

Santa Ana Regional Water Quality Control Board

June 1, 2026

Tanya Williams
City Manager
City of Rialto
150 S. Palm Avenue
Rialto, CA 92376
twilliams@rialtoca.gov

CONDITIONAL SETTLEMENT OFFER NO. R8-2026-0005; OFFER TO PARTICIPATE IN THE EXPEDITED PAYMENT PROGRAM RELATING TO VIOLATIONS OF THE NPDES PERMIT FOR THE CITY OF RIALTO, 501 E. SANTA ANA AVENUE, BLOOMINGTON, CA 92316 (ORDER NO. R8-2007-0006 AND ORDER NO. R8-2014-0010, NPDES PERMIT NO. CA0105295, WDID NO. 8 360112001)

Dear Ms. Williams:

This letter is to notify the City of Rialto (hereinafter “Discharger” or “you”) of alleged violations of the California Water Code identified in the State Water Resources Control Board’s California Integrated Water Quality System (CIWQS) and to allow the Discharger to participate in the Santa Ana Regional Water Quality Control Board’s (Santa Ana Water Board) Expedited Payment Program for Effluent and/or Reporting Violations (Expedited Payment Program) to address mandatory minimum penalties that must be assessed pursuant to California Water Code sections 13385 and 13385.1.

NOTICE OF VIOLATION:

Based on information in CIWQS, the Santa Ana Water Board’s Prosecution Team (Prosecution Team) alleges that the Discharger has violated effluent limitations and reporting requirements contained in Waste Discharge Requirements Order No. R8-2007-0006 and Order No. R8-2014-0010, National Pollutant Discharge Elimination System (NPDES) Permit No. CA0105295, as identified in Attachment 1¹. The Discharger will have the opportunity to address the alleged violations as discussed below.

¹ See letter dated June 24, 2025, and titled, “Notice of Violation – Waste Discharge Requirements Order No. R8-2007-0006 And Order No. R8-2014-0010 for the City of Rialto, Municipal Wastewater Treatment Plant At 501 E. Santa Ana Avenue, Bloomington, CA 92316 (NPDES No. Ca0105295)” for further information on alleged violations.

STATUTORY LIABILITY:

Subdivisions (h) and (i) of California Water Code section 13385 require the assessment of a mandatory minimum penalty of three thousand dollars (\$3,000) for specified serious and chronic effluent limit and reporting violations. For the purposes of subdivision (h) of section 13385, failure to file a discharge monitoring report required pursuant to sections 13383 for each complete period of 30 days following the deadline for submitting the report constitutes a serious violation. The Discharger may also be subject to discretionary administrative civil liabilities of up to ten thousand dollars (\$10,000) for each day in which the violation occurs, plus ten dollars (\$10) for each gallon discharged but not cleaned up in excess of 1,000 gallons. These mandatory minimum penalties and discretionary administrative civil liabilities may be assessed by the Santa Ana Water Board beginning with the date that the violations first occurred.² The formal enforcement action that the Santa Ana Water Board uses to assess such liability is an administrative civil liability complaint, although the Santa Ana Water Board may instead refer such matters to the Attorney General's Office for prosecution. If referred to the Attorney General for prosecution, the Superior Court may assess up to twenty-five thousand dollars (\$25,000) per violation. In addition, the Superior Court may assess up to twenty-five dollars (\$25) per gallon discharged but not cleaned up in excess of 1,000 gallons.

OFFER TO PARTICIPATE IN EXPEDITED PAYMENT PROGRAM:

The Discharger can avoid the issuance of a formal administrative civil liability complaint and settle the alleged violations identified in Attachment 1 by participating in the Expedited Payment Program. Details of the proposed settlement are described below and addressed in the enclosed documents.

To promote the resolution of these violations, the Santa Ana Water Board makes this Conditional Settlement Offer. The Discharger may accept this offer, waive the Discharger's right to a hearing, and pay the mandatory minimum penalty of \$138,000 for the violations described in Attachment 1. If the Discharger elects to do so, subject to the conditions below, the Santa Ana Water Board will accept that payment in settlement of any enforcement action that would otherwise arise out of the violations identified in Attachment 1. Accordingly, the Santa Ana Water Board will forego the issuance of a formal administrative complaint, will not refer the violations to the Attorney General, and

² Please note that there are no statutes of limitation that apply to administrative proceedings to assess mandatory minimum penalties. See *City of Oakland v. Public Employees' Retirement System*, (2002) 95 Cal.App.4th 29, 48; 3 Witkin, Cal. Procedure (4th ed. 1996) Actions, §405(2), p. 510.).

will waive its right to seek additional discretionary civil liabilities for the violations identified in Attachment 1.

