

**STATE OF CALIFORNIA**  
**REGIONAL WATER QUALITY CONTROL BOARD**  
**NORTH COAST REGION**

**Administrative Civil Liability Complaint No. R1-2025-0022**

**In the Matter of Michael Harding**

**Mendocino County**

**Assessor's Parcel Number 031-020-45-01**

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 Michael Harding (hereinafter, Respondent) for failure to submit a Completion Report of Winterization and failure to submit a Cleanup, Restoration, and Monitoring Plan, as required under Required Actions No. 1 and 2 of the North Coast Water Board's Cleanup and Abatement and Investigative Order No. R1-2024-0054 (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 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 North Coast Water Board, hereby, alleges that:**

**BACKGROUND**

1. North Coast Water Board staff (Staff) inspected Mendocino County Assessor's Parcel Number (APN) 031-020-45-01 on September 26, 2022 (referred to hereinafter as the Property), during the execution of search warrants obtained by California Department of Fish and Wildlife (CDFW) law enforcement officers. The purpose of Staff's inspection 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 unauthorized cannabis cultivation.
2. At the time of the inspection, the Respondent owned the Property, which is located northwest of the town of Covelo in Mendocino County, approximately 0.2 miles north of the Middle Main Eel River.
3. The Respondent purchased the Property through a deed of trust, which was recorded with the Mendocino County Recorder's Office on August 1, 2017. As noted

further in this Complaint, the Respondent subsequently sold the Property, which was recorded with the Mendocino County Recorder's Office on December 27, 2024.

4. During the inspections of the Property, Staff documented site conditions on the Property that constituted threats to water quality and beneficial uses. On October 25, 2022, Staff transmitted a report of the inspection and a Notice of Violation to the Respondent that documented controllable sediment sources associated with graded cultivation pads, a road ford and poorly designed or maintained culverted stream crossings, a collapsed roadside fill prism, unauthorized dredge and fill in watercourses to facilitate the diversion of surface water into onstream ponds, refuse and potting soil discharged to land, a domestic waste pipe entering underground that threatens to discharge waste to groundwater and a nearby watercourse, and cannabis cultivation waste discharged to land where it threatens to discharge pollutants into watercourses. The Notice of Violation directed the Respondent to contact Staff within 30 days of the date of the notice to discuss a schedule to implement the recommendations contained in the inspection report. On November 14, 2022, Staff received the signed green card, confirming receipt of the notice at the Respondent's address, which had a stamped date of November 9, 2022.
5. On November 16, 2022, the Respondent emailed Staff in response to the Notice of Violation. In his email, the Respondent used Kora Hills' email address, but he copied his personal email address on the response and indicated that, although his response was not sent from his personal email address, he would use his personal email in future communications. The Respondent also indicated that he had read the Notice of Violation and Inspection Report and was fully prepared to deal with the violations as he could afford to do so. He also indicated that he would clean up the waste documented on the Property and submit photo documentation of the cleanup by December 15, 2022. He claimed that the ponds, culverts, and greenhouses were engineered by Timberland Resource Consultants (TRC) in 2015-2016 and "signed off by" CDFW. He also indicated that he tried to obtain a cannabis cultivation license from Mendocino County but was not successful. On the same day, Staff responded to the Respondent's email informing him that he should follow the recommendations in the inspection report and Notice of Violation and reiterating that he should hire a qualified professional to assess the conditions of the Property and submit a plan to address them.
6. On June 28, 2023, the Respondent responded to State Water Resources Control Board (State Water Board) Division of Water Rights (Division) staff in response to a Notice of Violation the Division issued on June 22, 2023, for violations observed during the September 26, 2022 inspection. North Coast Water Board Staff was copied on the Division's response to the Respondent on June 30, 2023. In the Respondent's June 28, 2023 email, he reiterated his claim that the ponds and watercourse crossings were "cleared" and engineered by CDFW, as well as the Water Board, in 2015 and 2016. He also reiterated his intention to handle much of

the cleanup himself. In the June 30, 2023 response, Division staff directed the Respondent to contact staff from the North Coast Water Board and CDFW regarding the corrective actions needed in response to their Notices of Violation.

