

Regional Water Quality Control Board
North Coast Region
Staff Summary Report
August 14, 2025

ITEM: 4

SUBJECT: Public Hearing on Administrative Civil Liability Complaint No. R1-2025-0022 issued to Michael Harding

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 May 19, 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 Michael Harding (Respondent).

From August 1, 2017 through December 27, 2024, the Respondent owned Mendocino County Assessor's Parcel Number (APN) 031-020-45-01 (Property). The Property is located northwest of the town of Covelo in Mendocino County, approximately 0.2 miles north of the Middle Main Eel River.

The Prosecution Team's Complaint seeks penalties of **\$66,468.75** for alleged violations 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 **August 14, 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 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 the Property on September 26, 2022 during the execution of a search warrant obtained by California Department of Fish and Wildlife (CDFW) law enforcement.

The Complaint alleges that the following were present at the Property: 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 threatened to discharge waste to groundwater and a nearby watercourse, and cannabis cultivation waste discharged to land where it threatened to discharge pollutants into watercourses.

On October 25, 2022, Staff transmitted a report of the inspection and a Notice of Violation to the Respondent. The inspection report included recommendations to correct the alleged violations, and actions to address features and conditions that threatened to impact water quality. Prosecution staff received confirmation that the notice was received at the Respondent's address. The Notice of Violation and Inspection Report were updated to correct a typographical error in the county name identified in the subject line and transmitted to the Respondent on January 5, 2024. Prosecution staff received confirmation that the notice was received by the Respondent.

According to the Complaint, Prosecution staff received communication from the Respondent on November 16, 2022 and June 28, 2023 including claims that property features such as ponds and watercourse crossings were "signed off by" CDFW. The November 16, 2022 communication also indicated the Respondent's intent to clean up the waste documented on the Property and submit photo documentation of the cleanup by December 15, 2022. Prosecution staff responded to both communications reiterating that the Respondent should hire a qualified professional and submit a plan to assess conditions at the Property. On July 3, 2023, Prosecution staff also asked the Respondent to submit photo documentation of the cleanup that he had stated he would submit by December 15, 2022, to which he did not respond.

On September 16, 2024, Staff transmitted a draft Cleanup and Abatement Order to the Respondent. Prosecution staff received confirmation that a copy sent to the Respondent's P.O. Box was picked up from the Post Office. The copy mailed to the Respondent's physical 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. 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.

While the mail copy of the Cleanup and Abatement Order was returned, the Respondent responded to Staff's email transmittal of the Cleanup and Abatement Order. 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, and that he would work on several tasks as his time and finances allow. According to the Complaint, the Respondent submitted no evidence to support his claim that the Property had changed since the inspection. Prosecution staff responded to the Respondent's email to clarify that the Cleanup and Abatement Order was only issued to him for the Property, which he still owned, highlighting upcoming required actions and offering to address any further questions or concerns.

On December 2, 2024, Prosecution staff emailed the Respondent to inform him that the November 17, 2024, deadline for submittal of a Completion Report of Winterization had passed, and on December 12, 2024, Prosecution staff transmitted a Notice of Violation to the Respondent.

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.

On April 14, 2025, Prosecution 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. Prosecution staff received no response.

On April 23, 2025, Prosecution staff transmitted another Notice of Violation to the Respondent for failure to submit a proposed CRMP for approval by April 15, 2025. Prosecution staff again received no response.

The Complaint seeks penalties for two alleged violations of Water Code 13267:

Violation 1: failure 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.

Violation 2: failure 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.

The proposed penalty for Violation 1 is subject to a maximum penalty of \$149,000 pursuant to Water Code section 13268, (the Complaint seeks liability for 149 days of alleged noncompliance with a statutory maximum penalty of \$1,000 per day for failure to submit a Completion Report of Winterization). The proposed penalty is subject to a minimum liability of \$168.20 (the estimated economic benefit for the violation, plus 10 percent). 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 \$50,468.75 for this violation.

The proposed penalty for Violation 2 is subject to a maximum penalty of \$16,000 pursuant to Water Code section 13268, (the Complaint seeks liability for 16 days of alleged noncompliance with a statutory maximum penalty of \$1,000 per day for failure to submit a CRMP). The proposed penalty is subject to a minimum liability of \$255.20 (the estimated economic benefit for the violation, plus 10 percent). 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 \$16,000 for this violation.

The Prosecution Team provided a Hearing Procedure to the Advisory Team and on Respondents with transmittal of the Complaint. On May 27, 2025, the Prosecution Team requested that additional deadlines for responses to evidentiary objections be added to the Hearing Procedure. The Presiding Officer declined to add these deadlines to the procedure, and stated that if evidentiary objections are received, a party may request that the Presiding Officer allow responses and the Presiding Officer will consider the request in consult with the Advisory Team. The Presiding Officer amended the Saturday, July 12, 2025 deadline for the Respondent to submit their evidence and argument to Monday, July 14, 2025.

The Prosecution Team timely submitted its prehearing evidence on June 30, 2025. As noted above, the Respondents' prehearing evidence and argument to contest the Complaint were due on July 14, 2025. The Advisory Team did not receive any submission or communication from the Respondents.

No written comments were received from interested persons.

The Prosecution Team timely submitted its Proposed Findings of Fact and Conclusions of Law on July 31, 2025. As of the finalization of this Staff Summary Report, the Advisory Team has not received any submission or communication from the Respondents.

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. R1-2025-0022 (includes Attachment A Penalty Methodology; Waiver Form; and Hearing Procedure)
2. Prehearing Evidence (Available electronically)
3. Proposed Findings of Fact and Conclusions of Law

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