The Expedited Payment Program does not address or resolve liability for any violation that is not specifically identified in Attachment 1 regardless of the date that the violation occurred.

DISCHARGER'S OPTIONS FOR RESPONSE TO OFFER:

If you accept this offer, please complete and return the enclosed "Acceptance of Conditional Resolution and Waiver of Right to Hearing; (proposed) Order" (Acceptance and Waiver or Attachment 2) on or before **July 1, 2026**. This matter is not resolved and final until submission of the one hundred thirty-eight thousand dollars (\$138,000).

If the Discharger chooses to contest any of the violations alleged in Attachment 1, please identify, in writing, the specific violation and the basis for the challenge (factual error, affirmative defense, etc.) on or before the due date specified above.

Responses contesting any of the violations alleged in Attachment 1 shall be submitted as a pdf via email to Kathleen.Fong@waterboards.ca.gov, (951) 774-0114. If the Discharger chooses not to respond, the Discharger should expect to be contacted regarding formal enforcement action that will be initiated with regard to the contested violations. If the Prosecution Team elects to issue a formal administrative civil liability complaint, the liability amount sought and/or imposed may exceed the liability amount set forth in this Conditional Settlement Offer. Moreover, the cost of enforcement is a factor that can be considered in assessing the liability amount.

CONDITIONS FOR SANTA ANA WATER BOARD ACCEPTANCE OF RESOLUTION:

Federal regulations require the Santa Ana Water Board to publish and allow the public thirty (30) days to comment on any settlement of an enforcement action addressing NPDES permit violations (40 C.F.R. section 123.27(d)(2)(iii)). Upon receipt of the Discharger's Acceptance and Waiver, the Santa Ana Water Board staff will publish a notice of the proposed resolution of the violations.

If no comments are received within the 30-day comment period, and unless there are new material facts that become available to the Santa Ana Water Board, the Acceptance and Waiver will be presented to the Santa Ana Water Board or its delegee as a stipulated order for consideration and adoption assessing the uncontested mandatory minimum penalty amount pursuant to Water Code sections 13385 and 13385.1.

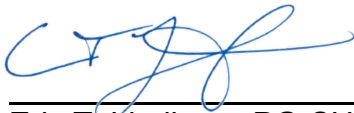
If, however, significant comments are received in opposition to the settlement, this offer may be withdrawn. In that case, the Discharger's waiver pursuant to the Acceptance and Waiver will also be treated as withdrawn. In that case, the violations will be addressed in an administrative civil liability hearing before the Santa Ana Water Board. At the hearing,

the Discharger would be free to make arguments as to any of the alleged violations, and the Discharger's agreement to accept this conditional offer would not be binding or used as evidence against the Discharger.

In the event the Acceptance and Waiver is executed by the Santa Ana Water Board or its delegee, full payment of the assessed amount shall be due within thirty (30) calendar days after the date the Acceptance and Waiver is executed. In accordance with California Water Code section 13385(n)(1) and California Water Code section 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 cashiers or certified check made out to the "State Water Pollution Cleanup and Abatement Account". Failure to pay the full penalty within the required time period may subject the Discharger to further liability.

Should you have questions about this Conditional Settlement Offer, please contact Julio C. Lara, Supervisor of the Wastewater Section, at (951) 782-4901 / Julio.Lara@waterboards.ca.gov or Kathleen Fong at (951) 774-0114 / Kathleen.Fong@waterboards.ca.gov.

