

North Coast Regional Water Quality Control Board

REVISED

CLEANUP AND ABATEMENT ORDER

No. R1-2025-0046

Property Owner and Responsible Party: Xavier Zavala

Subject Property: Mendocino County Assessor's Parcel Number 056-350-20-00.

The North Coast Regional Water Quality Control Board (North Coast Water Board), acting through the Executive Officer, issues this Cleanup and Abatement Order to Xavier Zavala (referred to as the Discharger) pursuant to California Water Code section 13304.

This Order requires the Discharger to clean up and abate the effects of discharges and threatened discharges of waste¹ on the subject property at Mendocino County Assessor's Parcel Numbers 056-350-20-00 (hereafter the Property), and to eliminate the threat of future discharges to Shell Rock Creek located within the Spy Rock Hydrologic Subarea, Middle Fork Eel River Hydrologic Area of the Eel River watershed.

FINDINGS

See enclosed Notice of Violation and an inspection report that document site conditions in violation of the Water Quality Control Plan for the North Coast Region (Basin Plan²) and Water Code. The extent of the unauthorized discharges and threatened discharges of waste is such that cleaning up waste or abating the effects of waste is required to protect water quality.

The Property is located within the Middle Main Eel River watershed, which is on the Clean Water Act 303(d) list as impaired due to elevated sedimentation/siltation, and its tributaries are listed as impaired due to elevated temperature. Discharges of waste from the Property have the potential to impact the Middle Main Eel River and exacerbate the impairments. The Basin Plan establishes beneficial uses for the Middle Main Eel River,

¹ [Water Code section 13050](https://leginfo.ca.gov/faces/codes_displaySection.xhtml?sectionNum=13050&lawCode=WAT) definitions, including "waste" and "pollution" –
([https://leginfo.ca.gov/faces/codes_displaySection.xhtml?sectionNum=13050](https://leginfo.ca.gov/faces/codes_displaySection.xhtml?sectionNum=13050&lawCode=WAT)
.&lawCode=WAT)

² [Basin Plan](https://www.waterboards.ca.gov/northcoast/water_issues/programs/basin_plan/) –
(https://www.waterboards.ca.gov/northcoast/water_issues/programs/basin_plan/)

which include, but are not limited to, Municipal and Domestic Supply and Cold Freshwater Habitat, among others. These are often the most sensitive beneficial uses. For a list of all beneficial uses you can contact Staff, as listed below, or access the Basin Plan online.

Cleanup actions required under this Order shall be conducted to comply with the Porter-Cologne Water Quality Control Act (Wat. Code § 13000 *et seq.*), the Basin Plan, State Water Resources Control Board (State Water Board) Resolution 92-49 Policies and Procedures for Investigation and Cleanup and Abatement of Discharges under Water Code Section 13304 (Resolution 92-49)³, and other applicable State and North Coast Water Board plans, policies, and regulations.

As described in the inspection report, Staff observed cannabis cultivation waste, including plastic sheeting that has discharged into a water of the state of California (water of the state) at WQ5; chemical fertilizers and plastic waste located less than 50 feet from watercourses in the vicinity of WQ3 and WQ5 that threaten to discharge to waters of the state; and a dirt road shaped such that it threatens to collect stormwater and discharge sediment-laden stormwater to a water of the state at WQ4.

Based on these observations, the Discharger caused or permitted and threatens to cause or permit waste to be discharged or deposited where it is, or probably will be, discharged into the waters of the state and creates or threatens to create a condition of pollution or nuisance and, as a result, shall upon order of the North Coast Water Board clean up the waste or abate the effects of the waste, or, in the case of threatened pollution or nuisance, take other necessary remedial action, including, but not limited to, overseeing cleanup and abatement efforts as described below in this order. (Water Code §13304 .) Bringing the site into compliance with the State Water Board's *Cannabis Cultivation Policy Principles and Guidelines for Cannabis Cultivation* (Cannabis Cultivation Policy)⁴ will correct these conditions.

