

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD**

**SANTA ANA REGION**

**IN THE MATTER OF DANIEL K. MUSETTI  
ASSESSOR PARCEL NUMBER 455-200-063  
RIVERSIDE COUNTY**

**COMPLAINT NO. R8-2025-0069 FOR ADMINISTRATIVE CIVIL LIABILITY**

**FAILURE TO COMPLY WITH CLEANUP AND ABATEMENT AND WATER CODE  
SECTION 13267 ORDER NO. R8-2022-0031**

This Administrative Civil Liability Complaint (Complaint) is issued by the Assistant Executive Officer of the California Regional Water Quality Control Board, Santa Ana Region (Santa Ana Water Board) to Daniel K. Musetti (Respondent) for: (1) failure to submit an adequate proposed Restoration and Monitoring Plan (RMP), per Required Action 1 of Cleanup and Abatement Order and Water Code Section 13267 Investigative Order No. R8-2022-0031 (Cleanup Order), in violation of Water Code section 13267; and (2) failure to complete implementation of the corrective actions pursuant to an approved RMP, per Required Action 3 of the Cleanup Order, in violation of Water Code section 13304. These violations are subject to administrative civil liability pursuant to Water Code sections 13268 and 13350, respectively. This Complaint is issued pursuant to Water Code section 13323, which authorizes the Executive Officer to issue this Complaint, and Water Code section 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 Santa Ana Water Board, on behalf of the Prosecution Team, hereby alleges that:**

**BACKGROUND**

1. The Respondent's property is located at 25050 Cortrite Avenue, Homeland, California 92548 (33.75624, -117.086350), Riverside County Assessor Parcel Number 455-200-063 (Site). The Site is located within the San Jacinto Valley Hydrologic Unit, Perris Hydrologic Area, Winchester Hydrologic Subarea (CalWater Hydrologic Unit Basin Number [HU] 4802.13). Two ephemeral streams, waters of the State, cross the Site from the north and west, converge into one stream near the southern boundary of the Site, exit the Site in the south, and continue southward downslope (National Hydrography Dataset, 2019). The streams are tributary to Salt Creek, which flows into Canyon Lake approximately 10 miles to the southwest and Lake Elsinore approximately 15 miles to the southwest. The designated beneficial uses of Salt Creek are contact water recreation, non-contact water recreation, warm freshwater habitat, and wildlife habitat, and are designated as intermittent. Beneficial

uses of any specifically identified water body generally apply to all of its tributaries. The designated beneficial uses of the adjacent mapped groundwater, the Hemet – South Groundwater Management Zone, include municipal and domestic supply, agricultural supply, industrial service supply, and industrial process supply.

2. The Respondent is the current owner of the Site and was the landowner during all inspections conducted by South Coast Regional Cannabis Program (Cannabis Program) staff, working for the Santa Ana Water Board. Based on Riverside County Assessor Records, the Respondent purchased the Site on June 1, 1992.
3. On February 3, 2020, Cannabis Program staff inspected the Site as part of a multi-agency inspection authorized by a criminal search warrant obtained and served by the Riverside County Sheriff's Department. During the inspection, Cannabis Program staff observed active cannabis cultivation occurring and several Water Code violations, including unauthorized grading and evidence of discharges and threatened discharges of waste into waters of the State. The discharges and threatened discharges observed included irrigation runoff, sediment, nutrients, pesticides, and other various cannabis cultivation related waste.
4. On April 22, 2021, Cannabis Program staff mailed the Respondent a Notice of Violation (NOV), which included as an attachment an Inspection Report, dated March 6, 2020, that documented staff's observations during the February 3, 2020 inspection. The April 22, 2021 NOV that was sent by United States Postal Service (USPS) certified mail was retrieved at the post office on May 3, 2021. The certified mail receipt was signed as received by Krissy Musetti, who was confirmed to be the Respondent's daughter during a later phone call on May 6, 2025.
5. On May 26, 2021, Cannabis Unit staff received an email from the Respondent via Staples Print and Marketing Services. The email contained a number of scanned documents, including a handwritten note addressed to Cannabis Program staff that was signed by the Respondent; three pages of photos with captions; the first page of a ruling involving Southern California Edison regarding a permanent injunction, dated November 30, 2018; and email correspondence with United States Army Corps of Engineers staff outlining the types of permits Southern California Edison should have obtained before performing any maintenance work on an easement that is near and partially on the Respondent's property. None of the attached scanned documents indicated that any changes had been made to the Site following the February 3, 2020 inspection, or otherwise indicated that the Site had been appropriately cleaned up.
6. On May 28, 2021, the Respondent contacted Cannabis Program staff via telephone. Cannabis Program staff confirmed receipt of the May 26, 2021 email and attachments, explained the alleged violations to the Respondent, and described the corrective actions identified in the April 22, 2021 NOV. During the call, the Respondent also claimed that he thought the Site had the necessary permitting and regulatory coverage for cannabis cultivation.

