

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

**Order No. R1-2026-0027**  
**Assessing Administrative Civil Liability**

**In the Matter of:**

**Pedro Martinez Garcia**  
**Mendocino County**  
**Assessor's Parcel Numbers**  
**032-124-34-00, 032-125-03-00, 032-125-17-00, and 032-124-35-00**

The California Regional Water Quality Control Board, North Coast Region (hereinafter North Coast Water Board or Board) finds the following:

This matter comes before the North Coast Water Board from Administrative Civil Liability Complaint No. R1-2026-0009 (Complaint) issued to Pedro Martinez Garcia (hereinafter, Respondent). The Complaint alleged one violation for failure to comply with Required Action No. 1 of North Coast Water Board Cleanup and Abatement Order No. R1-2025-0047 (Cleanup and Abatement Order) and proposed administrative civil liability in the amount of \$50,000 pursuant to applicable laws and regulations, including Water Code section 13350. A hearing took place during the Board meeting on April 15, 2026, in accordance with the hearing notice and procedures transmitted to the Respondent, and applicable laws and regulations, including California Code of Regulations, title 23, sections 648-648.8.

**BACKGROUND**

1. North Coast Water Board staff (Staff) inspected Mendocino County Assessor's Parcel Numbers 032-124-34-00, 032-125-03-00, 032-125-17-00, and 032-124-35-00 (collectively referred to hereinafter as the Property), on August 12, 2025, during the service of a search warrant obtained by California Department of Fish and Wildlife law enforcement officers. (PT Exh. 7.) 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 Property is located in the Spy Rock area east of Laytonville in Mendocino County with tributaries to Shell Rock Creek, in the Middle Main Eel River watershed, passing through the Property. The federal Clean Water Act section 303, subdivision (d), impaired waterbodies list identifies the Middle Main Eel River as impaired due to

elevated sedimentation/siltation and its tributaries due to elevated temperature. (PT Exh. 27 & 28.)

3. The Respondent purchased the Property through a deed of trust, which was recorded with the Mendocino County Recorder's Office on May 18, 2016, and has owned the Property at all times relevant to this Complaint. (PT Exh. 5.)
4. During the August 12, 2025 inspection of the Property, Staff documented site conditions on the Property constituting threats to water quality and beneficial uses and left a field Notice of Water Quality Violations on the Property. (PT Exh. 6.)
5. On September 24, 2025, Staff mailed to the Respondent a Notice of Violation, Report of the August 12, 2025 inspection, and a draft Cleanup and Abatement Order with a letter inviting the Respondent to provide comments on the draft Cleanup and Abatement Order to Staff by October 9, 2025. (PT Exh. 7.) Staff mailed these documents via General Logistics Systems (GLS) to the Property and via United States Postal Service (USPS) certified mail and priority mail to the Respondent's Post Office Box (PO Box). The USPS priority mail transmittal was delivered on September 27, 2025, the Respondent signed for receipt of the GLS transmittal on September 30, 2025, and the USPS certified mail transmittal was signed for on October 10, 2025. (PT Exh. 8, 9, & 10.)
6. On October 15, 2025, after having received no response or comments from the Respondent, the Executive Officer for the North Coast Water Board issued the Cleanup and Abatement Order to the Respondent, which Staff transmitted to the Property using GLS and to the Respondent's PO Box using USPS. (PT Exh. 11.) The Order that was mailed to the Property was returned by GLS. (PT Exh. 12.) The transmittal of the USPS mailing to the Respondent's PO Box was mailed first class. Although tracking information was not available for this delivery, the Order was not returned to Staff as undelivered.
7. On November 4, 2025, Staff retransmitted the Cleanup and Abatement Order to the Property using USPS certified mail, which was returned to Staff as undelivered due to no mail receptacle. (PT Exh. 13.)
8. On November 14, 2025, Staff retransmitted the Cleanup and Abatement Order to the Respondent's PO Box using USPS priority mail and certified mail. (PT Exh. 14 & 15.) The Order that was mailed by priority mail was delivered on November 17, 2025. (PT Exh. 14.) The Order that was sent by certified mail was signed for and picked up from the post office on December 6, 2025. (PT Exhibit 15.)
9. The Cleanup and Abatement Order directs the Respondent to complete the Required Actions by November 14, 2025. (PT Exh. 11.) Specifically, the Respondent was required to remove all cannabis cultivation waste from the riparian setbacks; properly dispose of refuse, solid wastes, and all hazardous wastes to a waste disposal facility authorized to accept that type of waste; and submit disposal

receipts and photographic confirmation to the North Coast Water Board. Staff received no response or documentation from the Respondent.

10. On November 20, 2025, Staff transmitted a Notice of Violation, with a copy of the Cleanup and Abatement Order enclosed, to the Respondent's PO Box using USPS certified mail, which was delivered on December 6, 2025. (PT Exh. 16 & 18.) Because of the delay in delivery, Staff retransmitted the Notice of Violation package to the Respondent's PO Box using USPS priority mail on December 1, 2025, which was delivered on December 4, 2025. (PT Exh. 17.)
11. Despite two deliveries of the Notice of Violation, which explained that the Respondent risked the North Coast Water Board imposing administrative civil liability if he did not comply with the Cleanup and Abatement Order, the Respondent has not responded to Staff's communications or provided any proof of compliance with the Cleanup and Abatement Order.
12. The Respondent's violation of the Cleanup and Abatement Order remains ongoing.

