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## State Water Resources Control Board

OCTOBER 3 2023

CERTIFIED MAIL

Jose Luis Rodriguez

CERTIFIED MAIL NO:7020 2450 0001 1783 3438

### SECOND NOTICE OF VIOLATION

Investigation ID: 15080

#### **DIVISION OF WATER RIGHTS INSPECTION OF MENDOCINO COUNTY ASSESSOR PARCEL NUMBER 034-300-15-00**

Jose Luis Rodriguez,

On July 21, 2023, staff from the State Water Resources Control Board (State Water Board), Division of Water Rights (Division), in coordination with state and local partner agencies conducted an inspection of the property referenced above (Property). On August 22, 2023, Division staff and partner agencies conducted another inspection of the Property. The purpose of the inspections was to observe the diversion and use of water occurring on the Property and to evaluate potential impacts to the watershed. Division staff observed water hauling as the sole source of water in use on the Property during each inspection.

You are identified as the property owner for Mendocino County Assessor Parcel Number (APN) 034-300-15-00. On August 8, 2023, you were mailed a Notice of Violation (NOV) that provided you notice that at the time of the July 21, 2023 inspection of the Property, Division staff found violations of the California Water Code (Water Code) and the State Water Board's Cannabis Cultivation Policy (Policy) requirements. The purpose of the August 8, 2023 NOV was to inform you of your regulatory compliance options and of the potential for administrative enforcement action. The August 8, 2023 NOV provided notice that you were in violation of the Water Code and Policy and that you must take immediate action to come into compliance or risk civil liability. United States Postal Service records show that you received the August 8, 2023 NOV on August 21, 2023.

E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

On August 22, 2023, the second inspection of the Property confirmed that you are still in violation of the Water Code and Policy because you have not performed any corrective actions to remedy the violations that you were notified of in the August 8, 2023 NOV.

On July 21, 2023 and again on August 22, 2023, Division staff found the following violations of a Principle, Guideline, or Requirement established in the State Water Board's Cannabis Cultivation Policy, Attachment A, pursuant to Water Code section 13149:

1. **Cannabis Cultivation Policy, Section 2, Term 92** - Water Storage Facility Without Device to Prevent Water Overflow.
2. **Cannabis Cultivation Policy, Section 2, Term 93** - Failure to Secure Tank Openings to Prevent Entry and Entrapment of Wildlife.
3. **Cannabis Cultivation Policy, Section 2 Term 94** - Failure to make available a minimum of five years of appropriate documentation for any hauled water.
4. **Cannabis Cultivation Policy, Section 2, Term 98** – Failure to Maintain Daily Records of Water Use for Cannabis Irrigation.

You must also send photographic proof and/or other documentation that supports your corrective actions taken for all violations. You can submit your documents through the State Water Board's Cannabis Compliance Response Portal referenced at the end of this NOV.

This NOV is your second notice of the above-mentioned Water Code and Policy requirements. Your response to the allegations listed in this notice is required and should be immediate upon receipt of this NOV. The State Water Board has discretion when considering an enforcement action and shall consider your corrective actions taken in response to this NOV in determining whether and to what extent civil liability is appropriate for the violations. Therefore, this matter requires your immediate attention.

To facilitate your response, we are providing you with an investigation identification number (Investigation ID), which you can use to respond electronically. You can also contact Division staff by phone or by email provided at the bottom of this NOV. To respond electronically using your Investigation ID, follow the steps below.

**Investigation ID. 15080**

- 1) Go to the State Water Board's Cannabis Cultivation Programs Portal at: <https://public2.waterboards.ca.gov/CGO/>.
- 2) Register or login to your account.
- 3) Under "Survey" click "New" for the "Division of Water Rights - Cannabis Compliance Response Portal."
- 4) When you fill out your response to this NOV, use APN 034-300-15-00 and Investigation ID 15080.

To respond by phone or email, contact Zach Gomer at (916) 323-0359 or [zachary.gomer@waterboards.ca.gov](mailto:zachary.gomer@waterboards.ca.gov). Written correspondence or inquiries should be addressed as follows: State Water Resources Control Board, Division of Water Rights, Attn: Zach Gome, P.O. Box 2000, Sacramento, CA 95812-2000.

Sincerely,

ORIGINAL SIGNED BY:

Zach Gomer  
Water Resource Control Engineer  
Cannabis Enforcement Unit 1  
Division of Water Rights

ec: **Division of Water Rights - Enforcement**

Taro Murano  
[Taro.Murano@waterboards.ca.gov](mailto:Taro.Murano@waterboards.ca.gov)

Stormer Feiler  
[Stormer.Feiler@waterboards.ca.gov](mailto:Stormer.Feiler@waterboards.ca.gov)

Laura Cunningham  
[Laura.Cunningham@Waterboards.ca.gov](mailto:Laura.Cunningham@Waterboards.ca.gov)

Cannabis Registration Unit  
[DWR-cannabisreg@waterboards.ca.gov](mailto:DWR-cannabisreg@waterboards.ca.gov)

**Department of Fish and Wildlife**

Justin Rhoades  
[Justin.Rhoades@wildlife.ca.gov](mailto:Justin.Rhoades@wildlife.ca.gov)

Grace Nunn  
[Grace.nunn@wildlife.ca.gov](mailto:Grace.nunn@wildlife.ca.gov)

Paul Garrison  
[Paul.garrison@wildlife.ca.gov](mailto:Paul.garrison@wildlife.ca.gov)

Kari Gahan  
[Kari.ganan@wildlife.ca.gov](mailto:Kari.ganan@wildlife.ca.gov)

**North Coast Regional Water Quality Control Board**

[Northcoast.Cannabis@waterboards.ca.gov](mailto:Northcoast.Cannabis@waterboards.ca.gov)

Brian Fuller  
[Brian.fuller@waterboards.ca.gov](mailto:Brian.fuller@waterboards.ca.gov)

**Mendocino County Sheriff's Office**

Clint Wyant

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

**Mendocino County Cannabis Program**

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

**Mendocino County Code Enforcement**

Trent Taylor

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

**Mendocino Agricultural Commissioner**

Harinder Grewal

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

**Department of Cannabis Control**

Jamie Masuda

[Jamie.masuda@cannabis.ca.gov](mailto:Jamie.masuda@cannabis.ca.gov)

Lindsay Rains

[Lindsay.Rains@cannabis.ca.gov](mailto:Lindsay.Rains@cannabis.ca.gov)

Erin Wonder

[Erin.Wonder@cannabis.ca.gov](mailto:Erin.Wonder@cannabis.ca.gov)

**CalEPA Office of the Secretary**

Hasti Javid

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