

STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
NORTH COAST REGION

Administrative Civil Liability Complaint No. R1-2025-0006

In the Matter of Yesenia and Raul Carrillo

Mendocino County

Assessor's Parcel Numbers 032-294-03-00 and 032-180-45-00

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 Yesenia Carrillo and Raul Carrillo (hereinafter, Dischargers) for failure to submit a proposed Cleanup, Restoration, and Monitoring Plan (CRMP) as required under Required Action No. 1 of North Coast Water Board Cleanup and Abatement and Investigative Order No. R1-2024-0034 (Cleanup and Abatement Order) in violation of Water Code section 13267. The Complaint is issued pursuant to Water Code section 13323, which authorizes the Executive Officer to issue this Complaint, and Water Code Division 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 one parcel identified by Assessor's Parcel Number (APN) 032-294-03-00 on May 9, 2023 and a separate parcel identified by APN 032-180-45-00 on May 22, 2023, (both parcels are collectively referred to herein as the Property) during the execution of search warrants obtained by California Department of Fish and Wildlife (CDFW) law enforcement. The purpose of Staff's inspections 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 illicit cannabis cultivation.
2. The Dischargers own two separate parcels located within three miles of each other east of the town of Covelo in Mendocino County. One parcel identified by APN 032-294-03-00 is located less than two miles north of Black Butte River, approximately three miles east and upstream from its confluence with the Middle Fork Eel River.

The other parcel identified by APN 032-180-45-00 is located less than one mile north and upstream from the confluence of the Black Butte River with the Middle Fork Eel River.

3. The Dischargers acquired title to Mendocino County APN 032-180-45-00 on December 17, 2020 and APN 032-294-03-00 on August 28, 2020 and have owned this Property at all times relevant to the allegations in this Complaint.
4. During the inspections of the Property, Staff documented site conditions on the Property constituting threats to water quality and beneficial uses. On June 22, 2023, the North Coast Water Board transmitted a report of the inspection of APN 032-180-45-00 and a Notice of Violation to the Dischargers documenting controllable sediment sources associated with graded cultivation pads; road fords and poorly designed or maintained culverted stream crossings; and cannabis cultivation waste discharged to land and burned where it threatens to discharge pollutants into watercourses.
5. On August 11, 2023, the North Coast Water Board transmitted a report of the inspection of APN 032-294-03-00 and a Notice of Violation to the Dischargers documenting controllable sediment sources associated with poorly designed, constructed or maintained access roads, graded cultivation pads and a culverted stream crossing from where sediment threatens to discharge to receiving watercourses; cannabis cultivation waste including soil pots, plastic netting, and lumber discharged into a watercourse; and unauthorized alteration of a channel bank and fill of sediment into a watercourse. The Dischargers' activities, resulting in discharge and threatened discharge, were conducted without authorization from the applicable state, and local agencies, including the North Coast Water Board.
6. On May 15, 2024, the North Coast Water Board transmitted a draft Cleanup and Abatement Order to the Dischargers that proposed tasks with associated deadlines, which would be required to clean up and abate the impacts from observed discharges or threatened discharges resulting from the unauthorized cannabis cultivation activities on the Property. The transmittal letter for the draft cleanup and abatement order provided the Dischargers 30 days from the date of the transmittal letter to submit written comments and/or evidence for the North Coast Water Board to consider.
7. On June 13, 2024, Staff received comments via email from the Dischargers. Dischargers stated it was impossible for them to hire a professional to comply with the Cleanup and Abatement Order as they are not able to pay for it. Staff responded to the Dischargers' comments on July 18, 2024, acknowledging the submittal of their comments and informing them of their risk of liability if they fail to comply with a Cleanup and Abatement Order issued by the North Coast Water Board.
8. On July 23, 2024, the Executive Officer for the North Coast Water Board issued the Cleanup and Abatement Order to the Dischargers. The Cleanup and Abatement

Order directs the Dischargers to complete several Required Actions, including submittal of a proposed CRMP by September 15, 2024 (Required Action 1).

9. On September 26, 2024, Staff transmitted a Notice of Violation to the Dischargers for the failure to comply with Required Action 1 of the Cleanup and Abatement Order by the September 15, 2024 deadline. The Notice of Violation explained that the Dischargers risked the North Coast Water Board imposing administrative civil liability if they did not comply with the Cleanup and Abatement Order.
10. The Water Quality Enforcement Policy, Penalty Methodology for this Complaint, included as Attachment A, provides the details of this violation and the factors considered in developing the recommended administrative civil liability.

