizcaino Andrade**

**Mendocino County**

**Assessor's Parcel Number 034-270-42-00**

This Administrative Civil Liability Complaint (Complaint) is issued by the Assistant Executive Officer of the North Coast Regional Water Quality Control Board (North Coast Water Board) to Margarita Vizcaino Andrade (hereinafter, Respondent) for failure to implement corrective actions required under Required Actions No. 1 through 4 of the North Coast Water Board's Cleanup and Abatement Order No. R1-2025-0016 (Cleanup and Abatement Order), which was issued pursuant to Water Code section 13304. The Complaint is issued pursuant to Water Code section 13323, which authorizes the Executive Officer to issue this Complaint, and Water Code section 7, which authorizes the delegation of the Executive Officer's issuing authority to a deputy, in this case, the Assistant Executive Officer.

**The Assistant Executive Officer of the North Coast Water Board, hereby, alleges that:**

**BACKGROUND**

1. North Coast Water Board staff (Staff) inspected Mendocino County Assessor's Parcel Number (APN) 034-270-42-00 (referred to hereinafter as the Property), on October 30, 2024, during the execution of search warrants obtained by California Department of Fish and Wildlife (CDFW) law enforcement officers. The purpose of Staff's 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 from unauthorized cannabis cultivation.
2. The Respondent owns the Property, which is located southeast of the town of Covelo in Mendocino County, adjacent to an unnamed watercourse tributary of Mill Creek within the Middle Fork Eel River Watershed.
3. The Respondent purchased the Property through a deed of trust, which was recorded with the Mendocino County Recorder's Office on April 2, 2010.

4. During the inspection, Staff documented site conditions on the Property that constituted threats to water quality and beneficial uses. On the inspection day (October 30, 2024), Staff left a Field Notice documenting a summary of California Water Code violations, conditions of discharge and threatened discharge affecting waters of the state, and actions needed to be taken.
5. On October 31, 2024, Alfredo Vizcaino, Respondent's son, left a voicemail message to Staff indicating that he called on behalf of his mother and confirmed receipt of Staff's Field Notice left at her property. He also indicated that his mother does not speak English and that he would like staff to call him back. Staff called Mr. Vizcaino back and informed him that Staff would transmit a Notice of Violation and report of inspection of the property with recommendations to resolve the violations.
6. On February 21, 2025, Staff transmitted a Notice of Violation, Report of Inspection, and a draft Cleanup and Abatement Order, including both English and Spanish translations, to the Respondent via certified mail. The North Coast Water Board received a signed green card receipt on March 5, 2025 as confirmation of delivery. The Report of Inspection documents various water quality threats, including residential areas with a human wastewater septic system directly connected via pump and hose to a nearby watercourse; other structures including cannabis processing areas, which included ice production and other equipment and containers involving industrial use of water in an uncontained system hydrologically connected to a nearby stream; a stagnant dark green liquid with a pungent fetid odor in the watercourse; a ditch on the bank discharging waste to the watercourse; and cannabis plant waste disposed on the bank of the watercourse; and various cultivation related wastes uncontained throughout the property. The draft Cleanup and Abatement Order proposed tasks with associated deadlines, which would be required to clean up and abate the impacts from observed discharges and threatened discharges of waste resulting from the unauthorized cannabis cultivation and related activities on the Property. The Notice of Violation and draft Cleanup and Abatement Order provided the Respondent 30 days from the date of the transmittal letter to submit written comments and/or evidence for the North Coast Water Board to consider before issuance of a final order. On March 17, 2025, staff contacted Mr. Vizcaino via phone to remind him of the deadline to submit comments on the draft Order. Staff did not receive any written comments from the Respondent in response to the draft Cleanup and Abatement Order.
7. On March 28, 2025, the Executive Officer for the North Coast Water Board issued the final Cleanup and Abatement Order to the Respondent. The Cleanup and Abatement Order directs the Respondent to complete several Required Actions, including hydrologically disconnecting the cultivation areas and processing areas from the nearby stream; proper disposal of refuse, solid waste, and cultivation waste to a solid waste disposal facility; removal of the pump from the septic tank, removal of the associated pipe and all other industrial process water infrastructure;

proper storage of any unused petroleum products and submission of disposal receipts, by April 30, 2025. On April 1, 2025, Staff transmitted the Cleanup and Abatement Order to the Respondent by certified mail to the Respondent's P.O. Box and residence. On April 7, 2025, the North Coast Water Board received signed green card receipts as confirmation of delivery to both these addresses and, according to USPS online tracking records, the Cleanup and Abatement Order sent to the Respondent's residence was picked up from the Post Office on April 7, 2025 and similarly the copy sent to the P.O. Box was delivered on April 7, 2025.

8. On May 1, 2025, Staff called the Respondent's son, Mr. Vizcaino, to inform him that the April 30, 2025, deadline for implementation of Required Actions Nos. 1 through 4 had passed. Mr. Vizcaino accepted the call and indicated that his mother had already completed all the requirements and submitted information to Mendocino County. During the call, Staff directed him to submit the required cleanup documents to the North Coast Water Board as well. Staff also contacted Mr. Vizcaino via telephone on May 12, 14, and 21, 2025, to check the status of submittal of confirmation of implementation of the corrective actions outlined in the Cleanup and Abatement Order. Mr. Vizcaino asked for Staff's email address and Mr. Ermias Berhe provided his email address and emailed Mr. Vizcaino the final Order and its attachments via email on May 12, 2025. Mr. Vizcaino responded on May 16, 2025, via email indicating that he will send photos as soon as possible. Staff has not received adequate photographic confirmation of implementation of the corrective actions from the Respondent. Staff subsequently confirmed with Mendocino County that the County has not received the information that Mr. Vizcaino claimed to have submitted to the County. Based on the lack of response to these Staff requests, and the fact that Mendocino County has not received the alleged information, Staff concludes that the Respondent has not actually implemented the Required Actions.
9. On May 27, 2025, Staff transmitted a Notice of Violation to the Respondent for the failure to comply with Required Actions Nos. 1 through 4 of the Cleanup and Abatement Order by the deadline. The Notice of Violation explained that the Respondent risked the North Coast Water Board imposing administrative civil liability if she did not submit photographic confirmation of implementation of Required Actions Nos. 1 through 4 as required in the Cleanup and Abatement Order. Staff transmitted the Notice of Violation to the Respondent by email to Mr. Vizcaino's email address and by certified mail to the Respondent's P.O. Box and residence address on file. According to USPS online tracking records, the Notice of Violation was delivered to the Respondent's residence and left with an individual on May 30, 2025 and a signed green card receipt of that delivery returned to the North Coast Water Board on June 3, 2025. The copy sent by certified mail to the P.O. Box returned to the North Coast Water Board on June 28, 2025 as refused and unable to forward.

10. On August 1, 2025, Staff emailed Mr. Vizcaino requesting his consent to inspect the property and confirmation of implementation of required actions under the Cleanup and Abatement Order. Staff also asked Mr. Vizcaino to provide contact information for his mother. On August 14, 2025, Mr. Vizcaino submitted three photos as confirmation of implementation of corrective actions. On the same day on August 14, 2025, Staff responded indicating that the submitted photos show only one area of the property, and do not address all the required actions. Mr. Vizcaino responded on the same day indicating he will submit more photos. On August 26, 2025, Staff sent a reminder email to Mr. Vizcaino to submit additional photos or provide his consent for a site inspection. On September 2, 2025, Staff sent a letter via email to Mr. Vizcaino address and mail to Ms. Andrade requesting her consent for an inspection and confirmation of implementation of corrective actions. As of the date of issuance of this Complaint, Staff has not received a response to these requests.
11. The Respondent's violation of the Cleanup and Abatement Order remains ongoing.