7. On March 2, 2022, Cannabis Program staff mailed a draft Cleanup Order to the Respondent by certified mail, which was returned as unclaimed. On April 22, 2022, Cannabis Program staff retransmitted the draft Cleanup Order by certified mail. The April 22, 2022 draft Cleanup Order was retrieved at the post office on May 4, 2022. The certified mail receipt was signed as received by Krissy Musetti.
8. On June 29, 2022, after receiving no comments in response to the draft Cleanup Order, Cannabis Program staff transmitted a copy of the final Cleanup Order to the Respondent by certified mail. USPS online tracking indicates that this delivery was not received. On the same day, staff also transmitted an electronic copy of the Cleanup Order to Robert Reynolds, an attorney associated with the Respondent that had previously been copied on communications with Cannabis Program staff. Cannabis Program staff retransmitted a copy of the final Cleanup Order to the Respondent by certified mail on July 25, 2022 and September 9, 2022. USPS online tracking indicates that neither of these deliveries were successful.
9. On September 30, 2022, Cannabis Program staff attempted to contact the Respondent via phone and left a voicemail that included a request for a call back to discuss the Cleanup Order.
10. On November 8, 2022, Cannabis Program staff left the Respondent another voicemail, which included reminders about the unsatisfied corrective actions. During a phone call later that day, the Respondent claimed to have not received a copy of the Cleanup Order. The Respondent provided Cannabis Program staff with another mailing address, 25875 Ritter Avenue in Homeland, California.
11. On November 9, 2022, Cannabis Program staff retransmitted the Cleanup Order to the Respondent at the newly provided address. USPS online tracking records indicate that this delivery was not received. An electronic copy of the Cleanup Order was also retransmitted to Robert Reynolds on November 9, 2022.
12. On December 12, 2022, Cannabis Program staff again retransmitted the Cleanup Order to the address provided by the Respondent on November 8, 2022. GLS online mail tracking information shows that it was received on December 14, 2022, and signed for by an individual named "Jennifer." Another electronic copy of the Cleanup Order was transmitted to Robert Reynolds on December 12, 2022.
13. On June 7, 2023, Cannabis Program staff inspected the Site again as part of a criminal search warrant served by the Riverside County District Attorney's Office. Cannabis cultivation was not actively occurring at the time; however, the Site conditions resembled those observed by staff during the previous inspection on February 3, 2020, which confirmed the Respondent was not in compliance with requirements of the Cleanup Order. During the inspection, Cannabis Program staff provided a physical copy of the Cleanup Order to an individual present at the Site who identified herself as Janet Musetti, the wife of the Respondent.

14. On July 6, 2023, Cannabis Program staff issued an NOV to the Respondent by first-class mail and certified mail, informing him of his ongoing violations of the Cleanup Order for failure to submit a proposed RMP to the Santa Ana Water Board by August 28, 2022, and for failure to complete implementation of an approved RMP by March 31, 2023.
15. On April 10, 2025, Cannabis Program staff issued the Respondent a Notice of Intent to proceed with an administrative civil liability complaint for failure to comply with the Cleanup Order unless the Respondent contacted staff and corrected the alleged violations by May 1, 2025. GLS online mail tracking indicates that the notice was successfully delivered to the Respondent's Ritter Avenue address on April 11, 2025.
16. On April 30, 2025 and May 1, 2025, the Respondent called Cannabis Program staff and left voicemails stating that he had received the Notice of Intent letter, but he claimed to have never received the Cleanup Order. The Respondent expressed confusion about the Required Actions and requested a call back.
17. On May 6, 2025, Cannabis Program staff returned the Respondent's call and described the unaddressed requirements outlined in the Cleanup Order. The Respondent continued to claim that he did not receive the Cleanup Order and disputed the need to hire a qualified professional or submit an RMP. Cannabis Program staff provided the Respondent a summary of the transmittals of the draft and final Cleanup Order, including the signed mail receipt of the draft Cleanup Order by Krissy Musetti, who the Respondent confirmed was his daughter, and the signed mail receipt of the final Cleanup Order by "Jennifer." Cannabis Program staff also mentioned that a physical copy of the Cleanup Order was handed to Janet Musetti, his wife, on June 7, 2023. The Respondent requested that staff send another copy of the Cleanup Order to the Ritter Avenue address. During this call, the Respondent also acknowledged that cannabis cultivation had taken place at the Site, but claimed that it had occurred legally. Cannabis Program staff explained that the Site did not have the appropriate regulatory coverage, which is why it was subject to two search warrants<sup>1</sup>. The Respondent attempted to change the topic, mentioning the presence of fairy shrimp and arroyo toads at the Site, claiming that breeding arroyo toads was a source of income. Cannabis Program staff redirected the conversation back to the key issue of noncompliance with the Cleanup Order, clarifying that an RMP must be prepared by a qualified professional engineer or geologist and be submitted for review and approval by the Santa Ana Water Board prior to implementation. Cannabis Program staff also made it clear that proceeding with any unapproved work may result in additional violations of the Water Code.