### **PROCEDURAL AND EVIDENTIARY ISSUES**

13. The Assistant Executive Officer issued the Complaint on January 16, 2026. (PT Exh. 1.) The Prosecution Team mailed a physical copy of the Complaint to the Respondent's PO Box using USPS certified mail and priority mail. (*Ibid.*) The Prosecution Team transmitted an electronic copy of the Complaint to the Advisory Team that same day. (PT Exh. 2.) The Complaint package that was sent by priority mail was delivered to the Respondent's PO Box on January 20, 2026. (PT Exh. 3.) The package sent by certified mail was signed for and picked up at the post office on February 6, 2026. (PT Exh. 4.)
14. In preparation for the hearing, the Prosecution Team submitted evidence on March 2, 2026 to support the alleged violation and proposed penalty contained in the Complaint. The Respondent did not submit any pre-hearing evidence or legal arguments.

### **VIOLATION**

15. The Respondent failed to comply with Water Code section 13304 by failing to implement corrective actions by the November 14, 2025 deadline contained in the Cleanup and Abatement Order. The Complaint proposed assessment for ten days of violation, between November 18, 2025, the first date following the tracked delivery of the Cleanup and Abatement Order, and November 27, 2025, which the Board finds appropriate for this case. Accordingly, this Order assesses liability for a total of ten days of violation.

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

16. Water Code section 13350, subdivision (a), provides that the North Coast Water Board may administratively impose civil liability, in accordance with subdivision (e), to any person who fails to comply with a cleanup and abatement order. Subdivision (e)(1) authorizes the North Coast Water Board to impose liability in an amount not to exceed five thousand dollars (\$5,000) for each day in which the violation occurs. Additionally, where a cleanup and abatement order is violated but there is no discharge, subdivision (e)(1)(B) provides that the North Coast Water Board shall impose liability in an amount no less than one hundred (\$100) for each day in which the violation occurs, except as provided in subdivision (f), which authorizes the North Coast Water Board to impose liability less than the minimum specified in subdivision (e)(1) only when the Board makes express findings for its action based on the factors required to be considered under Water Code section 13327.
17. Pursuant to Water Code section 13327, in determining the amount of any civil liability imposed, the North Coast 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**

18. On December 5, 2023, the State Water Board adopted Resolution No. 2023-0043, which adopted the 2024 Water Quality Enforcement Policy (Enforcement Policy). The Enforcement Policy was approved by the Office of Administrative Law and became effective on November 7, 2024. The Enforcement Policy establishes a methodology for assessing administrative civil liability that addresses the factors that are required to be considered when imposing civil liability as outlined in Water Code section 13327.
19. The North Coast Water Board has considered the factors required to be considered under Water Code section 13327 for the violation using the methodology in the Enforcement Policy, as described in Attachment A to this Order.

**MAXIMUM STATUTORY LIABILITY**

20. Pursuant to Water Code section 13350, subdivision (e)(1), the statutory maximum liability amount for the days of violation between November 18, 2025 and November 27, 2025 is \$50,000 (\$5,000/day x 10 days).

### **MINIMUM LIABILITY**

21. Pursuant to Water Code section 13350, subdivision (e)(1)(B), the statutory minimum liability amount for the days of violation between November 18, 2025 and November 27, 2025 is \$1,000 (\$100/day x 10 days).

### **ADMINISTRATIVE CIVIL LIABILITY**

22. The North Coast Water Board assesses an administrative civil liability amount of \$50,000 for the violation, as detailed in Attachment A to this Order. The liability amount calculated for the violation pursuant to the methodology in the Enforcement Policy was above the maximum liability amount; therefore, the assessed liability amount reflects a downward adjustment to reflect the statutory maximum liability amount permitted under Water Code section 13350.
23. 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 that may subsequently occur.

### **REGULATORY CONSIDERATIONS**

24. Payment of the assessed liability amount does not absolve the Respondent from complying with the Cleanup and Abatement Order. Notwithstanding the adoption of this Order, the North Coast Water Board retains authority to assess additional penalties for violations for which penalties have not yet been assessed or for violations that may subsequently occur.
25. Issuance of this Order 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).
26. Any person aggrieved by this action of the North Coast Water Board may petition the State Water Board to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, section 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filling petitions will be provided upon request, and may be found on the [State Water Resources Control Board's website](http://www.waterboards.ca.gov/public_notices/petitions/water_quality/) ([http://www.waterboards.ca.gov/public\\_notices/petitions/water\\_quality/](http://www.waterboards.ca.gov/public_notices/petitions/water_quality/)).
27. The North Coast Water Board or its delegated officer is authorized to refer this matter to the Office of the Attorney General for collection or other enforcement if the Respondent fails to comply with payment of the administrative civil liability.

**IT IS HEREBY ORDERED**, pursuant to Water Code sections 13323 and 13350, that:

1. The Respondent shall be assessed administrative civil liability in the amount of fifty thousand dollars (\$50,000). Payment shall be made no later than 30 days from the date on which this Order is adopted by the North Coast Water Board. Payment, by check or money order, shall be made to the "State Water Board Waste Discharge Permit Fund" in accordance with Water Code section 13350, subdivision (k). The Respondent shall include the number of this Order on the check or money order, which shall be sent to the following address:

State Water Resources Control Board  
Division of Administrative Services  
ATTN: ACL Payment Accounting Office  
P.O. Box 1888  
Sacramento, California, 95812-1888

With a copy of the check or money order mailed or emailed to:

North Coast Regional Water Quality Control Board  
Attn: Jeremiah Puget  
5550 Skylane Boulevard, Suite A  
Santa Rosa, CA 95403  
[northcoast@waterboards.ca.gov](mailto:northcoast@waterboards.ca.gov)

I, Valerie Quinto, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the North Coast Water Board on April 15, 2026.

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Valerie Quinto  
Executive Officer

Attachment:  
Attachment A: Penalty Methodology