

**Offer to Participate in Expedited Payment Letter Program  
Union Pacific Railroad Company  
EPL R5-2025-0500**

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

Union Pacific Railroad Company  
EPL No. R5-2025-0500

By signing below and returning this Acceptance of Conditional Resolution and Waiver of Right to Hearing (Acceptance and Waiver) to the Central Valley Regional Water Quality Control Board (Central Valley Water Board), the Union Pacific Railroad Company (Discharger) hereby accepts the "Offer to Participate in Expedited Payment Letter Program" (Conditional Offer), incorporated herein by reference, and waives the right to a hearing before the Central Valley Water Board to dispute the allegations of violations described in the Record of Violations (ROV), which is included as Attachment A to the Conditional Offer.

The Discharger agrees that the Conditional 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 Central Valley Water Board to assert jurisdiction over the alleged violations through its Chief Prosecutor. The Discharger agrees to pay the penalties required by California Water Code section 13385(h) and/or (i), in the sum of **\$21,000** (Expedited Payment Amount), which shall be deemed payment in full of any civil liability pursuant to Water Code section 13385 that otherwise might be assessed for the violations described in the ROV. The Discharger understands that this Acceptance and Waiver waives its right to contest the allegations in the ROV and the amount of civil liability assessed for the violations.

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

Upon execution by the Discharger, the completed Acceptance and Waiver shall be returned via email or U.S. mail to:

Stacy Gotham, Senior Water Resources Control Engineer  
NPDES Permitting and Enforcement Unit  
364 Knollcrest Drive, Suite 205  
Redding, CA 96002  
Phone: (530) 244-4993  
[Stacy.Gotham@waterboards.ca.gov](mailto:Stacy.Gotham@waterboards.ca.gov)

The Discharger understands that federal regulations set forth at title 40, Code of Federal Regulations, section 123.27(d)(2)(iii) require the Central Valley 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, this Acceptance and Waiver, prior to consideration of adoption by the Central Valley Water Board Executive Officer, will be published as required by law for public comment.

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If no comments are received within the notice period that causes the Central Valley Water Board Assistant Executive Officer to question the Expedited Payment Amount, the Acceptance and Waiver will be presented to the Central Valley Water Board Executive Officer for consideration of adoption as a stipulated order.

The Discharger understands that if significant comments are received in opposition to the Expedited Payment Amount, the offer on behalf of the Central Valley Water Board to resolve the violations set forth in the ROV 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 Central Valley Water Board. For such a liability hearing, the Discharger understands that this Acceptance and Waiver executed by the Discharger will not be used as evidence in that hearing.

The Discharger further understands that once the Acceptance and Waiver is executed by the Central Valley Water Board Executive Officer, the full payment required by the deadline set forth below is a condition of this Acceptance and Waiver. In accordance with California Water Code section 13385(n)(1), funds collected for violations of effluent limitations pursuant to section 13385 shall be deposited in the State Water Pollution Cleanup and Abatement Account. Accordingly, the **\$21,000** liability shall be paid by a cashier or certified check made out to the "State Water Pollution Cleanup and Abatement Account". The Discharger may choose to submit the full payment with the Waiver. However, 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 Central Valley Water Board Executive Officer.

Please mail the check to:

State Water Resources Control Board, Accounting Office  
Attn: EPL R5-2025-0500 Payment  
P.O. Box 1888  
Sacramento, California, 95812-1888

The Discharger shall also provide a copy of the waiver form and check via email to the Central Valley Water Board ([Stacy.Gotham@waterboards.ca.gov](mailto:Stacy.Gotham@waterboards.ca.gov)).

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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.

**United Pacific Railroad Company**

By: Original signed by Mike W. Makerov  
Signed Name

24 March 2025  
Date

Mike W. Makerov  
Printed or Typed Name

24 March 2025  
Date

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

By: \_\_\_\_\_  
Patrick Pulupa  
Executive Officer