

Santa Ana Regional Water Quality Control Board

IN THE MATTER OF:

Batista Family Farm, LLC	)	Complaint No. R8-2026-0032
7436 Schaefer Avenue	)	for
Ontario, CA 91762	)	Administrative Civil Liability

INTRODUCTION

This Administrative Civil Liability Complaint (Complaint) is issued to Batista Family Farm, LLC (hereafter referred to as Discharger) by the Assistant Executive Officer of the California Regional Water Quality Control Board, Santa Ana Region (Santa Ana Water Board) on behalf of the Santa Ana Water Board Prosecution Team (Prosecution Team) pursuant to California Water Code (Water Code) sections 13323 and 13385. This Complaint proposes to assess an administrative civil liability of \$89,540 based on evidence that the Discharger violated provisions of the General Waste Discharge Requirements for Concentrated Animal Feeding Operations (Dairies and Related Facilities) within the Santa Ana Region, Order No. R8-2018-0001 (Order) through its failure to file Annual Reports for the 2025 reporting year.

The Assistant Executive Officer of the Santa Ana Water Board alleges the following:

BACKGROUND

1. The Discharger owns and operates Batista Family Farms located at 7463 Schaefer Avenue, Ontario, CA 91762, San Bernardino County, Assessor Parcel Number 1052-541-04-0000 (Site).
2. On December 7, 2018, the Santa Ana Water Board adopted the Order. The Order is a National Pollutant Discharge Elimination System (NPDES) permit under the Clean Water Act and went into effect on March 17, 2019. The Order expired on March 15, 2024, but was administratively continued pursuant to Title 23 of the California Code of Regulations section 2235.4 and Title 40 of the Code of Federal Regulations section 122.6.
3. Section XI.A.3 of Attachment B of the Order requires all enrolled dairies to submit an Annual Report by January 15 of each year. The Annual Report is intended to document animal populations, manure information, nutrient management plan certification, crop growing activity, stormwater management structure and water

line inspections, condition of level markers in containment structures, discharges, and facility information.

4. The Discharger obtained coverage under the Order on July 2, 2019, by submitting a Notice of Intent to the Santa Ana Water Board on May 8, 2019. Therefore, the Discharger was required to submit an annual report beginning on January 15, 2020.
5. Since its enrollment in the Order, the Discharger has failed to timely submit the Annual Reports on multiple instances. On May 7, 2021, the Santa Ana Water Board received the amended 2020 Annual Report, 112 days after the required deadline.
6. On November 17, 2022, November 17, 2023, December 12, 2024, and December 23, 2025, Santa Ana Water Board staff mailed reminder letters to the Discharger requesting that it submit the 2022, 2023, 2024 and 2025 Annual Reports by their respective deadlines. The letters included forms needed to complete the report. Additionally, on January 25, 2024, and May 22, 2024, Board staff reminded the Discharger via email, that the 2023 Annual Report was past due. Subsequently, for the 2022, 2023, and 2024 Annual Reports, Board staff issued Notices of Violation (NOVs) on November 7, 2023, September 11, 2024, and June 13, 2025, to alert the Discharger of the alleged violations. Further details of Board staff's correspondence are included under the Degree of Culpability section of the Step 4 Adjustment Factors on Attachment A to this Complaint.
7. By June 20, 2025, the Discharger submitted its 2022, 2023, and 2024 Annual Reports to the Santa Ana Water Board.
8. On April 22, 2026, Santa Ana Water Board staff issued an NOV to the Discharger for failing to submit its 2025 Annual Report, via certified mail, priority mail, and email.
9. On May 15, 2026, the Discharger submitted its 2025 Annual Report, 118 days after the Order's deadline.

ALLEGED VIOLATION

10. **Violation 1:** The Discharger failed to submit its 2025 Annual Report by January 15, 2026, as required by the Order.

LEGAL AUTHORITY

11. The Discharger is in violation of Section XI.A.3 of Attachment B of the Order for failing to submit an Annual Report by the required deadline. The Annual Report is required in the Order pursuant to Water Code section 13383. The alleged violation is described in more detail in Attachment A, which is herein incorporated by reference.
12. Pursuant to Water Code section 13385, any person who violates any requirement established pursuant to section 13383, may be civilly liable in accordance with subdivision (a)(3). Pursuant to section 13385, subdivision (c)(1), the maximum civil liability shall not exceed ten thousand dollars (\$10,000) for each day in which the violation occurs.

