

Regional Water Quality Control Board
North Coast Region
Staff Summary Report
May 7, 2025

ITEM: 3

SUBJECT: Public Hearing on Administrative Civil Liability Complaint No. R1-2025-0006 issued to Yesenia and Raul Carrillo

BOARD ACTION: The North Coast Water Board will consider evidence and testimony from the Respondent and Prosecution Team and consider whether to impose penalties against the Respondent.

BACKGROUND: On February 10, 2025, the Advisory Team of the North Coast Regional Water Quality Control Board (North Coast Water Board) was notified that the Prosecution Team (North Coast Water Board and State Water Board Office of Enforcement) staff had issued an Administrative Civil Liability Complaint (ACLC or Complaint) to Yesenia and Raul Carrillo, (Respondent). The complaint alleges that the Respondents' activities, resulting in discharge and threatened discharge, were conducted without authorization from the applicable state, and local agencies, including the North Coast Water Board.

The Respondents own two separate parcels located within three miles of each other east of the town of Covelo in Mendocino County. One parcel identified by Assessor's Parcel Number (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. Both parcels are collectively referred to as the "Property".

The Prosecution Team's Complaint seeks penalties of **\$55,335** for an alleged violation of Water Code section 13267. Pursuant to Water Code section 13323 subdivision (c), the North Coast Water Board is required to hold a hearing on the Complaint within 90 days of service of the Complaint. The Respondents did not waive their right to a hearing within 90 days. Accordingly, the Board has scheduled a hearing to consider the matter at its upcoming public meeting scheduled for **May 7, 2025**. At the public hearing the North Coast Water Board will consider whether to issue an order requiring payment of the full amount recommended in the Complaint, to issue an order requiring payment of a reduced amount or a higher amount, decide not to impose penalties, or it may refer

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the matter to the Attorney General's Office. The North Coast Water Board may also elect to continue the hearing to a later date or take the matter under submission.

DISCUSSION:

According to the Complaint, North Coast Water Board staff (Staff) inspected one parcel identified by APN 032-294-03-00 on May 9, 2023, and a separate parcel identified by APN 032-180-45-00 on May 22, 2023, during the execution of search warrants obtained by California Department of Fish and Wildlife (CDFW) law enforcement.

The Complaint alleges that the following were present at the Property:

At APN 032-180-45-00 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.

At APN 032-294-03-00 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.

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 Respondents. 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 Respondents. Both inspection reports included recommendations to correct the alleged violations, and actions to address features and conditions that threaten to impact water quality.

Prosecution staff assert that they had multiple communications with the Respondents regarding the status of corrective action, including engaging a qualified professional.

On May 15, 2024, staff transmitted a draft Cleanup and Abatement Order to the Respondents. On June 13, 2024, Staff received comments via email from the Respondents. On July 23, 2024, the Executive Officer for the North Coast Water Board issued the Cleanup and Abatement Order (CAO) to the Respondents. The CAO directs the Respondents to complete several Required Actions, including submitting a proposed Cleanup, Restoration and Monitoring Plan (CRMP) by September 15, 2024 (Required Action 1). On September 26, 2024, Staff transmitted a Notice of Violation to the Respondents for the failure to comply with Required Action 1 of the Cleanup and Abatement Order by the September 15, 2024, deadline. According to the Complaint, the Respondents had not complied with Required Action 1 at the time the Complaint was issued, February 10, 2025.

The Complaint seeks penalties for one alleged violations of Water Code 13267: Respondents failed 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.

The proposed penalty for Violation 1 is subject to a maximum penalty of \$148,000 pursuant to Water Code section 13268, (the Complaint alleges noncompliance for 148 days with a statutory maximum penalty of \$1,000 per day for failure to submit the CRMP). Applying the penalty methodology set forth in the State Water Board Enforcement Policy, and as set forth in Attachment A to the Complaint, the Prosecution Team proposes a penalty of \$55,335 for this violation.

The Prosecution Team provided a Hearing Procedure to the Advisory Team and on Respondents on February 10, 2025. Neither the Prosecution Team nor Respondents had comments on the Hearing Procedure. The Advisory Team made one change to the Hearing Procedure, modifying the due date to submit visual presentations, and transmitted that change to the parties via email on February 28, 2025.

The Prosecution Team timely submitted its prehearing evidence on March 26, 2025. The Respondents' prehearing evidence and argument to contest the Complaint were due on April 7, 2025. The Advisory Team did not receive any submission or communication from the Respondents.

No written comments were received from interested persons.

As stated in the Hearing Procedure, April 25, 2025, is the deadline for the parties to submit Proposed Findings of Fact and Conclusions of Law. These documents will be provided to Board members when they are received.

RECOMMENDATION:

At this time, the Executive Officer does not have a recommendation. At the conclusion of the hearing and any deliberations, the Executive Officer may provide a recommendation.

SUPPORTING DOCUMENTS:

1. Administrative Civil Liability Complaint No. R1-2025-0006 (includes Attachment A Penalty Methodology; Waiver Form; and Hearing Procedure)
2. Prehearing Evidence
3. Proposed Findings of Fact and Conclusions of Law (if submitted by parties)

Copies of the supporting documents and evidence not posted on the agenda page are available upon request by emailing Nathan.Jacobsen@waterboards.ca.gov.