

STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

ORDER WR 2024-0040-EXEC

In the Matter of:

Robert Ruffino
Trinity County

ORDER APPROVING SETTLEMENT AGREEMENT

BY THE ASSISTANT DEPUTY DIRECTOR FOR DIVISION OF WATER RIGHTS

1.0 INTRODUCTION

This matter comes before an Assistant Deputy Director for the State Water Resources Control Board (State Water Board or Board) Division of Water Rights under authority delegated by the Executive Director following negotiations between the Division of Water Rights (Division) and Robert Ruffino (Respondent). In accordance with the attached Settlement Agreement, the Division's Assistant Deputy Director for Permitting and Enforcement and the Respondent agreed to settle this matter in lieu of proceeding to an administrative civil liability complaint and hearing. The issuance of a decision or order pursuant to a settlement agreement is authorized under Government Code section 11415.60.¹

2.0 BACKGROUND

This matter involves alleged violations of Water Code section 1052, relating to the unauthorized diversion of water; Water Code section 5101, relating to the failure to file statements of water diversion and use; Water Code section 1847(b)(1), regarding failure to comply with various Terms set forth in the State Water Board's Cannabis Cultivation Policy; and Water Code section 1847(b)(4), relating to the diversion and use of water for unlicensed cannabis cultivation. These violations are subject to potential administrative civil liabilities respectively under Water Code sections 1052, subdivision (c); 5107, subdivision (b); and 1847, subdivision (a).

¹ State Water Board Resolution No. 2012-0061 delegates to the Executive Director the authority to issue a decision or order by settlement of the parties under Government Code section 11415.60. The Executive Director has redelegated this authority to the Deputy Director for the Division of Water Rights. In accordance with the redelegation from the Executive Director, the Deputy Director has redelegated this authority to Assistant Deputy Director Ragazzi given that the Deputy Director has served in an enforcement or prosecutorial capacity over this matter.

The alleged violations occurred at real property in Trinity County owned by the Respondent. The property and the violations are described in separate Notices of Violation (NOVs) provided by Division staff to the Respondent in September 2023. The NOVs are attached to the Settlement Agreement and incorporated here for the purpose of describing the violations resolved by the Settlement Agreement.

Following receipt of the NOVs, the Respondent performed corrective actions resolving all of the alleged violations and provided documentation of the corrective actions to the Division’s satisfaction. The Division has agreed that no further corrective actions are necessary.

The Division engaged in settlement negotiations with the Respondent. The parties agreed to settle all matters identified in the NOVs by settlement agreement in lieu of the Division issuing an administrative civil liability complaint.

3.0 SETTLEMENT AGREEMENT

The Respondent and the Prosecution Team executed a Settlement Agreement on August 21, 2024. A copy of the Settlement Agreement is attached hereto and incorporated herein by reference. The Settlement Agreement provides that the Respondent will pay a total of \$5,500 in penalties to the State Water Board. This penalty amount is appropriate, as it considers the violations and helps offset the staff costs incurred by the Board in investigating this matter.

ORDER

IT IS HEREBY ORDERED THAT the attached Settlement Agreement between Assistant Deputy Director Rizzardo and the Respondent is approved. The Respondent must comply with the terms and requirements described in the Settlement Agreement.

Failure to comply with the terms of the Settlement Agreement may result in additional enforcement, which may include recovery of the penalty amounts as provided in Water Code section 1055.4.

STATE WATER RESOURCES CONTROL BOARD

Erin Ragazzi
Assistant Deputy Director
Division of Water Rights

Date

Attachment: Settlement Agreement, executed August 21, 2024, including associated Notices of Violations issued in September 2023