

**CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD
11020 Sun Center Drive #200
Rancho Cordova, CA 95670**

**ADMINISTRATIVE CIVIL LIABILITY COMPLAINT NO. R5-2025-0528
IN THE MATTER OF:**

**J. S. Batth, Inc.
San Joaquin County**

This Administrative Civil Liability Complaint (Complaint) is issued pursuant to Water Code section 13323 to J. S. Batth, Inc. (Discharger), owner of the irrigated commercial agricultural land identified as San Joaquin County Assessor's Land Parcel numbers (APNs) 05904003, 05904006, and 05904007 (Parcels). This Complaint alleges that the Discharger failed to obtain Irrigated Lands Regulatory Program coverage by the required date thereby violating California Water Code (Water Code) section 13260. This Complaint proposes that the Central Valley Regional Water Quality Control Board (Central Valley Water Board) assess **\$28,665** in administrative civil liability against the Discharger for the violation alleged herein pursuant to Water Code section 13261.

Within 90 days of the date of issuance of this Complaint, the Central Valley Water Board will hold a public hearing on this matter. At the hearing, the Discharger will have the opportunity to appear and be heard, and to contest the allegations in this Complaint and the imposition of administrative civil liability by the Central Valley Water Board.

At the public hearing, the Central Valley Water Board will receive evidence, hear arguments and consider whether to affirm, reject, or modify the proposed administrative civil liability, or whether to refer the matter to the State Attorney General for recovery of judicial civil liability.

Factual Basis for the Allegations

1. On 12 March 2014, the Central Valley Water Board approved Waste Discharge Requirements General Order for Growers within the San Joaquin County and Delta Area that are Members of the Third-Party Group Order No. R5-2014-0029¹ (General Order). To meet their regulatory obligations, owners and operators of irrigated lands may choose to join the San Joaquin County and Delta Water Quality Coalition (Coalition). Should an owner/operator of commercially irrigated land choose not to enroll in the Coalition, they may enroll under the Waste Discharge Requirements for Discharges from Irrigated Lands within the Central Valley Region for Dischargers not Participating in a Third-party Group Order No.

¹ The current version of this General Order is listed as [Order No. R5-2014-0029-07](https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2014-0029-07.pdf) and can be accessed online at:

R5-2013-0100 (Individual Order). If choosing this option, a discharger must submit a completed Notice of Intent (NOI) with the first year's annual fee to the Central Valley Water Board.

2. The Discharger owns the Parcels, which are located in Lodi, San Joaquin County. The San Joaquin County Assessor lists the property type as irrigated vineyards for all Parcels.
3. Additionally, the most recent invoice for the Coalition fees concerning the Parcels, dated 6 August 2025, lists the entire land acreage as irrigated. These Parcels have a total area of 72.81 irrigated acres.
4. On 9 April 2025, Central Valley Water Board staff conducted a drive-by inspection of APN 05904003 and 05904006. Staff documented vineyards on the Parcels.
5. On 9 June 2025, Central Valley Water Board staff conducted a second drive-by inspection of APNs 05904006 and 05904003. Staff documented active irrigation on the Parcels, the vineyard appeared to be flooded from an irrigation pipe with wet soil documented. Additionally, staff documented standing water in the furrows of vineyards located on APN 05904003.
6. In 2024, the Discharger created an account with the Coalition under Membership Identification Number (Account Number) 10925 and listed the Discharger on the account's 2025 invoice. The Parcels were listed under this account to be enrolled. Along with these Parcels, an additional two parcels were enrolled in 2024 under Account Number 10925. Those two parcels are owned by Jagpal S. Batth, in his capacity as an individual, and are not at issue in this Complaint.
7. Each July, the Coalition provides a list of members dropped from the Coalition. In July 2023, Central Valley Water Board staff received the membership list, which included the Parcels owned by the Discharger listed under "non-payment." In early 2024, the Coalition informed Central Valley Water Board staff that the Parcels were re-enrolled. However, later that year, the Coalition notified the Central Valley Water Board staff that the Discharger did not make a payment for the membership and were therefore dropped from membership.
8. On 20 December 2024, Central Valley Water Board staff sent a Water Code section 13260 Directive Letter (Directive) to notify the Discharger that the Parcels were dropped from Coalition membership. The Directive required the Discharger to re-instate its membership with the Coalition or enroll as an Individual Discharger for the commercial irrigated lands within 15 calendar days of receiving the letter. The letter provided contact information for the Coalition.
9. The Directive was delivered to the Discharger on 24 December 2024. Therefore, the Discharger was required to comply with the directive by 8 January 2025. The Discharger did not respond to the Directive by the required date.

