
North Coast Regional Water Quality Control Board

Regional Water Quality Control Board North Coast Region Staff Summary Report August 6, 2026

ITEM: 2

SUBJECT: Consideration of Resolution No. R1-2026-0033 authorizing referral to the Office of the Attorney General for judicial civil enforcement of alleged violations of Cleanup and Abatement and Investigative Order No. R1-2024-0026 by Vern McGaughey and the Vern C. McGaughey Trust.

BOARD ACTION: This is a public hearing for the Regional Water Board to consider adoption of a Resolution to refer to the Office of the Attorney General for judicial civil enforcement alleged violations of Cleanup and Abatement and Investigative Order No. R1-2024-0026 by Vern McGaughey and the Vern C. McGaughey Trust (collectively, Discharger).

DISCUSSION: The Resolution authorizes the Executive Officer to request that the Attorney General seek civil liabilities and costs under the Water Code, including, but not limited to, Water Code sections 13268, 13304, 13350, and 13385, bring other applicable causes of action, and/or seek other relief including an injunction under Water Code sections 13304 or 13386, as may be appropriate against the Discharger.

The Vern C. McGaughey Trust owns Humboldt County Assessor's Parcel Numbers 513-171-005-000, 513-121-001-000, 513-151-001-000, 514-141-009-000, 513-171-012-000 (collectively, the Property). The Little River, tributaries to the Little River, and adjoining wetlands are situated upon and flow through the Property.

As set forth in Cleanup and Abatement and Investigative Order No. R1-2024-0026 (Cleanup Order) issued by the North Coast Water Board's Executive Officer, the Discharger has caused or permitted waste to be discharged, and threatens to cause or permit waste to be discharged, to waters of the state and causes, or threatens to create, a condition of pollution or nuisance through the following actions and/or inactions on the Property: (1) unauthorized fill within and adjacent to the Little River, its tributaries, and wetlands; (2) unauthorized onsite waste disposal; (3) construction of unpermitted roads through wetlands and unpermitted stream crossings along those roads; and (4) inadequately controlled grazing that is threatening to cause and/or contribute to physical degradation and bacterial impairment within the Little River. The Discharger's activities

were conducted without authorization from applicable federal, state, and local agencies, including but not limited to the North Coast Water Board.

The Cleanup Order required the Discharger to complete the following Required Actions: submit a Stream and Wetland Impact Assessment that includes a Report of Grazing Activities and a Stream and Wetland Delineation and Impact Assessment Report by January 31, 2025; submit a Cleanup, Restoration, and Monitoring Plan that includes, in part, a Solid Waste Characterization, a Solid Waste Removal and Disposal Plan, and a Stream and Wetland Restoration Plan by March 31, 2025; fully implement an approved Solid Waste Removal and Disposal Plan and an approved Stream and Wetland Restoration Plan by October 31, 2025; submit a Final Waste Disposal Report by December 1, 2025; submit a Completion Report by January 30, 2026; and submit Annual Monitoring Reports by January 31 annually for at least five years.

According to the Draft Resolution, the Discharger failed to comply with Required Action 1: submittal of a Stream and Wetland Impact Assessment. Staff and the Discharger and their representatives thereafter participated in in-person settlement negotiations to resolve outstanding violations of the Cleanup Order but were unable to reach an agreement. Staff inspected the Property on July 9, 2025, and observed that the conditions causing the discharges and/or threatened discharges of waste and degradation of the Little River and its adjoining wetlands persisted on the Property.

According to the Draft Resolution, the Discharger, to date, has failed to comply with any of the Required Actions of the Cleanup Order. The North Coast Water Board and multiple resource agency partners, including the Coastal Commission, CDFW, and Humboldt County, have issued notices to the Discharger for violations on the Property. Staff, the Discharger's representatives, and other agencies participated in settlement negotiations in an attempt to reach a global settlement but were unable to reach agreement. In May 2026, Humboldt County inspected the Property and observed no evidence of solid waste removal or additional solid waste disposal. Site conditions were consistent with the conditions observed during the July 9, 2025 inspection.

The Discharger is alleged to have violated the Cleanup Order, including failure to submit technical reports; to have caused or permitted waste to be discharged to waters of the state without waste discharge requirements; and to have discharged pollutants and/or dredge or fill material to waters of the U.S. without a permit. Pursuant to the authorities detailed in the Draft Resolution, the North Coast Water Board may request that the Attorney General petition the superior court to issue an injunction to compel compliance and impose, assess, and recover civil liability for alleged violations.

According to the Draft Resolution, all enforcement options other than referral to the Attorney General and any resulting judicial relief have been considered. Given the ongoing harm to the Little River and its adjoining wetlands and tributaries, and the Discharger's refusal to comply with the Cleanup Order, judicial enforcement of the Water Code is the most appropriate and efficient option. Judicial enforcement of the

Water Code allows for the assessment of higher maximum civil liabilities, if appropriate, as well as injunctive relief and the issuance of a consent judgment that can contain broader and more specific requirements than an administrative enforcement action and/or settlement. The ability to pursue injunctive relief and/or a consent judgment would allow the North Coast Water Board, through the Attorney General, to place the Discharger under a judicially enforceable timeline to comply with the Cleanup Order.

Water Code section 13350, subdivision (g), requires the North Coast Water Board to hold a hearing, with due notice of the hearing given to all affected persons, prior to requesting the Attorney General to petition a court to impose civil liability under Water Code section 13350. On July 1, 2026, notice was given to the Discharger and interested persons regarding this hearing and they were provided an opportunity to comment on the Resolution in writing in advance of the hearing.

Public comments were due by July 15. Comments were timely received from the California Coastal Commission, County of Humboldt (Planning and Building Department and Health and Human Services), Surfrider Foundation/Humboldt Waterkeeper, and the California Department of Fish and Wildlife. Commenters supported the Resolution referring the case to the Attorney General's Office. Enforcement Staff may respond in writing to comments received.

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. Draft Resolution No. R1-2026-0033
2. Notice of Public Hearing
3. Public Comments (provided to Board members and available upon request)

Copies of the documents not posted on the agenda page are available upon request by emailing Bayley.Toft-Dupuy@waterboards.ca.gov.