Sincerely,



Eric T. Lindberg, PG CHG
Executive Officer

Enclosures:

Attachment 1 – List of Alleged Violations

Attachment 2 – Acceptance of Conditional Resolution and Waiver to Right of Hearing;
(proposed) Order

cc: U.S. EPA - CWA Compliance Office (WTR-7) – Michael Weiss
(Weiss.Michael@epa.gov)
State Water Resources Control Board, Office of Enforcement – Noah Bennett
(Noah.Bennett@waterboards.ca.gov)
Rialto Water Services, Veolia North America – Soheil L. Sadighi
(soheil.sadighi@veolia.com)
Rialto Water Services, Veolia North America – Frank Garza
(frank.garza@veolia.com)
Inland Empire Waterkeeper – Garry Brown (Garry@coastkeeper.org)

Place ID: 259149

ATTACHMENT 1**List of Alleged Violations**

Item #	Violation Date	CIWQS Violation ID	Monitoring Location	Parameter	Pollutant Group	Violation Type	Subject to MMP (YES/NO)	Violation Description	Penalty Assessed	CIWQS notes from discharger
1	12/21/2009	889571	M-001	pH	OEV	Non-Serious	NO	The Instantaneous Minimum limit is 6.5 SU and reported value was 6.4 SU.	Free	The pH limit of 6.5 was exceeded by 18 minutes beyond the allowable 60 minutes. In response, a more stringent buffer alarm during heavy rainstorms will be implemented.
2	5/22/2010	874065	M-001	Total Coliform	OEV	Non-Serious	NO	The Instantaneous Maximum limit is 240 MPN/100 mL and reported value was 1600 MPN/100 mL.	Free	The following corrective actions have been taken: 1) run the weekly PM on the autoclave, 2) set up a "lot" check on the coliform media, and 3) run another coliform test from the saved composite sample. Results were <2 MPN/100 mL.
3	3/2/2014	967921	M-001	Total Coliform	OEV	Non-Serious	NO	The 7-Day Median limit is 2.2 MPN/100 mL and reported value was 4.5 MPN/100 mL.	Free	The City of Rialto, with assistance from our technical team, developed a 10-point action plan to identify possible causes. Action plan also includes reviewing lab QA/QC, maintenance of equipment such as CL2 Analyzers, cleaning of Secondary Effluent EQ Basins, and developing of site survey check sheet to identify any abnormalities in and around the collection area.
4	4/8/2014	1132361	M-001	Cyanide, Free Available	Group II	Serious	YES	The Average Monthly Effluent Limitation (AMEL) is 4.2 ug/L and reported value was 6.1 ug/L.	\$3,000	Created new violation in CIWQS (not reported by Discharger).
5	4/8/2014	969575	M-001	Cyanide, Free Available	Group II	Serious	YES	The Maximum Daily Effluent Limitation (MDEL) is 8.5 ug/L and reported value was 15.0 ug/L.	\$3,000	Re-sampling was ordered of the effluent which began on April 21, 2014. Those results are included in this report.
6	11/12/2014	983405	M-001A	Cyanide, Free Available	Group II	Non-Serious	NO	AMEL is 4.2 ug/L and reported value was 4.8 ug/L.	Free	An investigation plan is underway to determine if the results of the cyanide excursion are attributed to the influent or effluent.
7	5/3/2016	1009614	M-001	Cyanide, Free Available	Group II	Serious	YES	AMEL is 4.2 ug/L and reported value was 8.3 ug/L.	\$3,000	Due to the interference of preservatives in cyanide testing, the City of Rialto is asking the laboratory to test for cyanide on the same day it is collected instead of letting it sit for days before testing.
8	5/31/2016	1009615	M-001	Total Dissolved Solids (TDS)	Group I	Non-Serious	NO	The 12-month flow-weighted running average limit is 490 mg/L and reported value was 542 mg/L.	Free	The Water Department (Rialto Water Services, RWS) is taking steps to ensure that the best quality water supplies are obtained and utilized in the distribution system.

