

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

ORDER NO. R1-2025-0031

ASSESSING ADMINISTRATIVE CIVIL LIABILITY

**IN THE MATTER OF MICHAEL HARDING
ASSESSOR PARCEL NUMBER 031-020-45-01**

The California Regional Water Quality Control Board, North Coast Region (hereinafter North Coast Water Board or Board) finds the following:

This matter comes before the North Coast Water Board from Administrative Civil Liability Complaint No. R1-2025-0022 (Complaint), dated May 16, 2025, issued to Michael Harding (hereinafter, Respondent). The Complaint alleged two violations based on evidence that the Respondent failed to comply with North Coast Water Board Cleanup and Abatement and Investigative Order No. R1-2024-0054 (Cleanup and Abatement Order), and proposed administrative civil liability in the amount of \$66,468.75 pursuant to applicable laws and regulations, including California Water Code (Water Code) section 13268. A hearing took place during the Board meeting on August 14-15, 2025, in accordance with the hearing notice and procedures transmitted to the Respondent, and applicable laws and regulations, including California Code of Regulations, title 23, sections 648-648.8.

BACKGROUND

1. North Coast Water Board staff (Staff) inspected Mendocino County Assessor's Parcel Number (APN) 031-020-45-01 (referred to hereinafter as the Property) on September 26, 2022 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 Order, 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 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 reiterated 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 contacted 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 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 replied 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 had 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 that same day, 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 was 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 replied 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 had 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 noncompliance 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 and Abatement 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 and Abatement Order remain ongoing until the required plans are submitted.

PROCEDURAL AND EVIDENTIARY ISSUES

20. The Assistant Executive Officer issued the Complaint on May 16, 2025. The Prosecution Team mailed a physical copy of the Complaint to the Respondent's P.O. Box via USPS, which was delivered on May 17, 2025, and transmitted an electronic copy of the Complaint to the Discharger via email on May 23, 2025.
21. In preparation for the hearing, the Prosecution Team submitted evidence and legal arguments on June 30, 2025 to support the alleged violations and proposed penalty contained in the Complaint. The Discharger did not submit any pre-hearing evidence or legal arguments.

VIOLATIONS

22. Violation 1: The Discharger 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.
23. Violation 2: The Discharger violated Water Code section 13267 by failing to submit a CRMP for approval by the North Coast 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

24. Water Code section 13268 provides that the North Coast 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.
25. Pursuant to Water Code section 13327, in determining the amount of any civil liability imposed, the North Coast 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

26. 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 13327.¹
27. The violations alleged are subject to liability in accordance with Water Code section 13268. Administrative civil liabilities under this section are subject to the factors set forth in Water Code section 13327. The North Coast Water Board considered the required factors for the alleged violations using the methodology in the 2024 Enforcement Policy, as described in Attachment A to this Order.

MAXIMUM STATUTORY LIABILITY

28. 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.
29. Violation 1: The Respondent failed to submit a Completion Report of Winterization by November 17, 2024. Although this violation is ongoing, this Order imposes liability for 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 Complaint issued by the Prosecution Team only alleged days of violation up to this date on the basis that, 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 that was required to be submitted by this date. Accordingly, this Order assesses liability for 149 days of violation. Therefore, the statutory maximum liability amount for Violation 1 is \$149,000 (\$1,000/day x 149 days).
30. Violation 2: The Respondent failed to submit a CRMP by April 15, 2025. Although this violation is ongoing, this Order imposes liability for days of violation beginning

¹ The 2024 Enforcement Policy is available at:
https://www.waterboards.ca.gov/water_issues/programs/enforcement/docs/2024/2024-enforcement-policy.pdf

April 16, 2025 through May 1, 2025, consistent with the days of violation alleged in the Complaint, which were calculated up to the date the Prosecution Team was preparing the Complaint. Accordingly, this Order imposes liability for 16 days of violation. Therefore, the statutory maximum liability amount for Violation 2 is \$16,000 (\$1,000/day x 16 days).

MINIMUM LIABILITY

31. 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 of the violation plus ten percent.
32. Violation 1: The economic benefit for Violation 1 is estimated to be \$148, as further detailed in Attachment A to this Order. After adding ten percent (\$14.80), the minimum liability that may be imposed for Violation 1 is \$162.80.
33. Violation 2: The economic benefit of Violation 2 is estimated to be \$232, as detailed in Attachment A to this Order. After adding ten percent (\$23.20), the minimum liability that can be imposed for Violation 2 is \$255.20.

ADMINISTRATIVE CIVIL LIABILITY

34. Violation 1: The North Coast Water Board assesses an administrative civil liability amount of \$50,468.75 for this violation, as detailed in Attachment A to this Order. The assessed liability amount for Violation 1 is within the applicable minimum and maximum liability amounts.
35. Violation 2: The North Coast Water Board assesses an administrative civil liability amount of \$16,000 for this violation, as detailed in Attachment A to this Order. The assessed liability amount is above the minimum liability amount required under the 2024 Enforcement Policy and reflects the statutory maximum liability amount.
36. Based on consideration of the above facts, the evidence in this matter, material submitted by the parties, the testimony and arguments presented at hearing, the applicable laws, and after applying the methodology in the 2024 Enforcement Policy, the North Coast Water Board finds that civil liability shall be imposed administratively against the Respondent in the amount of **\$66,468.75**, as further detailed in Attachment A to this Order.

REGULATORY CONSIDERATIONS

37. Payment of the assessed liability amount does not absolve the Respondent from complying with the Cleanup and Abatement Order. Notwithstanding the adoption of this Order, the North Coast Water Board retains authority to assess additional penalties for violations for which penalties have not yet been assessed or for violations that may subsequently occur.

38. The issuance of this Order 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).
39. Any person aggrieved by this action of the North Coast Water Board may petition the State Water Board to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, section 2050 et al. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filling petitions will be provided upon request, and may be found on the Internet at: http://www.waterboards.ca.gov/public_notices/petitions/water_quality/.
40. If the Respondent fails to comply with payment of the administrative civil liability, the North Coast Water Board or its delegated officer is authorized to seek a civil judgment under Water Code section 13328 for recovery of the liability imposed, which may be recorded to establish a lien against property owned by the Respondent, or to refer this matter to the Office of the Attorney General for collection or other enforcement..

IT IS HEREBY ORDERED, pursuant to Water Code section 13268, that:

1. The Respondent shall be assessed administrative civil liability in the amount of sixty-six thousand four hundred sixty-eight dollars and seventy-five cents (\$66,468.75).
2. Payment by check or money order shall be made to the "State Water Board Cleanup and Abatement Account," in accordance with Water Code section 13441, subdivision (a)(3), no later than 30 days from the date on which this Order is adopted by the North Coast Water Board. The Respondent shall include the number of this Order on the check and send it to the address provided below:

State Water Resources Control Board
Division of Administrative Services
ATTN: ACL Payment Accounting Office
P.O. Box 1888
Sacramento, California, 95812-1888

with a copy of the check or money order mailed or emailed to:

North Coast Regional Water Quality Control Board
Attn: Jeremiah Puget
5550 Skylane Boulevard, Suite A
Santa Rosa, CA 95403.
northcoast@waterboards.ca.gov

I, Valerie Quinto, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the North Coast Water Board on August 14, 2025.

Valerie Quinto
Executive Officer

Attachment:

Attachment A: Penalty Methodology