
State Water Resources Control Board

TO: Parties in Collenberg ACL Proceeding

FROM: Malissa Hathaway McKeith
Senior Hearing Officer
ADMINISTRATIVE HEARINGS OFFICE

DATE: February 11, 2026

SUBJECT: NOTICE OF ALTERNATIVE DISPUTE RESOLUTION OPTIONS

In an effort to resolve cases without the time and expense of a full evidentiary hearing, the Administrative Hearings Office (AHO) is formalizing a process for the parties to *voluntarily* agree to mediate disputes in an informal, confidential setting to facilitate resolution without prejudice to either party.

In this case, the parties have had a contentious relationship for nearly a decade resulting in a lien being placed on Mr. Collenberg's property and the expenditure of significant time and effort by Mr. Collenberg and by the Division. Mr. Collenberg has informed the Division that he "intends" to file bankruptcy. (See Email from Collenberg to SWRCB dated February 4, 2026.) The filing of bankruptcy may or may not stay the current proceedings to enforce Cease and Desist Order WR 2005-0006 or the imposition of additional fines, if any, even if the automatic stay in 11 U.S.C. section 362 may halt the collection of those fines. Mr. Collenberg should discuss this matter with his bankruptcy attorney. Debtors in possession of a property in bankruptcy ordinarily must comply with environmental health and safety laws. As such, the filing of bankruptcy may not necessarily resolve the need for a meter at Mr. Collenberg's parcel prior to diversions.

Inasmuch as Mr. Collenberg stated on October 30, 2025, that he had installed the meter, resolution could come down to negotiating an appropriate penalty, if any, under the current circumstances. Previous settlement discussions between Mr. Collenberg and the Division were not fruitful. Nevertheless, the AHO is willing to facilitate resolution of this matter through a voluntary, confidential mediation if *both* parties agree to mediate no later than **March 1, 2026**, after which the AHO would send a Notice for Mediation setting forth the process and timing in more detail. *If alternative dispute resolution is elected by both parties, the proposed briefing schedule and hearing for April 23, 2026, would be vacated.*

E. JOAQUIN ESQUIVEL, CHAIR | ERIC OPPENHEIMER, EXECUTIVE DIRECTOR

Mediation has the benefit of allowing for candid discussions facilitated by a neutral third party about available options to reach a durable solution in a more informal setting and to foster better communications between the parties. The mediation process is confidential and typically involves the mediator speaking with parties separately to craft a binding settlement. It also allows parties to frankly express their perception of the dispute and frustrations over the process, which can be salutary. The goal of mediation is not to determine the merits of the case or to decide who is right or wrong but to reach a consensus about how best to move forward.

If you elect to mediate, the mediation and all documents concerning it will be subject to Evidence Code sections 1115-1128. Further, all mediation documents will be filed directly with me and will not become public documents or part of the administrative record for this proceeding. If you decide to proceed with the mediation, I will prepare and circulate a separate notice regarding the mediation which can be done by Zoom, FaceTime, or over the phone if easier for any of the parties. If this mediation does not result in a settlement, any future hearing will be conducted by a different hearing officer with whom I will not discuss any confidential issues discussed during the mediation.

Please seriously consider this option so that we can attempt to reach a resolution of this action without further formal proceedings.

Attachment: Service List

SERVICE LIST

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