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9	6/7/2016	1011101	M-001	Cyanide, Free Available	Group II	Non-Serious	NO	AMEL is 4.2 ug/L and reported value was 4.8 ug/L.	Free	Due to the interference of preservative for Cyanide testing, the City of Rialto is asking the laboratory to test for Cyanide on the same day collected and not having the sample sit for up to seven days before testing.
10	6/7/2016	1011100	M-001	TDS	Group I	Non-Serious	YES	The 12-month flow-weighted running average limit is 490 mg/L and reported value was 540 mg/L.	\$3,000	The Water Department is taking steps to ensure that the best quality water supplies are obtained and utilized in the distribution system.
11	7/5/2016	1012423	M-001	Cyanide, Free Available	Group II	Serious	YES	AMEL is 4.2 ug/L and reported value was 5.8 ug/L.	\$3,000	Due to the interference of preservative for Cyanide testing, the City of Rialto is asking the laboratory to test for Cyanide on the same day collected and not having the sample sit for up to seven days before testing.
12	7/5/2016	1012425	M-001	TDS	Group I	Non-Serious	YES	The 12-month flow-weighted running average limit is 490 mg/L and reported value was 540 mg/L.	\$3,000	The Water Department is taking steps to ensure that the best quality water supplies are obtained and utilized in the distribution system.
13	7/17/2016	1012424	M-001B	Total Coliform	OEVI	Non-Serious	YES	The Instantaneous Maximum limit is 240 MPN/100 mL and reported value was 1600 MPN/100 mL.	\$3,000	Coliform samples were rotated daily from the west and east side of the Chlorine Contact Chamber. Coliform samples are now taken from a combined sample point. Chlorine Residual Analyzers will be added to each side of the Chlorine Contact Chamber to ensure each side is chlorinated.
14	8/2/2016	1013450	M-001	Cyanide, Free Available	Group II	Serious	YES	AMEL is 4.2 ug/L and reported value was 7.3 ug/L.	\$3,000	Due to the interference of preservative for Cyanide testing, the City of Rialto is asking the laboratory to test for Cyanide on the same day collected and not having the sample sit for up to seven days before testing.
15	8/2/2016	1013449	M-001	TDS	Group I	Non-Serious	YES	The 12-month flow-weighted running average limit is 490 mg/L and reported value was 542 mg/L.	\$3,000	The Water Department is taking steps to ensure that the best water supplies are obtained and utilized in the distribution system.

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16	9/6/2016	1014607	M-001	Cyanide, Free Available	Group II	Serious	YES	AMEL is 4.2 ug/L and reported value was 14 ug/L.	\$3,000	Due to the interference of preservative for Cyanide testing, the City of Rialto is asking the laboratory to test for Free Cyanide on the same day collected and not having the sample sit for up to seven days before testing. The current lab is sending the sample out of state for testing. The City of Rialto is attempting to find a local lab to conduct the test to lower the hold time.
17	9/6/2016	1132365	M-001	Cyanide, Free Available	Group II	Serious	YES	MDEL is 8.5 ug/L and reported value was 14 ug/L.	\$3,000	Create new violation in CIWQS (not reported by Discharger).
18	9/6/2016	1014606	M-001	TDS	Group I	Non-Serious	YES	The 12-month flow-weighted running average limit is 490 mg/L and reported value was 538 mg/L.	\$3,000	The Water Department is taking steps to ensure that the best quality water supplies are obtained and utilized in the distribution system.
19	10/4/2016	1016133	M-001	TDS	Group I	Non-Serious	YES	The 12-month flow-weighted running average limit is 490 mg/L and reported value was 535 mg/L.	\$3,000	The Water Department is taking steps to ensure that the best quality water supplies are obtained and utilized in the distribution system.
20	10/12/2016	1016134	M-001	Cyanide, Free Available	Group II	Serious	YES	AMEL is 4.2 ug/L and reported value was 5.8 ug/L.	\$3,000	Due to the interference of preservative for Cyanide testing, the City of Rialto is asking the laboratory to test for Free Cyanide on the same day collected and not having the sample sit for up to seven (7) days before testing. The current lab is sending the sample out of state for testing. The City of Rialto is attempting to find a local lab to conduct the test to lower the hold time.