7. On July 3, 2023, Staff contacted the Respondent and asked him to submit photo documentation of the cleanup that he had stated he would submit by December 15, 2022. Staff again recommended that the Respondent work with a qualified professional to address issues associated with the ponds and watercourse crossings on the Property. The Respondent did not respond to this request.
8. Staff also transmitted a revised Notice of Violation and Inspection Report via certified mail to the Respondent on January 5, 2024, which corrected a typographical error in the county name identified in the subject line. The revised Notice of Violation similarly directed the Respondent to contact Staff within 30 days of the date of the notice to discuss his plans to implement the recommendations contained in Staff's inspection report. According to USPS online tracking records, the revised notice was picked up from the post office on January 9, 2024. On January 11, 2024, Staff received the signed green card receipt, confirming delivery of the Notice of Violation, which was dated "1/9." Staff received no response from the Respondent.
9. On September 16, 2024, Staff transmitted a draft Cleanup and Abatement Order to the Respondent that proposed tasks with associated deadlines, which would be required to clean up and abate the impacts from observed discharges and threatened discharges of waste resulting from the unauthorized cannabis cultivation activities on the Property. The transmittal letter for the draft Cleanup and Abatement Order provided the Respondent 30 days from the date of the transmittal letter to submit written comments and/or evidence for the North Coast Water Board to consider before issuance of a final order. Staff transmitted the draft Cleanup and Abatement Order to the Respondent by email and by certified mail to a residence and a P.O. Box on file for the Respondent. According to USPS online tracking records, the draft Cleanup and Abatement Order sent to the Respondent's P.O. Box was picked up from the Post Office on September 18, 2024. The copy mailed to the Respondent's Parsons Road address was returned due to "no such number." Staff did not receive any written comments from the Respondent in response to the draft Cleanup and Abatement Order.
10. On October 17, 2024, the Executive Officer for the North Coast Water Board issued the Cleanup and Abatement Order to the Respondent. The Cleanup and Abatement Order directs the Respondent to complete several Required Actions, including submittal of a Completion Report of Winterization of the property by November 17, 2024 (Required Action No. 1) and submittal of a proposed Cleanup, Restoration, and Monitoring Plan (CRMP) acceptable to the North Coast Water Board or its delegated officer by April 15, 2025 (Required Action No. 2). Staff transmitted the

Cleanup and Abatement Order to the Respondent by email and by certified mail to the P.O. Box at which he had previously accepted the draft Cleanup and Abatement Order. The copy mailed to the Respondent was returned to the sender on November 6, 2024. However, the Respondent responded to Staff's email transmittal of the Cleanup and Abatement Order on October 17, 2024. In his email, the Respondent stated that he had sold two of his parcels. Regarding his remaining parcel, the Respondent claimed the Property has changed since the inspection photos were taken and that he had not been on the Property in two years. The Respondent further stated that he would work on several tasks as his time and finances allow. The identified tasks were removal of the remaining water tanks and water lines, and removal of trash and other items. The Respondent submitted no evidence to support his claim that the Property had changed since the inspection.

11. On October 17, 2024, after receiving the email transmitting the Cleanup and Abatement Order, Ms. Kora Stafslein contacted Division staff on the Respondent's behalf. Division staff transmitted an email summarizing their conversation with Ms. Stafslein, on which North Coast Water Board Staff were copied. The Division's email stated that, during the conversation, Ms. Stafslein confirmed the Respondent received the email from North Coast Water Board Staff with the Cleanup and Abatement Order attached. The Division clarified with Ms. Stafslein that the Cleanup and Abatement Order is an enforcement action taken by the North Coast Water Board regarding water quality, and that the Division handles water rights enforcement. Division staff then summarized the corrective actions needed for the Respondent to comply with water rights requirements.
12. On October 18, 2024, Staff responded to the Respondent's October 17, 2024, email to clarify that the Cleanup and Abatement Order was only issued to him for the Property, which he still owned. Staff's email highlighted the requirement to submit a Completion Report of Winterization by November 17, 2024, in accordance with the Cleanup and Abatement Order, as well as submittal of a CRMP by April 15, 2025. Staff offered to address any further questions or concerns the Respondent may have about the Cleanup and Abatement Order.
13. On December 2, 2024, Staff emailed the Respondent to inform him that the November 17, 2024, deadline for submittal of a Completion Report of Winterization had passed. Staff requested that the Respondent provide an update on the status of the report. Staff received no response from the Respondent.
14. On December 12, 2024, Staff transmitted a Notice of Violation to the Respondent for the failure to comply with Required Action No. 1 of the Cleanup and Abatement Order by the November 17, 2024 deadline. The Notice of Violation explained that the Respondent risked the North Coast Water Board imposing administrative civil liability if he did not submit a Completion Report of Winterization as required in the Cleanup and Abatement Order. Staff transmitted the Notice of Violation to the