#### **ALLEGED VIOLATION**

12. The Assistant Executive Officer alleges that the Respondent violated an order of the North Coast Water Board issued pursuant to Water Code section 13304 by failing to implement corrective actions required by the Cleanup and Abatement Order.

#### **WATER CODE AUTHORITY FOR IMPOSING ADMINISTRATIVE CIVIL LIABILITY**

13. Water Code section 13350 provides that a regional water board may administratively impose civil liability to any person who fails to comply with a cleanup and abatement order, in an amount not to exceed five thousand dollars (\$5,000) for each day in which the violation occurs.
14. Pursuant to Water Code section 13327, in determining the amount of any civil liability imposed, a regional water board is required to take into account the nature, circumstances, extent, and gravity of the violations, whether the discharges are susceptible to cleanup or abatement, the degree of toxicity of the discharges, and, with respect to the violator, the ability to pay, the effect on its ability to continue its business, any voluntary cleanup efforts undertaken, any prior history of violations, the degree of culpability, economic benefit or savings, if any, resulting from the violations, and other matters that justice may require.

### **WATER QUALITY ENFORCEMENT POLICY**

15. On December 5, 2023, the State Water Board adopted Resolution No. 2023-0043, which adopted the 2024 Water Quality Enforcement Policy (2024 Enforcement Policy). The 2024 Enforcement Policy was approved by the Office of Administrative Law and became effective on November 7, 2024. The 2024 Enforcement Policy establishes a methodology for assessing administrative civil liability that addresses the factors that are required to be considered when imposing a civil liability as outlined in Water Code sections 13327 and 13385, subdivision (e).
16. The alleged violation is subject to liability in accordance with Water Code section 13350. Administrative civil liability under this section is subject to the factors set forth in Water Code section 13327. The Prosecution Team has considered the required factors for the alleged violation using the methodology in the 2024 Enforcement Policy, as described in Attachment A to this Complaint.

### **CALIFORNIA ENVIRONMENTAL QUALITY ACT**

17. Issuance of this Complaint is an enforcement action and is, therefore, exempt from the provisions of the California Environmental Quality Act (Pub. Res. Code § 21000 et seq.), in accordance with California Code of Regulations, title 14, sections 15307, 15308, and 15321, subdivision (a)(2).

### **MAXIMUM STATUTORY LIABILITY**

18. Pursuant to Water Code section 13350, subdivision (e)(1), civil liability for the violation may be administratively imposed by the North Coast Water Board on a daily basis in an amount that shall not exceed five thousand dollars (\$5,000) for each day in which the violation occurs.
19. The Respondent has failed to implement corrective actions by April 30, 2025 as required under Required Actions Nos. 1 through 4 in the Cleanup and Abatement Order. The Respondent has been in violation of Required Actions Nos. 1 through 4 since the April 30, 2025, deadline, and remains in violation. This Complaint seeks liability for the days of violation beginning June 3, 2025, the date the North Coast Water Board confirmed delivery of the Notice of Violation for failure to comply with the Cleanup and Abatement Order and the date Staff exhausted all compliance assistance options by providing translated documents and calling and emailing Respondent's son Alfredo Vizcaino, through June 8, 2025, the date Staff determined to progress the case to complaint and started working on this Complaint. The Prosecution Team has exercised its prosecutorial discretion in selecting June 8, 2025, as the end date for assessing liability in this Complaint, consistent with the current North Coast Water Board's Enforcement Strategy, which contemplates staff issuing administrative civil liability complaints early in the progressive enforcement process. Using June 8, 2025 as the end date for days of

violation in this Complaint, the Respondent has been in violation of Required Actions Nos. 1 through 4 for 5 days. Therefore, the statutory maximum liability amount for the violation is \$25,000 (\$5,000/day x 5 days).

#### **MINIMUM LIABILITY**

20. Pursuant to Water Code section 13350, subdivision (e)(1)(B), the violation may be administratively imposed by the North Coast Water Board on a daily basis in an amount that shall not be less than one hundred dollars (\$100) for each day.
21. Using the number of days of violation assessed for Maximum Liability, the Respondent has been in violation of Required Actions Nos. 1 through 4 for 5 days. Therefore, the statutory minimum liability amount for the violation is \$500 (\$100/day x 5 days).

#### **PROPOSED ADMINISTRATIVE CIVIL LIABILITY**

22. The Prosecution Team proposes an administrative civil liability amount of \$25,000 for the violation, as detailed in Attachment A to this Complaint. The liability amount calculated for the violation was above the maximum liability amount; therefore, the proposed liability amount reflects a downward adjustment of the calculated liability amount based on the statutory maximum liability amount permitted under Water Code section 13350. The proposed liability amount for the violation is within the minimum and maximum liability amounts for this violation.
23. The total proposed liability for the violation is \$25,000. As previously mentioned, the total proposed liability amount was calculated by applying the methodology in the 2024 Enforcement Policy and takes into account the factors described in Water Code section 13327, such as the Respondent's culpability, history of violations, ability to pay, and other factors as justice may require.
24. Notwithstanding the issuance of this Complaint, the North Coast Water Board retains the authority to assess administrative civil liability for violations or days of violation that have not yet been assessed, or for violations or days of violation that may subsequently occur.

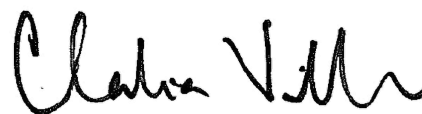
#### **THE RESPONDENT IS HEREBY GIVEN NOTICE THAT:**

25. The Assistant Executive Officer of the North Coast Water Board proposes a total administrative civil liability amount of **\$25,000** for the violation based upon a review of the factors cited in Water Code section 13327 and application of the 2024 Enforcement Policy.
26. The North Coast Water Board will hold a hearing on this Complaint during the Board meeting scheduled on December 4 or 5, 2025. The meeting is tentatively planned to occur in Sonoma County, California, at a location to be announced, or at a location

posted on the North Coast Water Board's website, unless the Respondent does one of the following by the September 21, 2025 deadline to submit the Waiver Form (Attachment B):

- a. The Respondent waives the right to a hearing by completing the attached Waiver Form (checking the box next to Option 1) and returning it to both the North Coast Water Board Prosecution Team and Advisory Team, along with payment for the proposed administrative civil liability amount of **\$25,000**; or
  - b. The North Coast Water Board Advisory Team agrees to postpone any necessary hearing after the Respondent requests a delay so that he may have additional time to prepare for the hearing or otherwise resolve this matter by checking the box next to Option 2 on the attached Waiver Form and returning it to the North Coast Water Board Prosecution Team and Advisory Team, along with a letter describing the amount of additional time requested and the rationale behind the request.
27. If a hearing is held, it will be governed by the Hearing Procedures (Attachment C). During the hearing, the North Coast Water Board will hear testimony and arguments from the parties and will affirm, reject, or modify the proposed administrative civil liability, or determine whether to refer the matter to the Attorney General for recovery of judicial civil liability.
28. The Assistant Executive Officer reserves the right to amend the proposed amount of administrative civil liability to conform to the evidence presented.

