

North Coast Regional Water Quality Control Board

CLEANUP AND ABATEMENT ORDER

No. R1-2025-0016

Property Owner: Margarita Vizcaino Andrade

Responsible Parties: Margarita Vizcaino Andrade

Subject Property: Mendocino County Assessor's Parcel Number (APN 034-270-42-00)

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

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 Number (APN) 034-270-42-00 (hereafter the Property), and to eliminate the threat of future discharges to unnamed tributary of Mill Creek located within the Middle Fork Eel River watershed.

FINDINGS

On February 21, 2025, the North Coast Water Board issued a Notice of Violation (NOV) to Margarita Vizcaino Andrade identifying conditions of discharge and threatened discharges of waste to waters of the state on the Property. The NOV includes an attached inspection report that documents site conditions in violation of the Water Quality Control Plan for the North Coast Region (Basin Plan)² 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 Fork Eel River watershed. The Middle Fork Eel River is on the Clean Water Act 303(d) list as impaired due to Sedimentation and Temperature. Discharges of waste from the Property have the potential to impact the Middle Fork Eel River and exacerbate the impairments. The Basin Plan establishes

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

² Basin Plan -

https://www.waterboards.ca.gov/northcoast/water_issues/programs/basin_plan/

HECTOR BEDOLLA, CHAIR | VALERIE QUINTO, EXECUTIVE OFFICER

beneficial uses for Middle Fork Eel River watershed, 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 NOV and inspection report, North Coast Water Board staff observed various vehicles and a trailer with extensive amounts of trash; various structures that included 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; and various cultivation related wastes uncontained throughout the property. According to these observations, the Discharger discharged waste into waters of the state in violation of California Water Code sections 13260 and 13264, and Basin Plan Prohibition 4.2.1 Prohibition 2 and has caused or permitted, causes or permits, or 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 and 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)

Margarita Vizcaino Andrade is the owner of the Property as of March 12, 2010, according to Mendocino County Assessor's Office records, as accessed via Digital Map Products' Light Box Vision online service. As the owner of the Property the Discharger is responsible for the conditions of discharge and threatened discharge on the Property. The Discharger knows or should know of the conditions resulting in the discharges or threatened discharges and has the legal ability to prevent additional discharges.

³ Resolution 92-49 citation - https://www.waterboards.ca.gov/water_issues/programs/site_cleanup_program/resolution_92_49.html

ORDER TO CLEANUP AND ABATE WASTE

MARGARITA VIZCAINO ANDRADE IS HEREBY ORDERED TO TAKE CORRECTIVE ACTION, PURSUANT TO WATER CODE SECTION 13304, BY COMPLYING WITH THE FOLLOWING:

1. By April 30, 2025, hydrologically disconnect the cultivation area and processing areas from the nearby stream by disconnecting and restoring ditches that are outside of the riparian setbacks of the watercourse to their original grade and implement erosion and/or sediment control Best Management Practices (BMPs) to disturbed areas under the direction of a Qualified Professional⁴ as defined by the State Water Board's [Cannabis Cultivation Policy Principles and Guidelines for Cannabis Cultivation](#) and provide photographic confirmation of implementation to the North Coast Water Board.
2. By April 30, 2025, properly dispose of refuse, solid waste, and cultivation waste to a solid waste disposal facility authorized to accept that type of waste and submit disposal receipts and photographic confirmation of implementation to the North Coast Water Board.
3. By April 30, 2025, remove the pump from the septic tank, remove the associated pipe, remove/disconnect all other industrial process water infrastructure and dispose of any associated waste to a waste disposal facility authorized to accept that type of waste and submit disposal receipts and photographic confirmation of implementation to the North Coast Water Board.
4. By April 30, 2025, store any unused petroleum products outside of the riparian setback requirements, in a secure location in compliance with label instructions, outside of areas of known slope instability, with protection from accidental ignition, weather, and wildlife. Storage areas shall have appropriate secondary containment structures, as necessary to protect water quality and prevent spillage, mixing, discharge, or seepage. Storage tanks and containers must be of suitable material and construction to be compatible with the substances stored and conditions of storage, such as pressure and temperature. Dispose of any

⁴ Qualified professional means individuals licensed in California under the Professional Engineer Act (e.g., Professional Engineer), Geologist and Geophysicist Act (e.g., Professional Geologist, Certified Engineering Geologist, or Certified Hydrogeologist), and Professional Land Surveyors' Act (e.g., Professional Land Surveyor); a California Registered Professional Forester (RPF); and a Qualified Storm Water Pollution Prevention Plan (SWPPP) Developer (QSD). Qualified QSDs are California licensed civil engineers; professional geologists; landscape architects; professional hydrologists; certified professionals in erosion and sediment control; certified inspectors of sediment and erosion control; and certified erosion, sediment, and storm water inspectors. A Qualified Professional shall only perform work he/she is qualified to complete, consistent with applicable licensing and registration restrictions, and shall certify any work completed.

petroleum product waste to a waste disposal facility authorized to accept that type of waste and submit disposal receipts and 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(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

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