Respondent by email and by certified mail to his P.O. Box on file. The copy sent by certified mail was returned as an unclaimed and unable to forward.

15. On December 27, 2024, a grant deed was recorded with the Mendocino County Recorder's Officer, documenting the Respondent's sale of the Property. Despite the sale of the Property, the Respondent remains liable for compliance with the Cleanup and Abatement Order.
16. On December 31, 2024, Staff emailed the Respondent after receiving the returned package containing the Cleanup and Abatement Order that was sent to the Respondent's P.O. Box. Staff asked the Respondent if he had an alternative mailing address that they should use. Staff received no response from the Respondent.
17. On April 14, 2025, Staff emailed the Respondent to reiterate the need to submit the past-due Completion Report of Winterization and to remind the Respondent of the April 15, 2025 deadline to submit a proposed CRMP. Staff received no response.
18. On April 23, 2025, Staff transmitted another Notice of Violation to the Respondent by email and USPS certified mail. This notice informed the Respondent that he is in violation of Required Action No. 2 of the Cleanup Order for failure to submit a proposed CRMP for approval by April 15, 2025. Staff again received no response.
19. The Respondent's violations of Required Actions Nos. 1 and 2 of the Cleanup Order remain ongoing until the required plans are submitted.

#### ALLEGED VIOLATIONS

20. **Violation 1:** The Prosecution Team<sup>1</sup> alleges that the Respondent violated Water Code section 13267 by failing to submit a Completion Report of Winterization of the Property for approval by the North Coast Water Board or its delegated officer by November 17, 2024, as required under Required Action No. 1 of the Cleanup and Abatement Order.
21. **Violation 2:** The Prosecution Team also alleges that the Respondent violated Water Code section 13267 by failing to submit a CRMP for approval by the North Coast

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<sup>1</sup> To maintain impartiality of the North Coast Water Board, during potential enforcement hearings as a standard practice in progressive enforcement cases, there is one 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 (the Advisory Team) is created to help advise the North Coast Water Board in the determination of the enforcement action.

Water Board or its delegated officer by April 15, 2025, as required under Required Action No. 2 of the Cleanup and Abatement Order.

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

22. 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.
23. Pursuant to Water Code section 13327, in determining the amount of any civil liability imposed, a regional 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**

24. On December 5, 2023, the State Water Board 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. The 2024 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).
25. The alleged violations are 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 violations using the methodology in the 2024 Enforcement Policy, as described in Attachment A to this Complaint.

### **CALIFORNIA ENVIRONMENTAL QUALITY ACT**

26. 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).

### **MAXIMUM STATUTORY LIABILITY**

27. Pursuant to Water Code section 13268, subdivision (b)(1), civil liability for Violations 1 and 2 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 the violations occur.