\_\_\_\_\_  
Date



\_\_\_\_\_  
Claudia E. Villacorta, P.E.  
Assistant Executive Officer

Attachments:

- A. Penalty Methodology
- B. Hearing Waiver Form
- C. Hearing Procedures

**Attachment A**  
**Penalty Methodology for**  
**Administrative Civil Liability Complaint No. R1-2025-0042**  
**Factors Considered in Developing Recommended Civil Liability**  
**In the Matter of Margarita Vizcaino Andrade**

This technical analysis provides a summary of factual and analytical evidence that support the findings in Administrative Civil Liability Complaint No. R1-2025-00xx (Complaint) and the recommended assessment of administrative civil liability in the amount of \$25,000. The Complaint alleges that Margarita Vizcaino Andrade (Respondent), failed to implement Required Actions Nos. 1 through 4 of the North Coast Regional Water Quality Control Board's (North Coast Water Board's) Cleanup and Abatement Order No. R1-2025-0016 (Cleanup and Abatement Order) for Mendocino County Assessor's Parcel Number (APN) 034-270-42-00 (the Property).

**SUMMARY OF VIOLATION**

The Complaint alleges that the Respondent violated a cleanup and abatement order issued by the North Coast Water Board by failing to implement corrective actions by April 30, 2025 as required under Required Actions Nos. 1 through 4 of the Cleanup and Abatement Order. The Respondent has been in violation of Required Actions Nos. 1 through 4 since the April 30, 2025 deadline, and remains in violation. However, the Prosecution Team proposes imposition of administrative civil liability only for the days of violation beginning June 3, 2025, through June 8, 2025, for a total of 5 days. The Prosecution Team choose June 3, 2025 as the start date because it is the date the North Coast Water Board received a signed green card receipt as confirmation of delivery of the Notice of Violation of the Cleanup and Abatement Order and the date Staff exhausted all compliance assistance tools by providing translated documents and calling the Respondent's son, Alfredo Vizcaino. The Prosecution Team choose the end date, June 8, 2025, as it is the date Staff determined to progress the case to complaint and started working on the complaint. The Prosecution Team has exercised its prosecutorial discretion in selecting June 8, 2025, as the end date for assessing liability consistent with the current North Coast Water Board's Cannabis Program Enforcement Strategy, which proposes staff to issue penalties much earlier in the progressive enforcement process.

Water Code section 13350, subdivision (e)(1), provides that the North Coast Water Board may impose civil liability administratively in response to violations of Board-issued cleanup and abatement orders in an amount of up to five thousand dollars (\$5,000) per day of violation. **As described below, the Prosecution Team recommends a total administrative civil liability in the full statutory maximum amount of \$25,000.**



## **PENALTY METHODOLOGY**

The State Water Resources Control Board's (State Water Board's) *Water Quality Enforcement Policy*<sup>1</sup> ("Enforcement Policy") establishes a methodology for determining administrative civil liability by addressing the factors that must be considered under Water Code section 13327 and/or 13385, subdivision (e), depending on the violations. As the violation alleged in the Complaint is enforceable under Water Code section 13350, the proposed liability must take into consideration the factors specified in Water Code section 13327, specifically:

"the nature, circumstance, extent, and gravity of the violation or violations, whether the discharge is susceptible to cleanup or abatement, the degree of toxicity of the discharge, and, with respect to the violator, the ability to pay, the effect on ability to continue in business, any voluntary cleanup efforts undertaken, any prior history of violations, the degree of culpability, economic benefit or savings, if any, resulting from the violation, and other matters as justice may require."

Each factor of the Enforcement Policy's ten-step approach is discussed below, along with the basis for assessing the corresponding scores and proposed administrative civil liability amount.

The violation alleged in the Complaint and assessed herein involves failure to implement corrective actions required under Required Actions No. 1 through 4 of the North Coast Water Board's Cleanup and Abatement Order No. R1-2025-0016 (Cleanup and Abatement Order). This violation is a "non-discharge violation" for purposes of the Enforcement Policy penalty methodology.

### **Step 1. Actual Harm or Potential for Harm for Discharge Violations**

Enforcement Policy Step 1 is only applicable to discharge violations, which are not alleged in the Complaint.

### **Step 2. Per Gallon and Per Day Assessments for Discharge**

Enforcement Policy Step 2 is only applicable to discharge violations, which are not alleged in the Complaint.

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<sup>1</sup> The Prosecution Team applied the 2024 Water Quality Enforcement Policy, which was approved by the Office of Administrative Law and went into effect on November 7, 2024, prior to the violations alleged in the Complaint and discussed herein. A copy of the 2024 [Water Quality Enforcement Policy](https://www.waterboards.ca.gov/water_issues/programs/enforcement/docs/2024/2024-enforcement-policy.pdf) can be found at: ([https://www.waterboards.ca.gov/water\\_issues/programs/enforcement/docs/2024/2024-enforcement-policy.pdf](https://www.waterboards.ca.gov/water_issues/programs/enforcement/docs/2024/2024-enforcement-policy.pdf)).

### **Step 3. Per Day Assessment for Non-Discharge Violations**

The Enforcement Policy provides that “[t]he Water Boards shall calculate an initial liability factor for each non-discharge violation, considering Potential for Harm and the extent of deviation from applicable requirements. This violation involves failure to implement corrective actions required under the Cleanup and Abatement Order. While all non-discharge violations harm or undermine the Water Boards’ regulatory programs and compromise the Water Boards’ ability to perform their statutory and regulatory functions, some non-discharge violations have the potential to directly or indirectly impact beneficial uses and should result in more serious consequences.”

To determine the initial liability factor for each violation, the Water Boards use the matrix set forth in Table 3 of the Enforcement Policy to determine a per-day assessment factor for each violation. The matrix considers the potential for harm resulting from the violation, and the deviation from the applicable requirement. Each of these can be “Minor,” “Moderate,” or “Major.”

#### **Potential for Harm:**

The Potential for Harm categories are as follows:

- *Minor – The characteristics of the violation have little or no potential to impair the Water Boards’ ability to perform their statutory and/or regulatory functions, present only a minor threat to beneficial uses, and/or the circumstances of the violation indicate a minor potential for harm.*
- *Moderate – The characteristics of the violation have substantially impaired the Water Boards’ ability to perform their statutory and/or regulatory functions, present a substantial threat to beneficial uses, and/or the circumstances of the violation indicate a substantial potential for harm. Most non-discharge violations should be considered to present a moderate potential for harm.*
- *Major – The characteristics of the violation have wholly impaired the Water Boards’ ability to perform their statutory and/or regulatory functions, present a particularly egregious threat to beneficial uses, and/or the circumstances of the violation indicate a very high potential for harm. Non-discharge violations involving failure to comply with directives in cleanup and abatement orders, cease and desist orders, and investigative orders, involving reports relating to impaired water bodies and sensitive habitats, should be considered major. (emphasis added.)*

(Enforcement Policy, page 21-22.)

Implementation of Required Actions 1 through 4 under the Cleanup and Abatement Order is necessary to clean up the waste or abate the effects of the waste, or in the case of threatened pollution or nuisance, take other necessary remedial actions. By

failing to implement the corrective actions, the Respondent wholly impaired the North Coast Water Board's ability to perform its regulatory functions.

Additionally, the waterbodies intended to be protected through the implementation of corrective actions are impaired. The Cleanup and Abatement Order was issued as a result of discharges and threatened discharges of waste to tributaries of the Middle Fork Eel River. The federal Clean Water Act section 303, subdivision (d), impaired waterbodies list identifies the Middle Fork Eel River as impaired due to elevated sedimentation/Siltation and elevated temperature. The U.S. Environmental Protection Agency established Total Maximum Daily Loads (TMDLs) for temperature and sediment for the Middle Fork Eel River in December 2003. The TMDLs indicate that the cold freshwater habitat is the most sensitive of beneficial uses in the watershed. As such, protection of this beneficial use is presumed to protect any of the other beneficial uses that might also be harmed by sedimentation.