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<sup>1</sup> In addition to the two search warrant inspections of the Site, Cannabis Program staff has participated in search warrant inspections of several other properties, on which unauthorized cannabis cultivation activities were occurring, which were, at that time, owned by the Respondent or Boulder Tech Construction, Inc., a company for which the Respondent was identified as the owner or manager based on filings with the California Secretary of State. Ownership of these properties was subsequently transferred to the Daniel K. Musetti Revocable Trust.

18. On May 15, 2025, following the phone conversation with the Respondent, Cannabis Program staff retransmitted a copy of the Cleanup Order, for the sixth time, to the Ritter Avenue address in Homeland, California. GLS online mail tracking indicates that the package was successfully delivered on May 16, 2025.
19. To date, the Respondent has not submitted a proposed RMP or provided any indication that a qualified professional has been retained to develop the plan.

### **ALLEGED VIOLATIONS**

20. Violation 1: The Prosecution Team alleges that the Respondent violated Water Code section 13267 by failing to submit a proposed RMP for approval by the Santa Ana Water Board or its delegated officer by August 28, 2022, as specified under Required Action 1 of the Cleanup Order.
21. Violation 2: The Prosecution Team alleges that the Respondent violated Water Code section 13304 by failing to complete implementation of an approved RMP by March 31, 2023, as specified under Required Action 3 of the Cleanup Order.

### **WATER CODE AUTHORITY FOR IMPOSING ADMINISTRATIVE CIVIL LIABILITY**

22. Water Code section 13268 provides that the Santa Ana Water Board may administratively impose civil liability against 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.
23. Water Code section 13350, subdivision (a), states, in relevant part, that any person who violates a cleanup and abatement order may be liable civilly, and remedies may be imposed in accordance with subdivision (e).
24. Water Code section 13350, subdivision (e)(1), provides that the Santa Ana Water Board may administratively impose civil liability in an amount not to exceed five thousand dollars (\$5,000) for each day the violation occurs.
25. Water Code section 13350, subdivision (e)(1)(B), further provides that, when an order issued by the Santa Ana Water Board is violated but there is no discharge, the administrative civil liability shall not be less than one hundred dollars (\$100) for each day in which the violation occurs, except as provided in subdivision (f).
26. Water Code section 13350, subdivision (f), states that the Santa Ana Water Board shall not impose administrative civil liability in an amount less than the minimum amount specified in subdivision (e)(1) unless the Santa Ana Water Board makes express findings setting forth the reasons for its action based upon the specific factors required to be considered pursuant to Water Code section 13327.

27. Pursuant to Water Code section 13327, in determining the amount of any civil liability imposed, the Santa Ana Water 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.

### **WATER QUALITY ENFORCEMENT POLICY**

28. The State Water Board's Water Quality Enforcement Policy establishes a methodology for assessing administrative civil liability that addresses the factors required to be considered when imposing civil liability as outlined in Water Code sections 13327 and 13385, subdivision (e). On April 4, 2017, the State Water Board adopted Resolution No. 2017-0020, which adopted the 2017 Water Quality Enforcement Policy (2017 Enforcement Policy). The 2017 Enforcement Policy was approved by the Office of Administrative Law and became effective on October 5, 2017. The State Water Board subsequently adopted Resolution No. 2023-0043, which adopted the 2024 Water Quality Enforcement Policy (2024 Enforcement Policy). The 2024 Enforcement Policy was approved by the Office of Administrative Law and became effective on November 7, 2024. Appendix D to the 2024 Enforcement Policy addresses the applicability of the policy, and states that the Water Boards should use the version of the policy in effect on the date of the violation at issue. This Complaint alleges that the Respondent failed to comply with the August 28, 2022 and March 31, 2023 deadlines contained in the Cleanup Order. At the time of these violations, the 2017 Enforcement Policy was in effect. Therefore, the Prosecution Team used the 2017 Enforcement Policy to calculate the administrative civil liability proposed herein.<sup>2</sup>
29. The violations alleged in this Complaint are subject to liability in accordance with Water Code sections 13268 and 13350, respectively. Administrative civil liabilities under each of these sections are subject to the factors set forth in Water Code section 13327. The Prosecution Team has considered the required factors for the alleged violations using the methodology in the 2017 Enforcement Policy, as detailed in Attachment A to this Complaint.