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21	10/10/2018	1053173	M-001A	Total Coliform	OEV	Non-Serious	NO	The Instantaneous Maximum limit is 240 MPN/100 mL and reported value was 1600 MPN/100 mL.	Free	The operations staff will oversee the collection of the coliform samples going forward.
22	4/12/2020	1075286	M-001	CT (see description at the bottom of table)	OEV	Non-Serious	NO	The Instantaneous Minimum limit is 450 mg-min/L and reported value was 436 mg-min/L.	Free	Construction at the Rialto WWTP (the S1 project) had recently activated a new chlorination control system. In addition, preparation for performance testing of new secondary treatment equipment was causing rapid swings in effluent ammonia nitrogen. The new control system did not respond in sufficient time to raise chlorine dosing during an ammonia nitrogen spike which in turn resulted in the noted drop in CT below that specified in the permit.
23	5/9/2020	1077130	M-001A	Turbidity	OEV	Non-Serious	NO	The 24-hour Average limit is 2 NTU and reported value was 2.27 NTU.	Free	The cause of the incident was related to the peak operating conditions required during performance testing. They would not normally be experienced in routine operations. Potential for repetition of this exceedance is highly unlikely.
24	5/9/2020	1077129	M-001A	Turbidity	OEV	Non-Serious	NO	The Instantaneous Maximum limit is 10 NTU and reported value was >10 NTU.	Free	The cause of the incident was related to the peak operating conditions required during performance testing, which does not usually occur during routine operations. Potential for repetition of this exceedance is highly unlikely.
25	1/4/2021	1136913	M-001	Total Suspended Solids (TSS)	Group I	Non-Serious	NO	The Average Weekly Effluent Limitation (AWEL) is 30 mg/L and reported value was 38 mg/L.	Free	Created new violation in CIWQS (not reported by Discharger).
26	4/8/2021	1136910	M-001A	Turbidity	OEV	Non-Serious	NO	The 24-hour Average limit is 2 NTU and reported value was 2.18 NTU.	Free	Created new violation in CIWQS (not reported by Discharger).

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27	4/9/2021	1136911	M-001A	Turbidity	OEV	Non-Serious	NO	The 24-hour Average limit is 2 NTU and reported value was 2.49 NTU.	Free	Created new violation in CIWQS (not reported by Discharger).
28	5/1/2021	1091385	M-001A	Turbidity	OEV	Non-Serious	YES	The 24-hour Average limit is 2 NTU and reported value was 4.73 NTU.	\$3,000	A lower MLSS target was set for the facility.
29	3/16/2022	1103665	M-001	CT	OEV	Non-Serious	NO	The Instantaneous Minimum limit is 450 mg-min/L and reported value was 390 mg-min/L.	Free	Change in alarm setpoint for earlier notification.
30	3/17/2022	1103666	M-001A	Turbidity	OEV	Non-Serious	NO	The 24-hour Average limit is 2 NTU and reported value was 2.08 NTU.	Free	Prefiltration alarm set points have been modified to allow for earlier notification.
31	3/18/2022	1103669	M-001A	Turbidity	OEV	Non-Serious	NO	The 24-hour Average limit is 2 NTU and reported value was 2.74 NTU.	Free	Prefiltration alarm set points have been modified to allow for earlier notification.
32	3/19/2022	1103670	M-001	Turbidity	OEV	Non-Serious	YES	The 24-hour Average limit is 2 NTU and reported value was 3.03 NTU.	\$3,000	Prefiltration alarm set points have been modified to allow for earlier notification.
33	3/21/2022	1103664	M-001A	Turbidity	OEV	Non-Serious	YES	The 24-hour Average limit is 2 NTU and reported value was 2.44 NTU.	\$3,000	Prefiltration alarm set points have been modified to allow for earlier notification.

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34	3/22/2022	1103668	M-001A	Turbidity	OEV	Non-Serious	YES	The 24-hour Average limit is 2 NTU and reported value was 2.03 NTU.	\$3,000	Prefiltration alarm set points have been modified to allow for earlier notification.
35	4/20/2022	1103667	M-001A	Turbidity	OEV	Non-Serious	YES	The 24-hour Average limit is 2 NTU and reported value was 2.66 NTU.	\$3,000	Prefiltration alarm set points have been modified to allow for earlier notification.
36	4/2/2023	1115438	M-001	N/A	Late Report	Reporting	NO	The annual SMR (SUMRPT) report for 2022 was not submitted by the due date of 04-01-2023.	Not subject to MMPs	
37	8/21/2023	1136912	M-001A	Turbidity	OEV	Non-Serious	NO	The 24-hour Average limit is 2 NTU and reported value was 2.8 NTU.	Free	Created new violation in CIWQS (not reported by Discharger).
38	1/11/2024	1124715	M-001	Turbidity	OEV	Non-Serious	NO	The 24-hour Average limit is 2 NTU and reported value was 2.01 NTU.	Free	The MLSS inventory was increased and dissolved oxygen levels were increased to adjust for the increased loading.
39	1/12/2024	1124713	M-001	Turbidity	OEV	Non-Serious	NO	The 24-hour Average limit is 2 NTU and reported value was 2.88 NTU.	Free	The operation staff adjusted air and wasting.
40	1/13/2024	1124714	M-001	Turbidity	OEV	Non-Serious	YES	The 24-hour Average limit is 2 NTU and reported value was 2.47 NTU.	\$3,000	The operation staff adjusted air and wasting.
41	1/14/2024	1124718	M-001	Turbidity	OEV	Non-Serious	YES	The 24-hour Average limit is 2 NTU and reported value was 2.42 NTU.	\$3,000	The operation staff adjusted air and wasting.
42	1/15/2024	1124720	M-001	Turbidity	OEV	Non-Serious	YES	The 24-hour Average limit is 2 NTU and reported value was 2.67 NTU.	\$3,000	The operation staff adjusted air and wasting.