In accordance with the Enforcement Policy, "non-discharge violations involving failure to comply with directives in cleanup and abatement orders, cease and desist orders, and investigative orders, involving reports relating to impaired water bodies and sensitive habitats, should be considered major [Potential for Harm]." Since this non-discharge violation involves failure to comply with a directive in the Cleanup and Abatement Order to implement remedial actions impacting an impaired waterbody, the Potential for Harm for Violation 1 is **Major**.

**Deviation from Requirement:**

The Deviation from Requirement categories are as follows:

- *Minor – The intended effectiveness of the requirement remained generally intact (e.g., while the requirement was not met, its intended effect was not materially compromised).*
- *Moderate – The intended effectiveness of the requirement was partially compromised (e.g., the requirement was not met, and the effectiveness of the requirement was only partially achieved).*
- *Major – The requirement was rendered ineffective (e.g., the requirement was rendered ineffective in its essential functions).*

(Enforcement Policy, page 22.)

The failure to implement corrective actions required by the Cleanup and Abatement Order is **Major**. Although the Respondent's representative has claimed that the corrective actions have been implemented, they have failed to provide proof of completion of the corrective actions despite repeated requests by North Coast Water Board Staff, rendering the requirement ineffective in its essential functions.

**Per Day Factors:**

Utilizing a Potential for Harm score of **Major** and Deviation from Requirement score of **Major**, Staff selected a Per Day Factor of 0.85, consistent with the midpoint of the range listed in Table 3 on page 21 of Enforcement Policy.

**Multiple-Day Violations**

The Enforcement Policy's Multiple-Day Violations factor applies only to violations lasting more than 30 days. Here, the Complaint seeks administrative civil liability for only 5 days of violation. As such, the Multiple-Day collapsing factor is not applicable.

**Initial Liability Amounts:**

The initial liability amount is ***calculated on a per-day basis as follows:***

Per-Day Liability (5 (days of violation) x 0.85 (per day factor) x \$5,000 (statutory maximum per day liability)) = **\$21,250**

**Step 4. Adjustment Factors**

Under this step, the initial liability amount is adjusted by factors addressing the violator's conduct.

**Violator's Conduct:**

There are three additional factors to be considered for modification of the amount of initial liability: the violator's culpability, efforts to clean up or cooperate with regulatory authority, and the violator's compliance history.

**Culpability:**

This factor assesses a violator's degree of culpability prior to the violation. The Enforcement Policy provides that "[h]igher liabilities should result from intentional or negligent violations" as opposed to accidental violations.

A multiplier between 0.75 and 1.5 is to be used, with a higher multiplier for intentional misconduct or gross negligence, a lower multiplier for more simple negligence, and a neutral assessment of 1.0 where a violator is determined to have acted as a reasonable and prudent person would have. (Enforcement Policy, page 24.)

At the time of the inspection, the Respondent was conducting unlicensed commercial cannabis cultivation and related activities on the Property. Staff left a Field Notice of Water Quality Violations at the property. The Respondent's son Alfredo Vizcaino left a voicemail indicating receipt of this notice. Staff transmitted a Notice of Violation and Report of the October 30, 2024, inspection of the Property and enclosures of a draft Cleanup and Abatement Order for comment and Spanish translations of these documents on February 21, 2025. Staff did not receive any comments on the draft. On March 28, 2025, the North Coast Water Board's Executive Officer issued the Final Cleanup and Abatement Order to ensure the Property was adequately remediated. Staff

received confirmation of receipt of the Order via a signed green card receipt. Respondent was therefore aware of the Cleanup and Abatement Order's requirements. Although Respondent's son, Alfred Vizcaino, stated that the corrective actions had been implemented, Staff has received no evidence of such implementation despite repeated requests to Mr. Vizcaino. Staff issued a Notice of Violation for violation of the Cleanup and Abatement Order. Staff has still not received confirmation of implementation of corrective actions. Based on the totality of the circumstances, Staff alleges that Respondent has not complied with the corrective actions in the Cleanup and Abatement Order. A reasonable and prudent person would have made efforts to comply with the Cleanup and Abatement Order. The Respondent's conduct falls below that of a reasonable and prudent person. The Respondent's failure to implement the corrective actions despite knowledge of the requirement constitutes an intentional violation of the Cleanup and Abatement Order; thus, a value of **1.25** is appropriate for this violation.

### ***History of Violations:***

The Enforcement Policy advises that "[w]here the discharger has no prior history of violations, this factor should be neutral, or 1.0. Where the discharger has prior violations within the last five years, the Water Boards should use a multiplier of 1.1. Where the discharger has a history of similar or numerous dissimilar violations, the Water Boards should consider adopting a multiplier above 1.1." (Enforcement Policy, page 24.)

There are no previous orders assessing administrative civil liability against the Respondent for previous violations within the last five years. Accordingly, a neutral factor of **1.0** is selected for Violations 1.

### ***Cleanup and Cooperation:***

This factor assesses voluntary efforts to clean up and/or to cooperate with regulatory agencies in returning to compliance after the violation. The Enforcement Policy states that the cleanup and cooperation multiplier ranges from 0.75 to 1.5, with a "lower multiplier where there is exceptional cleanup and cooperation compared to what can reasonably be expected, and a higher multiplier where there is not." A reasonable and prudent response to a discharge violation or timely response to a North Coast Water Board order should receive a neutral adjustment as it is assumed a reasonable amount of cooperation is the warranted baseline. (Enforcement Policy, page 24.)

This violation alleges non-compliance with requirements set forth in the Cleanup and Abatement Order. As such, the relevant considerations for this factor are the Respondent's cooperation with North Coast Water Board Staff and the actions, if any, taken by the Respondent to comply with the Cleanup and Abatement Order. After the April 30, 2025, deadline to submit confirmation of implementation of corrective actions, Staff communicated with Alfredo Vizcaino via phone calls and emails to check status of the Required Actions Nos. 1 through 4 and to request c. Alfredo notified staff that his mother had completed all the required actions under the Cleanup Order and submitted information to Mendocino County. Staff indicated that the Respondent should also submit these documents to the North Coast Water Board. Staff has determined that

Mendocino County has not received the information allegedly submitted by Mr. Vizcaino. On May 27, 2025, Staff transmitted a Notice of Violation to the Respondent by email and via a certified mail, which reiterated her continued violation of Required Actions Nos. 1 through 4 for failure to implement corrective actions. Staff received a signed green card receipt on June 3, 2025 of the mail that was sent to the Fairbank Ln address, but the mail sent to her PO Box address was refused. On August 1, 2025, Staff emailed Mr. Vizcaino and requested confirmation of implementation of required actions under the Order and his consent to inspect the property. Staff also asked Mr. Vizcaino to provide contact address for his mother. On August 14, 2025, Mr. Vizcaino submitted three photos as confirmation of implementation of corrective actions. On the same day on August 14, 2025, Staff responded indicating that these photos do not address all the required actions as they are only showing one spot of the property. Mr. Vizcaino responded on the same day indicating he will submit more photos. On August 26, 2025, Staff sent a reminder email to Mr. Vizcaino to submit additional photos or provide his consent for a site inspection. On September 2, 2025, staff sent a letter to Ms. Andrade requesting her consent for an inspection and confirmation of implementation of corrective actions. Staff has not received any response. Staff has no evidence to suggest that the Respondent has complied with the Cleanup and Abatement Order. Based on the Respondent's failure to comply with the Cleanup and Abatement Order, a score of **1.25** has been assessed for the Violation.