The Discharger is the owner of the Property. According to Mendocino County Assessor's Office records, as accessed via Digital Map Products' Light Box Vision online service, the Discharger purchased the Property through a deed recorded on June 30, 2020. As the owner of the Property, the Discharger is responsible for remediating the conditions of discharge and threatened discharge of waste on the Property. The Discharger knows or should know of the conditions resulting in the discharges or threatened discharges of waste and has the legal ability to prevent additional discharges from occurring on the Property.

³ [Resolution 92-49 citation](#) –

(https://www.waterboards.ca.gov/water_issues/programs/site_cleanup_program/resolution_92_49.html)

⁴ The State Water Board's [Cannabis Cultivation Policy Principles and Guidelines for Cannabis Cultivation](#) can be found at:

(https://www.waterboards.ca.gov/water_issues/programs/cannabis/docs/policy/final_cannabis_policy_with_attach_a.pdf)

ORDER TO CLEANUP AND ABATE WASTE:
XAVIER ZAVALA IS HEREBY ORDERED TO TAKE CORRECTIVE ACTION,
PURSUANT TO WATER CODE SECTION 13304, BY COMPLYING WITH THE
FOLLOWING:

1. By March 10, 2026, remove all cannabis cultivation waste from the riparian setbacks, as defined in Section 1, Term 37 of the Cannabis Cultivation Policy; 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.
2. By March 10, 2026, implement erosion and sediment control Best Management Practices (BMPs) to disturbed areas under the direction of a Qualified Professional, as defined in the Cannabis Cultivation Policy Definition 72, and provide photographic confirmation of implementation to the North Coast Water Board.

Other Regulatory Requirements: The Discharger is responsible for obtaining all applicable local, state, and federal permits necessary to fulfill the requirements of this Order prior to beginning the work. This Order does not relieve the Discharger from complying with all other local, state, and federal requirements, nor does it preclude the North Coast Water Board from taking any and all other actions allowed by law.

Modifications: Any modification to this Order shall be in writing and approved by the North Coast Water Board or its delegated officer including any potential extension requests. If, for any reason, the Discharger is unable to comply with the deadlines in this Order, the Discharger may request, in writing, an extension of the time specified. The extension request shall include justification for the delay. Any extension request shall be submitted as soon as a delay is recognized and prior to the compliance deadline.

Enforcement Authority: If the Discharger fails to comply with the requirements of this Order, this matter may be referred to the Attorney General for judicial enforcement or a complaint for administrative civil liability may be issued by the North Coast Water Board. Failure to comply with this Order may result in the assessment of an administrative civil liability of up to \$5,000 per day pursuant to Water Code section 13350, subdivision (a)(1). The North Coast Water Board reserves its right to take any enforcement actions authorized by law, including, but not limited to, enforcement for the underlying discharges of waste in violation of the North Coast Water Board's requirements and/or the Water Code.

No Limitation of Water Board Authority: This Order in no way limits the authority of the North Coast Water Board to amend this Order to require additional investigation and cleanup of the Property consistent with the Water Code. This Order may be modified if additional information becomes available, including adding responsible parties when/if those parties are identified.

California Environmental Quality Act (CEQA) Compliance: Issuance of this Order is an enforcement action by a regulatory agency to enforce the provisions of the Water Code and/or the North Coast Water Board's Basin Plan, and is exempt from provisions

of the CEQA (Pub. Resources Code § 21000 et seq.) in accordance with California Code of Regulations, title 14, section 15321. This action may also be considered exempt because it involves minor alterations to land and/or is an action by a regulatory agency to assure the maintenance, restoration, enhancement, or protection of natural resources or the environment. (Cal. Code Regs., tit. 14, §§ 15304, 15307, & 15308.)

Requesting Review by the State Water Board: 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 et seq. The State Water Board must receive the petition no later than 5:00 p.m., 30 days following 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 on the next business day. [Copies of the law and regulations applicable to filing petitions](#) may be found on the Internet at: (https://www.waterboards.ca.gov/public_notices/petitions/water_quality/) or will be provided upon request.

This Order is effective upon the date of signature.

Valerie Quinto
Executive Officer

Enclosure:

1. September 26, 2025, North Coast Water Board Notice of Violation, including: Attachment A - Regulatory Citations, and Attachment B - Report for August 12, 2025 Inspection