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43	1/16/2024	1124719	M-001	Turbidity	OEV	Non-Serious	YES	The 24-hour Average limit is 2 NTU and reported value was 3.30 NTU.	\$3,000	The operation staff adjusted air and wasting.
44	1/17/2024	1124717	M-001	Turbidity	OEV	Non-Serious	YES	The 24-hour Average limit is 2 NTU and reported value was 4.01 NTU.	\$3,000	The operation staff adjusted air and wasting.
45	1/17/2024	1124707	M-001	Turbidity	OEV	Non-Serious	YES	The Order requires that the Discharger not exceed 5 NTU for more than 5% of the time in any 24-hour period (i.e., 72 minutes). The Discharger reported exceeding 5 NTU for more than 72 minutes.	\$3,000	The operation staff adjusted air and wasting.
46	1/18/2024	1124711	M-001	Turbidity	OEV	Non-Serious	YES	The 24-hour Average limit is 2 NTU and reported value was 3.83 NTU.	\$3,000	The operation staff adjusted air and wasting.
47	1/18/2024	1124708	M-001	Turbidity	OEV	Non-Serious	YES	The Order requires that the Discharger not exceed 5 NTU for more than 5% of the time in any 24-hour period (i.e., 72 minutes). the Discharger reported exceeding 5 NTU for more than 72 minutes.	\$3,000	The operation staff adjusted air and wasting.
48	1/19/2024	1124712	M-001	Turbidity	OEV	Non-Serious	YES	The 24-hour Average limit is 2 NTU and reported value was 2.43 NTU.	\$3,000	The operation staff adjusted air and wasting.
49	1/20/2024	1124697	M-001	Turbidity	OEV	Non-Serious	YES	The 24-hour Average limit is 2 NTU and reported value was 3.19 NTU.	\$3,000	The operation staff adjusted air and wasting.
50	1/21/2024	1124698	M-001	Turbidity	OEV	Non-Serious	YES	The 24-hour Average limit is 2 NTU and reported value was 4.15 NTU.	\$3,000	The operation staff adjusted air and wasting.
51	1/22/2024	1124699	M-001	Turbidity	OEV	Non-Serious	YES	The 24-hour Average limit is 2 NTU and reported value was 5.29 NTU.	\$3,000	The operation staff adjusted air and wasting.

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52	1/22/2024	1124709	M-001	Turbidity	OEV	Non-Serious	YES	The Order requires that the Discharger of Rialto not exceed 5 NTU for more than 5% of the time in any 24-hour period (i.e., 72 minutes). The Discharger reported exceeding 5 NTU for more than 72 minutes.	\$3,000	The operation staff adjusted air and wasting.
53	1/23/2024	1124721	M-001	Turbidity	OEV	Non-Serious	YES	The 24-hour Average limit is 2 NTU and reported value was 4.05 NTU.	\$3,000	The operation staff adjusted air and wasting.
54	1/23/2024	1124710	M-001	Turbidity	OEV	Non-Serious	YES	The Order requires that the Discharger not exceed 5 NTU for more than 5% of the time in any 24-hour period (i.e., 72 minutes). The Discharger reported exceeding 5 NTU for more than 72 minutes.	\$3,000	The operation staff adjusted air and wasting.
55	1/24/2024	1124701	M-001	Turbidity	OEV	Non-Serious	YES	The 24-hour Average limit is 2 NTU and reported value was 2.99 NTU.	\$3,000	The operation staff adjusted air and wasting.
56	1/25/2024	1124700	M-001	Turbidity	OEV	Non-Serious	YES	The 24-hour Average limit is 2 NTU and reported value was 2.86 NTU.	\$3,000	The operation staff adjusted air and wasting.
57	1/26/2024	1124702	M-001	Turbidity	OEV	Non-Serious	YES	The 24-hour Average limit is 2 NTU and reported value was 2.92 NTU.	\$3,000	The operation staff adjusted air and wasting.
58	1/27/2024	1124703	M-001	Turbidity	OEV	Non-Serious	YES	The 24-hour Average limit is 2 NTU and reported value was 2.95 NTU.	\$3,000	The operation staff adjusted air and wasting.
59	1/28/2024	1124704	M-001	Turbidity	OEV	Non-Serious	YES	The 24-hour Average limit is 2 NTU and reported value was 2.63 NTU.	\$3,000	The operation staff adjusted air and wasting.