#### **Step 5. Determination of Total Base Liability Amount**

The Total Base Liability is determined by adding the amounts above for each violation, including any adjustment for multiple day violations. Depending on the statute controlling the liability assessment for a violation, the liability can be assessed as either a per day penalty, a per gallon penalty, or both.

The Total Base Liability amount for the Violation is calculated on a per-day basis as follows:

**\$21,250** (Initial Liability) x 1.25 (Culpability Factor) x 1.0 (History of Violations Factor) x 1.25 (Cleanup and Cooperation Factor) = **\$33,203.125**. This total Base Liability amount exceeds the Maximum Liability Amount of **\$25,000**.

**Total Base Liability Amount: \$33,203.125**

#### **Step 6. Economic Benefit**

The Enforcement Policy requires that the adjusted Total Base Liability Amount be at least 10 percent higher than any economic benefit realized by the Respondent. Economic Benefit is any savings or monetary gain derived from the act or omission that constitutes the violation.

For **Violation 1**, the cost of implementing the corrective actions (i.e., field inspection and report preparation) is estimated to be comparable to the cost of preparing a Site Closure Report, as presented in the State Water Board's October 2017 Direct Cost

Analysis for the Proposed Cannabis Cultivation Policy (2017 Direct Cost Analysis)<sup>2</sup>, which is estimated to cost between \$1,080 and \$4,760.

Using the EPA BEN model, Staff determined the economic benefit from delayed expenditures associated with Violation 1. Staff identified the midpoint in the estimated range of plan costs to be \$2,920. To consider the inflation between October 2017, issuance of the Cannabis Policy Cost Analysis, and March 28, 2025, issuance of the Cleanup and Abatement Order, Staff used U.S. Bureau of Labor Statistics' CPI Inflation Calculator<sup>3</sup>, and calculated the cost of submitting the Completion Report of Winterization to be \$3,818.48. Staff entered this amount into the EPA BEN model as a one-time non-depreciable expenditure, \$0 in capital investment, and \$0 in annual recurring costs with a noncompliance date of the April 30, 2025 deadline, and an estimated compliance date of December 20, 2025, two weeks after the anticipated hearing date. The resulting economic benefit from delaying submittal of photographic confirmation of implementation of expenditure is \$118. The economic benefit plus ten percent for Violation 1 is calculated to be \$129.80 (\$118 + \$11.80), which the Total Base Liability Amount for this violation exceeds.

### **Step 7. Other Factors as Justice May Require**

The Enforcement Policy states that “[i]f the Water Board believes that the amount determined using the above factors is inappropriate, the amount may be adjusted under the provision for ‘other factors as justice may require,’ but only if express findings are made to justify this adjustment.” Additionally, the North Coast Water Board may exercise its discretion to include some of the costs of investigation and enforcement in the total administrative civil liability. (Enforcement Policy, page 27.)

### **Staff Costs**

The North Coast Water Board incurred \$6,186 in staff costs associated with this enforcement action. This amount reflects 45.25 hours of staff time associated with investigation of the violations and preparation of the Complaint. Staff labor included the work of an Engineering Geologist, Senior Environmental Scientist, Senior Water Resources Control Engineer, Supervising Water Resources Control Engineer, and Assistant Executive Officer. Although the Prosecution Team has calculated its staff costs for this action, the Prosecution Team did not assess these costs against the Respondent. This decision was reached after consideration of the Total Base Liability Amount for this violation already exceeds the statutory maximum liability amount and will need to be adjusted under Step 9.

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<sup>2</sup> [The 2017 Direct Cost Analysis](https://www.waterboards.ca.gov/water_issues/programs/cannabis/docs/policy/20171017_cannabis_cultivation_policy_cost_analysis.pdf) is available at: (https://www.waterboards.ca.gov/water\_issues/programs/cannabis/docs/policy/20171017\_cannabis\_cultivation\_policy\_cost\_analysis.pdf)

<sup>3</sup> U.S. Bureau of Labor Statistics' CPI Inflation Calculator ([CPI Inflation Calculator](#))

### **Step 8. Ability to Pay and Continue in Business**

The Enforcement Policy provides that “[i]f the Water Boards have sufficient financial information necessary to assess the violator’s ability to pay the Total Base Liability Amount or to assess the effect of the Total Base Liability Amount on the violator’s ability to continue in business, the Total Base Liability Amount may be adjusted to address the ability to pay or to continue in business. The ability of a responsible party to pay is determined by its income (revenues minus expenses) and net worth (assets minus liabilities).” (Enforcement Policy, pages 28-29.)

Mendocino County Tax Assessor Records in Lightbox Vision indicate that the Respondent solely owns four properties, including the property subject to this complaint, in Mendocino County (APNs 036-150-09-00, 034-270-42-00, 036-140-41-00, and 032-450-09-00), with a total assessed value of \$712,729.00.

Staff do not have information about the Respondent’s revenues or liabilities that would further inform the Respondent’s ability to pay. Based on the information available, Staff proposes no adjustment to the Total Base Liability Amount for Violation 1.

### **Step 9. Maximum and Minimum Liability Amounts**

The Enforcement Policy requires the North Coast Water Board to consider the maximum and minimum liability amounts that may be assessed for each violation. For all violations, the applicable statute sets a maximum liability amount. For some violations, the statute also establishes a minimum liability amount. The maximum and minimum liability amounts for each violation must be determined for comparison to the liability amounts proposed.

#### **Maximum Liability Amounts**

Pursuant to Water Code section 13350, subdivision (e)(1), civil liability for this Violation may be administratively imposed by the North Coast Water Board in an amount that shall not exceed five thousand dollars (\$5,000) for each day in which the violations occur.

The Complaint alleges that the Respondent has been in violation of the Cleanup and Abatement Order since April 30, 2025. As noted in the Complaint and discussed in the Summary of Violation section above, the Prosecution Team proposes a start date of June 3, 2025 and an end date of June 8, 2025 for assessing liability for days of violation. Accordingly, the Complaint alleges 5 days of violation for the Violation. Pursuant to Water Code section 13350, the statutory maximum liability amount that can be imposed for the Violation is \$25,000.

#### **Minimum Liability Amounts**

Pursuant to Water Code section 13350 subdivision (e)(1)(B), civil liability for the Violation may be administratively imposed by the North Coast Water Board in an



amount that shall not be less than five hundred dollars (\$100) for each day the cleanup and abatement order is violated.

The Complaint alleges that the Respondent has been in violation of the Cleanup and Abatement Order since April 30, 2025. As noted in the Complaint, and discussed in the Summary of Violation section above, the Prosecution Team proposes a start date of June 3, 2025 and an end date of June 8, 2025 for assessing liability for days of violation. Accordingly, the Complaint alleges 5 days of violation for the Violation. Pursuant to Water Code section 13350, subdivision (e)(1)(B), the statutory minimum liability amount that can be imposed for the Violation is \$500.

**Step 10. Final Liability Amount:**

The final liability amount consists of the added amounts for each violation, with any allowed adjustments, provided the amounts are within the statutory minimum and maximum amounts. In consideration of the maximum liability amount determined under Step 9, the adjusted Total Base Liability Amount for the Violation is **\$25,000**, which is the statutory maximum amount.

