

ATTACHMENT 2

**ACCEPTANCE OF CONDITIONAL RESOLUTION
AND WAIVER OF RIGHT TO HEARING; ORDER**

City of Rialto
Conditional Settlement Offer No. R8-2026-0005
NPDES Permit No. CA0105295

By signing below and returning this Acceptance of Conditional Resolution and Waiver of Right to Hearing (Acceptance and Waiver) to the Santa Ana Regional Water Quality Control Board (Santa Ana Water Board), the City of Rialto (Discharger) hereby accepts the "Offer to Participate in Expedited Payment Program" and waives the right to a hearing before the Santa Ana Water Board to dispute the allegations of violations described in the List of Alleged Violations, which is enclosed hereto as Attachment 1 and incorporated herein by reference.

The Discharger agrees that the Conditional Settlement Offer shall serve as a complaint pursuant to Article 2.5 of the California Water Code and that no separate complaint is required for the Santa Ana Water Board to assert jurisdiction over the alleged violations through its Chief Prosecutor. The Discharger agrees to pay the mandatory minimum penalties required by California Water Code section 13385 in the sum of \$138,000 (Expedited Payment Amount), which shall be deemed payment in full of any civil liability pursuant to California Water Code sections 13385 and 13385.1 that otherwise might be assessed for the violations described in Attachment 1. The Discharger understands that this Acceptance and Waiver waives its right to contest the allegations in Attachment 1 and the amount of civil liability for such violations.

The Discharger understands that this Acceptance and Waiver does not address or resolve liability for any violation that is not specifically identified in Attachment 1.

Upon execution by the Discharger, the completed Acceptance and Waiver shall be returned to:

Kathleen Fong, Wastewater Section
Expedited Payment Program
Santa Ana Regional Water Quality Control Board
3737 Main Street, Suite 500
Riverside, CA 92501-3348

The Discharger understands that federal regulations set forth by title 40, Code of Federal Regulations, part 123.27(d)(2)(iii) require the Santa Ana Water Board to publish notice of and provide at least thirty (30) days for public comment on any proposed resolution of an enforcement action addressing NPDES permit violations. Accordingly, the Acceptance and Waiver, prior to execution by the Santa Ana Water Board or its delegee, will be published as required by law for public comment.

If no comments are received within the notice period that causes the Santa Ana Water Board or its delegee to question the Expedited Payment Amount, the Acceptance and Waiver will be presented to the Santa Ana Water Board or its delegee for consideration and adoption of a stipulated order.

The Discharger understands that if significant comments are received in opposition to the Conditional Settlement Offer, the offer on behalf of the Santa Ana Water Board to resolve the violations alleged in Attachment 1 may be withdrawn. In that circumstance, the Discharger will be advised of the withdrawal, and an administrative civil liability complaint may be issued, and the matter may be set for a hearing before the Santa Ana Water Board. For such a liability hearing, the Discharger understands that this Acceptance and Waiver executed by the Discharger will not in any way be binding or used as evidence in that hearing.

The Discharger further understands that once the Acceptance and Waiver is executed by the Santa Ana Water Board or its delegee, the full payment required by the deadline set forth below is a condition of this Acceptance and Waiver. In accordance with California Water Code sections 13385(n)(1) and 13385.1(c)(1), funds collected for violations of effluent limitations and reporting requirements pursuant to sections 13385 and 13385.1 shall be deposited in the State Water Pollution Cleanup and Abatement Account. Accordingly, the \$138,000 liability shall be paid by a cashiers or certified check made out to the "State Water Pollution Cleanup and Abatement Account". The payment must be submitted to the State Water Resources Control Board no later than thirty (30) calendar days after the date the Acceptance and Waiver is executed by the Santa Ana Water Board or its delegee.

Please mail the check to:

State Water Resources Control Board
Re: Order No. R8-2025-0054
ATTN: ACL PAYMENT
Division of Administrative Services, Accounting Branch
P.O. Box 1888
Sacramento, California 95812-1888

I hereby affirm that I am duly authorized to act on behalf of and to bind the Discharger in the making and giving of this Acceptance and Waiver.

The City of Rialto

By: _____ **Original Signed by Tanya Williams, City Manager, on June 23, 2026**

Conditional Settlement Offer No. R8-2026-0005
WDID No. 8 360112001, NPDES Permit No. CA0105295

IT IS SO ORDERED PURSUANT TO CALIFORNIA WATER CODE SECTION 13323 AND
GOVERNMENT CODE SECTION 11415.60

By: _____ **Original Signed by Alan Kuoch on August 27, 2026**
Alan Kuoch, Groundwater Protection Branch Manager, Santa Ana Water Board