10. On 25 February 2025, Central Valley Water Board staff sent the Discharger a Notice of Violation (NOV) for the failure to obtain Irrigated Lands Regulatory Program coverage under Water Code section 13260. The NOV directed the Discharger to immediately join the Coalition, enroll as an Individual Discharger, or claim an exemption.
11. On 25 February 2025, the Discharger responded to the NOV via email, but did not take corrective action to come into compliance with the Directive for the Parcels at issue.
12. On 5 May 2025, Central Valley Water Board staff sent the Discharger a letter to inform the Discharger of this forthcoming Complaint and to notify it of the opportunity to settle the violations for the failure to comply with the Water Code. The Discharger did not respond to the letter within the timeframe required.
13. On 23 July 2025, Jagpal S. Batth, the Chief Executive Officer and Financial Officer of the company, paid for the two parcels listed under Account Number 10281. Those parcels are not at issue in this Complaint. The Parcels listed under Account Number 10925 remain unpaid.
14. From 3 April 2024 until the date of this communication, Central Valley Water Board staff have consistently reached out to the Discharger in an effort to allow the Discharger to address the violation prior to the issuance of this Complaint. To date, the Discharger has failed to meet its requirements under the Directive to obtain regulatory coverage.

Violation

15. The Discharger failed to submit a report of waste discharge as required by the Water Code section 13260 Directive. As of 12 September 2025, the Discharger has accrued 246 days of violation.

Legal Provisions

16. Pursuant to Water Code section 13260 subdivision (a), "each of the following persons shall file with the appropriate regional board a report of the discharge, containing the information which may be required by the regional board: (1) Any person discharging waste, or proposing to discharge waste, within any region that could affect the quality of the waters of the state, other than into a community sewer system."
17. Pursuant to Water Code section 13261, a person who fails to furnish a report under Section 13260 when so requested by a regional board may be civilly liable in accordance with subdivision (b). Pursuant to section 13261 subdivision (b), the maximum civil liability on a daily basis shall not exceed one thousand dollars (\$1,000) for each day the violation occurs.

Minimum and Maximum Administrative Civil Liability

18. Pursuant to Water Code section 13261, the maximum administrative civil liability for the Violation is **\$246,000** based on a calculation of the total days of violation times the statutory maximum penalty (246 days of violation X \$1,000/day).
19. The State Water Board's Enforcement Policy (referenced below) states that the total liability amount shall be at least 10% higher than the Economic Benefit, "so that liabilities are not construed as the cost of doing business and the assessed liability provides meaningful deterrent to future violations." As set forth in Attachment A, the requirement is met because the minimum liability associated with economic benefit is approximately \$316.80.

Liability Factors

20. The State Water Resources Control Board's (State Water Board) 2024 Water Quality Enforcement Policy ([Enforcement Policy](https://www.waterboards.ca.gov/water_issues/programs/enforcement/docs/2024/2024-enforcement-policy.pdf)) establishes a methodology for assessing administrative civil liability. The use of this methodology addresses the factors that are required to be considered when imposing a civil liability, including those set forth in Water Code section 13327. This policy can be found at:

https://www.waterboards.ca.gov/water_issues/programs/enforcement/docs/2024/2024-enforcement-policy.pdf

21. The administrative civil liability for this Complaint was derived from the use of the penalty methodology in the Enforcement Policy based on consideration of the Discharger's failure to comply with the 13260 Directive pursuant to Water Code section 13261. The proposed civil liability considers the factors set forth in Water Code section 13327, including the Discharger's culpability, history of violations, ability to pay and continue in business, and other factors as justice may require. The specific application of the Enforcement Policy methodology is provided in Attachment A, incorporated herein by reference.
22. Notwithstanding the issuance of this Complaint, the Central Valley Water Board retains the authority to assess additional penalties for violations of Order requirements for which penalties have not yet been assessed or for violations that may subsequently occur.
23. 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.) pursuant to California Code of Regulations, title 14, sections 15308 and 15321 subsection (a)(2).
24. Payment of the assessed liability amount does not absolve the Discharger from complying with the Order. Additional civil liability may be assessed in the future if the Discharger fails to comply with the Order or future orders issued by the Central Valley Water Board.

J. S. BATTH, INC. IS HEREBY GIVEN NOTICE THAT:

1. Based on consideration of the above facts and after applying the penalty methodology as shown in Attachment A, the Assistant Executive Officer of the Central Valley Water Board proposes that civil liability be imposed administratively on the Discharger pursuant to Water Code section 13261, in the amount of **twenty-eight thousand, six hundred and sixty-five dollars (\$28,665)**.
2. A hearing on this matter will be conducted by the Central Valley Water Board at a hearing scheduled on 26-27 February 2026, unless the Discharger does one of the following options described in detail on the Waiver Form issued concurrently with this Complaint by **16 December 2025**:
 - a. The Discharger may waive the right to a hearing by providing payment to the Central Valley Water Board for the proposed administrative civil liability amount in full; or,
 - b. The Dischargers may formally request to postpone the hearing to allow for additional time to engage in settlement negotiations; or,
 - c. The Dischargers may formally request to postpone the hearing to allow for additional time to prepare for the hearing, accompanied by a letter setting forth the reasons for additional time.
3. The hearing will be governed by the Hearing Procedure issued concurrently with this Complaint. During the hearing, the Central Valley Water Board will hear testimony and arguments and consider whether to 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.
4. The Assistant Executive Officer reserves the right to amend the proposed amount of administrative civil liability to conform to the evidence presented.


Digitally signed by
John J. Baum
Date: 2025.12.01
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John Baum
Assistant Executive Officer

12/1/2025

Date

Attachment A: Administrative Civil Liability Methodology