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<sup>2</sup> Although Appendix D to the 2024 Enforcement Policy states that substantive changes can only be applied prospectively to violations that occur on or after the policy's effective date, it allows amendments that are identified as clarifications or procedural changes to be applied to new or pending enforcement matters involving violations that occurred prior to its effective date.

**CALIFORNIA ENVIRONMENTAL QUALITY ACT**

30. 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 the California Code of Regulations, title 14, sections 15307, 15308, and 15321, subdivision (a)(2).

**MAXIMUM STATUTORY LIABILITY**

31. Violation 1: Pursuant to Water Code section 13268, subdivision (b)(1), civil liability may be administratively imposed by the Santa Ana Water Board on a daily basis in an amount that shall not exceed one thousand dollars (\$1,000) for each day in which the violation occurs. The Respondent has failed to submit a proposed RMP since August 28, 2022. However, the Prosecution Team has exercised its prosecutorial discretion and proposes assessment for days of violation beginning on December 14, 2022, the date delivery of the Cleanup Order was confirmed. Therefore, the Prosecution Team alleges days of violation between December 14, 2022 and July 1, 2025, the date the Prosecution Team was preparing this Complaint, for a total of 930 days. Accordingly, the maximum liability amount for Violation 1 is \$930,000 (\$1,000/day x 930 days).
32. Violation 2: Pursuant to Water Code section 13350, subdivision (e)(1), civil liability may be administratively imposed by the Santa Ana Water Board on a daily basis in an amount that shall not exceed five thousand dollars (\$5,000) for each day the violation occurs. The Prosecution Team alleges that the Respondent has failed to complete implementation of an approved RMP for 823 days, from March 31, 2023 to July 1, 2025. The statutory maximum liability amount for Violation 2 is, therefore, \$4,115,000 (\$5,000/day x 823 days).

**MINIMUM LIABILITY**

33. Violation 1: The 2017 Enforcement Policy requires the Santa Ana Water Board to recover, at a minimum, at least ten percent higher than the economic benefit realized from the violation, such that liabilities are not construed as the cost of doing business and provide a meaningful deterrent. The economic benefit for Violation 1 is estimated to be \$1,331. The minimum liability that may be imposed is, therefore, \$1,461.10.
34. Violation 2: Pursuant to the 2017 Enforcement Policy, the Santa Ana Water Board must recover, at a minimum \$304.70, which reflects the estimated economic benefit plus ten percent. However, Violation 2 is also subject to a statutory minimum liability amount. Pursuant to Water Code section 13350, subdivision (e)(1)(B), the statutory minimum liability amount is one hundred dollars (\$100) for each day in which the violation occurs. The statutory minimum liability amount for Violation 2 is, therefore, \$82,300 (\$100/day x 823 days).

**PROPOSED LIABILITY**

35. Violation 1: The Prosecution Team proposes an administrative civil liability amount of \$67,031.25, as detailed in Attachment A to this Complaint. The proposed liability amount for Violation 1 is within the applicable minimum and maximum liability amounts.
36. Violation 2: The Prosecution Team proposes an administrative civil liability amount of \$352,275 for Violation 2, as detailed in Attachment A to this Complaint. The proposed liability amount for Violation 2 is within the statutory minimum and maximum liability amounts.
37. Based on consideration of the above facts, the applicable law, and after applying the penalty calculation methodology in the 2017 Enforcement Policy, the Prosecution Team recommends that the Santa Ana Water Board impose civil liability against the Respondent in the total amount of **\$438,271.28** for Violations 1 and 2 alleged herein and set forth in full in Attachment A.

**The Respondent is hereby given notice that:**

38. The Prosecution Team proposes a total administrative civil liability amount of **\$419,306.25** for Violations 1 and 2.
39. Notwithstanding the issuance of this Complaint, the Santa Ana 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.
40. The Prosecution Team reserves the right to amend the proposed administrative civil liability amount to conform to evidence presented at the hearing on this matter before the Santa Ana Water Board.

ERIC LINDBERG, PG, CHG  
Assistant Executive Officer

Signed pursuant to the authority delegated by the Executive Officer to the Assistant Executive Officer.