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60	1/29/2024	1124705	M-001	Turbidity	OEV	Non-Serious	YES	The 24-hour Average limit is 2 NTU and reported value was 2.37 NTU.	\$3,000	The operation staff adjusted air and wasting.
61	1/30/2024	1124696	M-001	Total Coliform	OEV	Non-Serious	YES	The 7-Day Median limit is 2.2 MPN/100 mL and reported value was 4.0 MPN/100 mL.	\$3,000	Going forward, the City of Rialto will have staff supervise sample collection.
62	1/30/2024	1124706	M-001	Turbidity	OEV	Non-Serious	YES	The 24-hour Average limit is 2 NTU and reported value was 2.31 NTU.	\$3,000	The operation staff adjusted air and wasting.
63	1/31/2024	1124716	M-001	Total Coliform	OEV	Non-Serious	YES	The 7-Day Median limit is 2.2 MPN/100 mL and reported value was 4.0 MPN/100 mL.	\$3,000	Going forward, the City of Rialto will have staff supervise sample collection.
64	2/1/2024	1125404	M-001	Total Coliform	OEV	Non-Serious	YES	The 7-Day Median limit is 2.2 MPN/100 mL and reported value was 4.0 MPN/100 mL.	\$3,000	Facility improved performance.
65	2/2/2024	1125403	M-001	Total Coliform	OEV	Non-Serious	YES	The 7-Day Median limit is 2.2 MPN/100 mL and reported value was 4.0 MPN/100 mL.	\$3,000	Facility improved performance.
66	2/3/2024	1125405	M-001	Total Coliform	OEV	Non-Serious	YES	The 7-Day Median limit is 2.2 MPN/100 mL and reported value was 4.0 MPN/100 mL.	\$3,000	Facility improved performance.
67	4/2/2024	1125980	M-001	N/A	Late Report	Reporting	NO	SUMRPT for 2023 was not submitted by the due date of 04-01-2024.	Not subject to MMPs	
68	1/22/2025	1140503	M-001	CT	OEV	Non-Serious	NO	The Instantaneous Minimum limit is 450 mg-min/L and reported value was 0.0 mg-min/L.	Free	The cause of the incident was due to a rupture of peristaltic pump hose. Sodium Hypochlorite dosing pump was repaired.
69	4/2/2025	1142136	M-001	N/A	Late Report	Reporting	NO	SUMRPT for 2024 was not submitted by the due date of 04-01-2025.	Not subject to MMPs	

Total: \$138,000

Notes:

OEV = Other Effluent Violation

MMP = Mandatory Minimum Penalty

CT = Means concentration (C), in mg/L, of total chlorine residual multiplied by the hydraulic retention time (T), in minutes, of the wastewater flow within the chlorine contact chamber. The chlorine residual is measured at the outlet of the chlorine contact chamber, the hydraulic retention time must be at least 90 minutes, and the units of CT are mg-minutes/L.

Serious Violation = value exceeds 40% of effluent limit for Group I pollutant or exceeds 20% of effluent limit for a Group II pollutant

ATTACHMENT 2

**ACCEPTANCE OF CONDITIONAL RESOLUTION
AND WAIVER OF RIGHT TO HEARING: (proposed) 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:

(Signed Name)

Tanya Williams
(Printed or Typed Name)

(Date)

(Title)

6/23/24

City Manager

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:

Alan Kuoch, PG
Groundwater Protection Branch
Manager

(Date)