## North Coast Regional Water Quality Control Board

### WAIVER FORM FOR ADMINISTRATIVE CIVIL LIABILITY COMPLAINT

By signing this waiver, I affirm and acknowledge the following:

I am duly authorized to represent Margarita Vizcaino Andrade (hereinafter, Respondent) in connection with Administrative Civil Liability Complaint No. R1-2025-0042 (Complaint). I am informed that California Water Code section 13323, subdivision (b), states that, “a hearing before the regional board shall be conducted within 90 days after the party has been served with the complaint. The person(s) who have been issued a complaint may waive the right to a hearing.”

☐ **OPTION 1: Check here if the Respondent waives the hearing requirement and will pay the liability in full.**

- a. I hereby waive any right the Respondent may have to a hearing before the North Coast Regional Water Quality Control Board (North Coast Water Board).
- b. I certify that the Respondent will remit payment for the proposed civil liability in the full amount of **twenty five thousand dollars (25,000)** by submitting a check that references “ACL Complaint No. R1-2025-0042” made payable to the “State Water Pollution Cleanup and Abatement Account” and mailed to Attn: ACL Payment Accounting Office, P.O. Box 1888, Sacramento, California, 95812-1888, with a copy of the check sent to the North Coast Water Board at [northcoast@waterboards.ca.gov](mailto:northcoast@waterboards.ca.gov) within 30 days from the date on which this waiver is executed.
- c. I understand the payment of the above amount constitutes a proposed settlement of the Complaint, and that any settlement will not become final until after a 30-day public notice and comment period. Should the North Coast Water Board receive significant new information or comments from any source (excluding the North Coast Water Board’s Prosecution Team) during this comment period, the North Coast Water Board’s Assistant Executive Officer may withdraw the Complaint, return payment, and issue a new Complaint. I understand that this proposed settlement is subject to approval by the North Coast Water Board, and that the North Coast Water Board may consider this proposed settlement in a public meeting or hearing. I also understand that approval of the settlement will result in the Respondent having waived the right to contest the allegations in the Complaint and the imposition of civil liability.
- d. I understand that payment of the above amount is not a substitute for compliance with applicable laws and that continuing violations of the type

HECTOR BEDOLLA, CHAIR | VALERIE QUINTO, EXECUTIVE OFFICER

alleged in the Complaint may subject the Respondent to further enforcement, including additional civil liability.

- ☐ ***OPTION 2: Check here if the Respondent waives the 90-day hearing requirement in order to extend the hearing date and/or hearing deadlines. Attach a separate sheet with the amount of additional time requested and the rationale.***

- a. I hereby waive any right the Respondent may have to a hearing before the North Coast Water Board within 90 days after service of the Complaint. By checking this box, the Respondent requests that the North Coast Water Board delay the hearing and/or hearing deadlines so that the Respondent may have additional time to prepare for the hearing or otherwise resolve this matter including through settlement discussions with the Prosecution Team. I understand that it remains within the discretion of the North Coast Water Board to approve the extension.

**Margarita Vizcaino Andrade or Authorized Representative**

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(Print Name)

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(Signature)

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(Date)

**California Regional Water Quality Control Board, North Coast Region**

**HEARING PROCEDURE**

**FOR ADMINISTRATIVE CIVIL LIABILITY COMPLAINT**

**R1-2025-0042**

**ISSUED TO**

**MARGARITA VIZCAINO ANDRADE**

**MENDOCINO COUNTY**

**HEARING SCHEDULED FOR December 4 or 5, 2025**

**PLEASE READ THIS HEARING PROCEDURE CAREFULLY. FAILURE TO COMPLY WITH THE DEADLINES AND OTHER REQUIREMENTS CONTAINED HEREIN MAY RESULT IN THE EXCLUSION OF YOUR SUBMITTAL.**

California Water Code section 13323 authorizes the California Regional Water Quality Control Board, North Coast Region (North Coast Water Board) to impose a fine, called administrative civil liability, against any person who violates water quality requirements. The North Coast Water Board's Prosecution Team has issued an Administrative Civil Liability (ACL) Complaint that proposes the North Coast Water Board impose civil liability against Margarita Vizcaino Andrade (Respondent) for the violation alleged in the ACL Complaint.

**I. HEARING DATE AND LOCATION**

The North Coast Water Board has scheduled a hearing to consider this matter on December 4 or 5, 2025. At the hearing, the North Coast Water Board will consider evidence regarding the violation alleged in the ACL Complaint. After considering the evidence, the North Coast Water Board may impose the proposed civil liability, impose a higher or lower amount, or decline to impose any liability.

The hearing will be held at the following location:

Regional Water Board, 5550 Skylane Blvd, Ste A, Santa Rosa, CA 95403

The North Coast Water Board's meeting agenda will be issued at least ten days before the meeting and posted on the [North Coast Water Board's website](https://waterboards.ca.gov/northcoast/board_info/board_meetings/) at ([https://waterboards.ca.gov/northcoast/board\\_info/board\\_meetings/](https://waterboards.ca.gov/northcoast/board_info/board_meetings/)). The hearing may be rescheduled or continued to a later date. Please check the North Coast Water Board's website for the most up-to-date information.

## II. PRESIDING OFFICER

For the purposes of this Hearing Procedure, the Presiding Officer is the Chair of the North Coast Water Board or another member of the North Coast Water Board designated in writing by the Chair of the North Coast Water Board.

## III. HEARING WAIVER

Water Code section 13323, subdivision (b), requires a hearing on the ACL Complaint within 90 days of service of the ACL Complaint; however, the Respondent may waive this right. The Respondent may decide to waive the hearing requirement and pay the full proposed liability amount and settle the ACL Complaint, contingent on the North Coast Water Board's approval of the settlement. Alternatively, the Respondent may decide to waive the right to a hearing within 90 days to (1) engage in settlement discussions or (2) seek additional time to prepare for the hearing.

To waive the hearing requirement for any of the above reasons, the Respondent should complete and submit the *Waiver Form for Administrative Civil Liability Complaint (Waiver Form)*, included with the ACL Complaint, by the deadline listed under "Important Deadlines" below. If there are multiple Respondents, each of them must submit a separate waiver. Any request to postpone the hearing must be approved by the Presiding Officer.

## IV. ADJUDICATORY HEARING REGULATORY FRAMEWORK

### A. Applicable Statutes and Regulations

The following statutes and regulations, as implemented by this Hearing Procedure, govern the hearing on the ACL Complaint:

1. California Water Code section 13323.
2. Chapter 4.5 of the Administrative Procedure Act (Gov. Code, § 11400 et seq.), excluding Article 8 (*Language Assistance*), Article 13 (*Emergency Decision*), Article 14 (*Declaratory Decision*) and Article 16 (*Administrative Adjudication Code of Ethics*).
3. Evidence Code sections 801 through 805.
4. Government Code section 11513.
5. California Code of Regulations, title 23, section 648 et seq.

6. State Water Resources Control Board's Water Quality Enforcement Policy (Enforcement Policy).

These statutes and regulations are available online at ([https://www.waterboards.ca.gov/laws\\_regulations](https://www.waterboards.ca.gov/laws_regulations)). Except for Government Code section 11513, chapter 5 of the California Administrative Procedure Act (Gov. Code, § 11500 et seq.) does not apply to this hearing.