MINIMUM AND MAXIMUM ADMINISTRATIVE CIVIL LIABILITY

13. Pursuant to Water Code section 13385, subdivision (e), liability must be assessed at a level that recovers the economic benefits, if any, derived from the acts that constitute the violation. The State Water Resources Control Board's Water Quality Enforcement Policy (Enforcement Policy) requires that the adjusted Total Base Liability Amount be at least ten percent higher than the Economic Benefit amount. As set forth in Attachment A, the requirement is met because the minimum liability associated with economic benefit is \$206.80.
14. Pursuant to Water Code section 13385, the maximum administrative civil liability for both violations is one million, one hundred and eighty thousand dollars (\$1,180,000), based on a calculation of the total number of days of violation multiplied by the statutory maximum penalty (118 days X \$10,000). The 2025 Annual Report was due on January 15, 2026. On May 15, 2026, the Discharger submitted its 2025 Annual Report, 118 days after the Order's deadline.

PROPOSED LIABILITY

15. Pursuant to Water Code section 13385, subdivision (e), in determining the amount of civil liability, the regional board shall take into consideration the nature, circumstances, extent, and gravity of the violation or violations, whether the discharge is susceptible to cleanup or abatement, the degree of toxicity of the discharge, and, with respect to the violator, the ability to pay, the effect on the ability to continue in business, any voluntary cleanup efforts undertaken, any prior history of violations, the degree of culpability, economic benefit or savings, if any, resulting from the violation, and other matters as justice may require.
16. The State Water Board adopted Resolution 2023-0043, thereby adopting the Enforcement Policy, which became effective on November 7, 2024. The Enforcement Policy establishes a methodology for assessing administrative civil

liability. The use of this methodology addresses the factors that are required to be considered when imposing civil liability, including those set forth in Water Code sections 13327 and 13385, subdivision (e). The Enforcement Policy can be found at:

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

17. A detailed description of the application of the penalty methodology is included as Attachment A and is incorporated by reference herein.
18. Based on consideration of the above facts and after applying the penalty methodology as shown in Attachment A, the Assistant Executive Officer of the Santa Ana Water Board proposes that civil liability be imposed administratively on the Discharger pursuant to Water Code section 13385, in the amount of **eighty nine thousand, five hundred and forty dollars (\$89,540)**.

REGULATORY CONSIDERATIONS

19. Notwithstanding issuance of this Complaint, the Santa Ana Water Board retains the authority to assess administrative civil liability or otherwise pursue any enforcement action authorized by law for any violations that have not yet been assessed or for violations that may subsequently occur.
20. An administrative civil liability may be imposed pursuant to the procedures described in Water Code section 13323. An administrative civil liability complaint alleges the act or failure to act that constitutes a violation of law, the provision of law authorizing administrative civil liability to impose, and the proposed administrative civil liability.
21. 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 title 14, California Code of Regulations sections 15308 and 15321, subdivision (a), paragraph (2).

BATISTA FAMILY FARMS, LLC IS HEREBY GIVEN NOTICE THAT:

22. The Santa Ana Water Board Prosecution Team proposes an administrative civil liability in the amount of **eighty-nine thousand, five hundred forty dollars (\$89,540)**. The amount of the proposed civil liability is based upon a review of the factors cited in Water Code section 13385, subdivision (e), as well as the Enforcement Policy, and includes consideration of the economic benefit or savings resulting from violations.

23. A hearing on this matter will be held at a regular meeting before the Santa Ana Water Board on September 11, 2026, at the Irvine Ranch Water District, 15600 Sand Canyon Avenue, Irvine, CA 92618, in accordance with the Hearing Procedure issued concurrently with this Complaint, unless one of the following options occurs:

- a. The Discharger waives the hearing by completing the Waiver Form (checking off the box next to Option 1), attached herein, and returning it to the Santa Ana Water Board by **June 30, 2026**, along with payment of the proposed liability of eighty-nine thousand, five hundred forty dollars (\$89,540).
- b. The Discharger waives the 90-day hearing requirement in order to extend the hearing date by completing the Waiver Form (checking the box next to Option 2), attached herein, and returning it to the Santa Ana Water Board by **June 30, 2026**, along with rationale for the extension.



Brian M. Covellone, Ph.D., P.G.
Assistant Executive Officer