28. **Violation 1:** The Respondent has failed to submit the required Completion Report of Winterization by November 17, 2024. Although this violation is ongoing, this Complaint seeks liability for the days of violation beginning November 18, 2024 through April 15, 2025, the date the CRMP was required to be submitted under the Cleanup and Abatement Order. The Prosecution Team has exercised prosecutorial discretion and selected this end date because, by that date, if the Respondent failed to winterize the Property prior to the 2024-2025 wet season, the corrective actions required to address any unresolved erosion or sediment control issues on the Property should have been included in the CRMP. Using April 15, 2025 as the end date for days of violation in this Complaint, the Respondent has been in violation of Required Action No. 1 for 149 days. Therefore, the statutory maximum liability amount for Violation 1 is \$149,000 (\$1,000/day x 149 days).
29. **Violation 2:** The Respondent has failed to submit a CRMP by April 15, 2025. Although this violation is ongoing, this Complaint seeks liability for days of violation beginning April 16, 2025 through May 1, 2025, when this Complaint was being prepared. Using May 1, 2025 as the end date for days of violation in this Complaint, the Respondent has been in violation of Required Action No. 2 for 16 days. Therefore, the statutory maximum liability amount for Violation 2 is \$16,000 (\$1,000/day x 16 days).

#### **MINIMUM LIABILITY**

30. Water Code section 13268 does not establish a statutory minimum liability amount. The applicable minimum liability amount for Violations 1 and 2 is established in the 2024 Enforcement Policy, which requires the North Coast Water Board to recover, at a minimum, the economic benefit plus ten percent.
31. **Violation 1:** The economic benefit for Violation 1 is estimated to be \$148, as further detailed in Attachment A to this Complaint. After adding ten percent (\$14.80), the minimum liability that may be imposed for Violation 1 is \$162.80.
32. **Violation 2:** The economic benefit of Violation 2 is estimated to be \$232, as detailed in Attachment A to this Complaint. After adding ten percent (\$23.20), the minimum liability that can be imposed for Violation 2 is \$255.20.

#### **PROPOSED ADMINISTRATIVE CIVIL LIABILITY**

33. **Violation 1:** The Prosecution Team proposes an administrative civil liability amount of \$50,468.75 for Violation 1, as detailed in Attachment A to this Complaint. The proposed liability amount for Violation 1 is within the minimum and maximum liability amounts for this violation.

34. **Violation 2:** The Prosecution Team proposes an administrative civil liability amount of \$16,000 for Violation 2, as further described in Attachment A to this Complaint. The liability amount calculated for Violation 2 was above the minimum liability amount; therefore, the proposed liability amount reflects a downward adjustment of the calculated liability amount based on the statutory maximum liability amount permitted under Water Code section 13268.
35. The total proposed liability for Violations 1 and 2 is \$66,468.75. As previously mentioned, the total proposed liability amount was calculated by applying the methodology in the 2024 Enforcement Policy and takes into account the factors described in Water Code section 13327, such as the Respondent's culpability, history of violations, ability to pay, and other factors as justice may require.
36. Notwithstanding the issuance of this Complaint, the North Coast Water Board retains the authority to assess administrative civil liability for violations or days of violation that have not yet been assessed, or for violations or days of violation that may subsequently occur.

**THE RESPONDENT IS HEREBY GIVEN NOTICE THAT:**

37. The Assistant Executive Officer of the North Coast Water Board proposes a total administrative civil liability amount of **\$66,468.75** for Violation 1 and Violation 2 based upon a review of the factors cited in Water Code section 13327 and application of the 2024 Enforcement Policy.
38. The North Coast Water Board will hold a hearing on this Complaint during the Board meeting scheduled on August 14 or 15, 2025. The meeting is tentatively planned to occur in Sonoma County, California, at a location to be announced, or at a location posted on the North Coast Water Board's website, unless the Respondent does one of the following by the June 4, 2025 deadline to submit the Waiver Form (Attachment B):
- a. The Respondent waives 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 **\$66,468.75**; or
  - b. The North Coast Water Board Advisory Team agrees to postpone any necessary hearing after the Respondent requests a delay so that he 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 behind the request.



39. 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 from the parties and will 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.
40. The Assistant Executive Officer reserves the right to amend the proposed amount of administrative civil liability to conform to the evidence presented.

\_\_\_\_\_  
Date

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Claudia E. Villacorta, P.E.  
Assistant Executive Officer

Attachments:

- A. Penalty Methodology
- B. Hearing Waiver Form
- C. Hearing Procedures