**B. Separation of Prosecutorial and Advisory Functions**

North Coast Water Board staff and attorneys that have prepared the ACL Complaint (Prosecution Team) have been separated from North Coast Water Board staff and attorneys that will advise the North Coast Water Board on the ACL Complaint (Advisory Team). The Prosecution Team will present evidence for consideration by the North Coast Water Board. The Advisory Team provides legal and technical advice to the North Coast Water Board. Members of the Advisory Team and Prosecution Team are identified below.

**Advisory Team:**

Valerie Quinto, Executive Officer  
Nathan Jacobsen, Attorney IV

**Prosecution Team:**

Claudia E. Villacorta P.E., Assistant Executive Officer  
Kason V. Grady P.E., Supervising Water Resources Control Engineer  
Jeremiah Puget, Senior Environmental Scientist  
Ermias Berhe, Engineering Geologist  
Andrew Tauriainen, Attorney Supervisor

Any members of the Advisory Team who normally supervise any members of the Prosecution Team are not acting as their supervisors in this proceeding, and vice versa. Further, members of the Advisory Team have not exercised any authority over the Prosecution Team or advised them with respect to this matter, or vice versa. Claudia Villacorta, Kason Grady, and Jeremiah Puget regularly advise the North Coast Water Board in other, unrelated matters, and other members of the Prosecution Team may have previously acted as advisors to the North Coast Water Board in other, unrelated matters, but no members of the Prosecution Team are advising the North Coast Water Board in this proceeding. Members of the Prosecution Team have not had any substantive ex parte communications with the North Coast Water Board or the Advisory Team regarding this proceeding.

### **C. Ex Parte Communications**

Any communication regarding any issue in this proceeding to a North Coast Water Board member or member of the Advisory Team by a Party or Interested Person that is made without notice and opportunity for all Parties to participate in the communication is considered an “ex parte” communication. Ex parte communications are prohibited, except as authorized by statute (e.g., communications regarding non-controversial procedural matters). (Gov. Code, § 11430.10 et seq.)

### **D. Evidentiary Standards**

Government Code section 11513 and Evidence Code sections 801 through 805 apply to this proceeding.

The technical rules of evidence do not apply to this proceeding. The Parties may submit any relevant evidence that is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of the evidence over objection in civil actions.

Hearsay evidence is evidence of a statement that was made other than by a witness while testifying at the hearing and that is offered to prove the truth of the matter stated. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence but over timely objection shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. An objection is timely if made before conclusion of all testimony or closing statement if one is provided.

## **V. HEARING PARTICIPANTS**

### **A. Parties**

Parties are the primary participants in the hearing. Parties may present written evidence, offer witness testimony, cross-examine witnesses, and provide closing statements. Parties may be asked to respond to questions from the North Coast Water Board and Advisory Team.

The following are Parties to this proceeding:

1. North Coast Water Board Prosecution Team
2. Margarita Vizcaino Andrade
3. Any other person or entity designated as a party by the Presiding Officer in accordance with Section V.C.

## **B. Interested Persons (Non-Parties)**

Interested Persons include any persons or entities that are interested in the outcome of the proceeding but that have not been designated as a party. Interested Persons may present written or oral non-evidentiary policy statements. Interested Persons are not subject to cross-examination but may be asked to respond to clarifying questions from the North Coast Water Board and Advisory Team.

Interested Persons may not submit evidence (e.g., photographs, eye-witness testimony, and monitoring data). Any person or entity that would like to submit evidence should request to be designated as a party pursuant to Section V.C.

## **C. Requesting Party Status**

Any Interested Person who wishes to participate in the hearing as a party must submit a request in writing by the deadline listed under “Important Deadlines” below. The request must include the following information at a minimum:

1. How the issues to be addressed at the hearing substantially affect the requestor’s interests; and,
2. Why the existing Parties do not adequately represent the requestor’s interests.

The request for party status must also include any requested revisions to the Hearing Procedure.

A Party must submit any written objection to a request for party status by the deadline listed under “Important Deadlines” below.

Following the deadline to submit objections to party status requests, the Presiding Officer will promptly respond to any timely written requests for party status. The Presiding Officer will not grant a request for party status if the Presiding Officer determines the designation of the requestor as a party will impair the interests of justice or the orderly and prompt conduct of the proceeding. The Presiding Officer, when granting a request for party status, may impose restrictions on the requestor’s hearing participation, including limiting or excluding the use of cross-examination and other procedures, to promote the orderly and prompt conduct of the proceeding. Unless and until an Interested Person is granted party status, the deadlines for Interested Persons shall continue to apply.



## **VI. PREHEARING SUBMITTAL OF NON-EVIDENTIARY POLICY STATEMENTS BY INTERESTED PERSONS**

### **A. Non-Evidentiary Policy Statements**

Interested Persons must submit any written non-evidentiary policy statements regarding the ACL Complaint by the deadline listed under “Important Deadlines” below.

Interested Persons are not required to submit written statements to speak at the hearing.

### **B. Responding to Interested Person Non-Evidentiary Policy Statements**

A Party must submit any response to Interested Person written policy statements by the deadline listed under “Important Deadlines” below.

## **VII. PREHEARING SUBMITTALS BY PARTIES**

### **A. Prehearing Evidence and Argument Submittals (Excluding Rebuttal Evidence)**

The Parties must submit the following information in advance of the hearing by the deadline listed under “Important Deadlines” below:

1. All evidence, excluding witness testimony to be presented orally at the hearing, and an exhibit list providing an exhibit number and brief description of each exhibit. Evidence already in the North Coast Water Board’s public files may be submitted by reference as long as the evidence and location are clearly identified. The file names of any electronic copies of exhibits must identify the Party submitting the exhibit, the exhibit number, and a brief identification of the exhibit (e.g., "Resp Ex. 1 - Permit.pdf").
2. All legal and technical arguments or analysis.
3. The name of each witness, if any, whom the Party intends to call at the hearing; the subject of each witness’ proposed testimony; and the estimated time required by each witness to present direct testimony.
4. The qualifications of each expert witness, if any.

## **B. Prehearing Rebuttal Evidence Submittals**

Rebuttal evidence is evidence offered to disprove or contradict evidence presented by an opposing Party.

The Parties must submit any rebuttal evidence in advance of the hearing by the deadline listed under “Important Deadlines” below. Rebuttal evidence shall be limited to rebutting the scope of previously submitted materials; rebuttal evidence that is not responsive to previous submittals may be excluded by the Presiding Officer.

The requirement to submit rebuttal evidence in advance of the hearing applies only to rebut timely-submitted written evidence. Rebuttal evidence pertaining to an issue raised solely during oral testimony need not be submitted in advance of the hearing.

## **C. Prehearing Objections to Evidentiary Submittals**

A Party must submit any objections to prehearing evidentiary submittals by the deadlines listed under “Important Deadlines” below.

These deadlines do not apply to objections to late-submitted evidence. Objections to late-submitted evidence must be made within seven days of the late submittal or at the hearing, whichever is earlier.

## **D. Prehearing Proposed Findings of Fact and Conclusions of Law**

The Prosecution Team must submit, and the other Parties may submit, Proposed Findings of Fact and Conclusions of Law for consideration by the North Coast Water Board and Advisory Team. The Proposed Findings of Fact and Conclusions of Law must include the Party’s proposed penalty calculation, using the methodology prescribed by the Enforcement Policy. The Parties may use this opportunity to highlight specific evidence and argument for the North Coast Water Board’s consideration.

Proposed Findings of Fact and Conclusions of Law must be submitted in Microsoft Word format by the deadline listed under “Important Deadlines” below. The Presiding Officer may prescribe a page limit for the Proposed Findings of Fact and Conclusions of Law.