ALLEGED VIOLATIONS

11. **Violation 1:** The Prosecution Team¹ alleges that the Dischargers violated Water Code section 13267 by failing to submit a proposed CRMP for approval by the North Coast Water Board or its delegated officer by September 15, 2024, as required under Required Action 1 of the Cleanup and Abatement Order.

WATER CODE AUTHORITY FOR IMPOSING ADMINISTRATIVE CIVIL LIABILITY

12. Water Code section 13268 provides that a regional water board may administratively impose civil liability to any person who fails to submit technical or monitoring reports, as required under Water Code section 13267, in an amount not to exceed one thousand dollars (\$1,000) for each day in which the violation occurs.
13. Pursuant to Water Code section 13327, in determining the amount of any civil liability imposed, a regional 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.

¹ To maintain impartiality of the North Coast Water Board, during potential enforcement hearings as a standard practice in progressive enforcement cases, staff organizes a group of staff that works on case development (the Prosecution Team), which consists of the Assistant Executive Officer as the lead prosecutor together with staff that has inspected the site and reviewed associated enforcement documents. Another group of staff that has not been involved in the enforcement case can help advise the Regional Water Board (the Advisory Team).

WATER QUALITY ENFORCEMENT POLICY

14. On April 4, 2017, the State Water Board adopted Resolution No. 2017-0020, which adopted the 2017 Water Quality Enforcement Policy (2017 Enforcement Policy).² The 2017 Enforcement Policy was approved by the Office of Administrative Law and became effective on October 5, 2017. The 2017 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).
15. The alleged violation is subject to liability in accordance with Water Code section 13268. 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 2017 Enforcement Policy, as described in Attachment A to this Complaint.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

16. 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).

PROPOSED ADMINISTRATIVE CIVIL LIABILITY

17. The Prosecution Team proposes an administrative civil liability amount of **\$55,335** for Violation 1, as detailed in Attachment A to this Complaint, using the penalty methodology in the 2017 Enforcement Policy. The total proposed administrative civil liability takes into account the factors described in Water Code section 13327, such as the Dischargers' culpability, history of violations, ability to pay, and other factors as justice may require.
18. Notwithstanding the issuance of this Complaint, the North Coast Water Board retains the authority to assess additional administrative civil liability for violations that have not yet been assessed or for violations that may subsequently occur.

MAXIMUM STATUTORY LIABILITY

19. Pursuant to Water Code section 13268, subdivision (b)(1), civil liability may be administratively imposed by the North Coast Water Board on a daily basis in an amount that shall not exceed one thousand dollars (\$1,000) for each day in which

² The Office of Administrative Law approved revisions to the Water Quality Enforcement Policy in November, 2024. Because the violations alleged here occurred prior to that approval, the 2017 Enforcement Policy governs the penalty calculation methodology.

the violation occurs. The Dischargers have failed to submit the required CRMP for **148 days**, from September 15, 2024, to February 10, 2025. The statutory maximum liability amount for Violation 1 is \$148,000 (\$1,000/day x 148 days). The proposed administrative civil liability for Violation 1 is below the statutory maximum liability amount.

MINIMUM LIABILITY

20. The 2017 Enforcement Policy requires the North Coast Water Board to recover, at a minimum, the economic benefit plus ten percent. The economic benefit for Violation 1 is estimated to be \$292. The minimum liability that may be imposed is, therefore, \$292 plus 10 percent (\$29), totaling **\$321**. The proposed liability for Violation 1 is above the minimum liability amount.

THE DISCHARGERS ARE HEREBY GIVEN NOTICE THAT:

21. The Assistant Executive Officer of the North Coast Water Board proposes a total administrative civil liability amount of **\$55,335** for Violation 1 based upon a review of the factors cited in Water Code section 13327 and application of the 2017 Enforcement Policy.
22. The North Coast Water Board will hold a hearing on this Complaint during the Board meeting scheduled on May 7 or 8, 2025. The meeting is tentatively planned to occur in Siskiyou County, California, at a location to be announced, or at a location posted on the [North Coast Water Board's website](#), unless the Dischargers do one of the following by the February 25, 2025 deadline to submit the Waiver Form (Attachment B):
 - a. The Dischargers waive 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 **\$55,335**; or
 - b. The North Coast Water Board Advisory Team agrees to postpone any necessary hearing after the Dischargers request a delay so that they 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.
23. 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 and 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.

24. 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