## **E. Prohibition on Surprise Evidence**

It is the policy of the North Coast Water Board to discourage the introduction of surprise testimony and exhibits. The Presiding Officer may refuse to admit proposed exhibits or testimony into evidence that are not submitted in accordance with this Hearing Procedure and shall refuse to do so when there is a showing of prejudice to any Party or the North Coast Water Board, except where the party seeking to introduce the

proposed exhibits or testimony demonstrates that compliance with this Hearing Procedure would create severe hardship. Excluded material will not be considered.

## **VIII. REVISIONS TO HEARING PROCEDURE AND PREHEARING CONFERENCE**

### **A. Revisions to Hearing Procedure**

The Presiding Officer may revise this Hearing Procedure for good cause (1) on the Presiding Officer's own motion or (2) upon request from any Party or Interested Person seeking party status. A Party or Interested Person seeking party status requesting revisions to this Hearing Procedure must submit the request in writing by the deadline listed under "Important Deadlines" below. Before revising this Hearing Procedure, the Presiding Officer will provide the Parties an opportunity to comment.

### **B. Prehearing Conference**

The Presiding Officer, upon its own motion or upon request from a Party, may schedule a Prehearing Conference with the Parties to discuss any prehearing matter, such as revisions to this Hearing Procedure, designation of additional parties, or evidentiary objections.

## **IX. HEARING**

### **A Order of Proceeding**

The Presiding Officer will conduct the hearing on the ACL Complaint generally in the order listed under California Code of Regulations, title 23, section 648.5. The Presiding Officer may modify the order of proceeding for good cause.

### **B. Administration of Oath**

All persons intending to testify at the hearing must take the oath administered by the Presiding Officer.

### **C. Witnesses**

Any witness providing written testimony must appear at the hearing and affirm that the written testimony is true and correct and be available for cross-examination.

#### **D. Hearing Time Limits**

Parties: Each Party will have a combined total of 30 minutes to present evidence (including examining witnesses), cross-examine witnesses, and provide a closing statement.

Interested Persons: Each Interested Person will have 3 minutes to present oral, non-evidentiary comments or policy statements.

Questions from the North Coast Water Board and the Advisory Team, responses to such questions, and discussion of procedural issues do not count against these time limits.

#### **E. Requesting Additional Hearing Time**

Hearing participants who would like additional time must submit their request by the deadline listed under “Important Deadlines” below. Additional time may be provided at the discretion of the Presiding Officer upon a showing that additional time is necessary.

#### **F. Visual Presentations**

Each Party may use PowerPoint and other visual presentations at the hearing. The presentation content shall not exceed the scope of previously submitted written material. The Parties must submit their presentations, if any, by the deadline listed under “Important Deadlines” below.

Interested Persons may use a visual presentation as an aid to their oral, non-evidentiary comments or policy statements only with the Presiding Officer’s prior approval.

### **X. MISCELLANEOUS**

#### **A. Submittal Timing and Format**

All submittals made pursuant to this Hearing Procedure must be received by 5:00 p.m. on the respective due date within the “Important Deadlines” below. All submittals must be sent to the “Primary Contacts,” identified below. Electronic copies are encouraged. Parties without access to computer equipment are strongly encouraged to have their materials scanned at a copy or mailing center. The Presiding Officer will not reject materials solely for failure to provide electronic copies.

#### **B. Availability of Documents**

The ACL Complaint and all submittals made in accordance with this Hearing Procedure are available upon request by contacting the Prosecution Team, identified in the “Primary Contacts” below.

Interested Persons may request to be included in the transmission of all submittals by contacting the Advisory Team.

### **C. Questions**

Questions concerning this Hearing Procedure may be addressed to the Advisory Team attorney, identified in the “Primary Contacts” below.

## **PRIMARY CONTACTS**

### **Advisory Team:**

Valerie Quinto  
Executive Officer  
North Coast Water Board  
[Valerie.Quinto@waterboards.ca.gov](mailto:Valerie.Quinto@waterboards.ca.gov)

Nathan Jacobsen  
Attorney IV  
Office of Chief Counsel  
State Water Resources Control Board  
(916) 341-5181  
[Nathan.Jacobsen@waterboards.ca.gov](mailto:Nathan.Jacobsen@waterboards.ca.gov)

### **Prosecution Team:**

Claudia E. Villacorta, P.E.  
Assistant Executive Officer  
North Coast Water Board  
[Claudia.Villacorta@waterboards.ca.gov](mailto:Claudia.Villacorta@waterboards.ca.gov)

Kason V. Grady, P.E.  
Supervising Water Resources Control Engineer  
North Coast Water Board  
[Kason.Grady@waterboards.ca.gov](mailto:Kason.Grady@waterboards.ca.gov)

Jeremiah Puget  
Senior Environmental Scientist  
North Coast Water Board  
[Jeremiah.Puget@waterboards.ca.gov](mailto:Jeremiah.Puget@waterboards.ca.gov)

Ermias Berhe  
Engineering Geologist  
North Coast Water Board  
[Ermias.Berhe@waterboards.ca.gov](mailto:Ermias.Berhe@waterboards.ca.gov)

Margarita Vizcaino Andrade  
Complaint **No. R1-2025-0042**  
Attachment C –Hearing Procedure

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Andrew Tauriainen  
Attorney Supervisor  
State Water Resources Control Board, Office of Enforcement  
(916) 341-5889  
[Andrew.Tauriainen@Waterboards.ca.gov](mailto:Andrew.Tauriainen@Waterboards.ca.gov)

**Respondent:**

Margarita Vizcaino Andrade  
25350 Fairbanks Ln  
Covelo, CA 95428-9843  
Or,  
Margarita Vizcaino Andrade  
Attn: Alfredo Vizcaino  
PO Box 1049  
Covelo, CA 95428  
[alfredotito13@yahoo.com](mailto:alfredotito13@yahoo.com)

### IMPORTANT DEADLINES

*Note: Where a deadline falls on a weekend or state holiday, the deadline is extended to the following business day*

September 8, 2025	Prosecution Team issues ACL Complaint, Hearing Procedure, and other related materials	
September 16, 2025	Parties' deadline to request revisions to Hearing Procedure	Section VIII.A
	Interested Persons' deadline to request party status (If requesting party status, this is also the deadline to request revisions to Hearing Procedure)	Section V.C
September 21, 2025	Parties' deadline to submit objections to party status requests	Section V.C
	Respondent's deadline to submit Waiver Form	Section III
October 6, 2025	Interested Persons' deadline to submit written non-evidentiary policy statements	Section VI.A
October 20, 2025	Prosecution Team's deadline to submit prehearing evidence and argument (excluding rebuttal evidence)	Section VII.A
November 1, 2025	Remaining Parties' (including the Respondent(s)) deadline to submit prehearing evidence and argument (excluding rebuttal evidence)	Section VII.A
November 13, 2025	Parties' deadline to submit prehearing rebuttal evidence	Section VII.B
	Parties' deadline to submit responses to Interested Person non-evidentiary policy statements	Section VI.B
	Parties' deadline to submit objections to prehearing evidence submittals (excluding rebuttal evidence)	Section VII.C
	Deadline to submit requests for additional hearing time	Section IX.E
November 20, 2025	Parties' deadline to submit objections to prehearing rebuttal evidence	Section VII.C
	Parties' deadline to submit Proposed Findings of Fact and Conclusions of Law	Section VII.D
December 2, 2025	Parties' deadline to submit copy of visual presentations	Section IX.F
December 4 or 5, 2025	Hearing Date	