

**ACCEPTANCE OF CONDITIONAL SETTLEMENT OFFER
AND WAIVER OF RIGHT TO HEARING;**

ADMINISTRATIVE CIVIL LIABILITY ORDER R3-2026-0037

Moss Landing Power Company, LLC (Discharger)
Moss Landing Power Plant
Highway 1 and Dolan Road
Monterey County
Waste Discharge Requirements Order R3-2020-0031
National Pollutant Discharge Elimination System (NPDES) Permit CA0006254
WDID: 3 272011001

By signing below and returning this Acceptance of Conditional Settlement Offer and Waiver of Right to Hearing (Acceptance and Waiver) to the California Regional Water Quality Control Board, Central Coast Region (Central Coast Water Board), the Discharger hereby accepts the Conditional Settlement Offer from the Assistant Executive Officer to participate in the expedited payment program to settle the alleged violations and waives the right to a hearing before the Central Coast Water Board to dispute the alleged violations. The alleged violations are identified in the attached notice of violation (NOV).

The Discharger agrees that the NOV shall serve as a complaint pursuant to Division 7, Chapter 5, Article 2.5 of the California Water Code and that no separate complaint is required for the Central Coast Water Board to assert jurisdiction over the alleged violations. The Discharger agrees to pay the mandatory minimum penalties (Penalty Amount) authorized by California Water Code sections 13385 and 13385.1, as specified in the NOV, which shall be deemed payment in full of any civil liability pursuant to Water Code sections 13385 and 13385.1 that otherwise might be assessed for the violations described in the NOV. The Discharger understands that by signing this Acceptance and Waiver, the Discharger waives its right to contest the allegations in the NOV and the amount of administrative 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 the NOV.

The Discharger understands that federal regulations set forth in title 40, Code of Federal Regulations, section 123.27(d)(2)(iii) require the Central Coast Water Board to publish notice of and provide at least 30 days for public comment on any proposed resolution of an enforcement action addressing NPDES permit violations. Accordingly, Central Coast Water Board staff will publish this Acceptance and Waiver for public comment.

If no public comments or new material facts are received within the public comment period that cause the Central Coast Water Board Assistant Executive Officer to reconsider the proposed Conditional Settlement Offer, the Executive Officer, through its delegated authority by the Central Coast Water Board, will consider execution of the Acceptance and Waiver as the executed Administrative Civil Liability Order R3-2026-0037 (ACL Order) that resolves the alleged violations identified in the NOV.

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Administrative Civil Liability Order R3-2026-0037

If significant public comments are received in opposition to the Acceptance and Waiver and/or new material facts become available that are relevant to the Acceptance and Waiver, the Central Coast Water Board Assistant Executive Officer may withdraw the Conditional Settlement Offer. In that circumstance, the Central Coast Water Board Assistant Executive Officer may issue a revised Conditional Settlement Offer or may issue an administrative civil liability complaint and the matter would be set for a hearing before the Central Coast Water Board. For such a civil liability hearing, the Discharger understands that this Acceptance and Waiver executed by the Discharger will not be used as evidence against the Discharger.

Penalty Amount: \$90,000

The Discharger must pay the total Penalty Amount to the State Water Pollution Cleanup and Abatement Account.¹

Upon signature by the Discharger, the Discharger must return this Acceptance and Waiver in pdf format via email or mail to:

Kelsey DeLong
Enforcement Coordinator
Email: kelsey.delong@waterboards.ca.gov
Central Coast Water Board
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401

The Discharger understands that no payments are due at the time it returns the signed Acceptance and Waiver form to the Central Coast Water Board. After the required public comment period and execution of the Acceptance and Waiver as the executed ACL Order by the Executive Officer, the Central Coast Water Board will transmit the executed ACL Order to the Discharger. The transmittal letter will include payment due dates and payment instructions based on the payment options selected in the Acceptance and Waiver. The full payment of the Penalty Amount shall be due within 30 calendar days of the executed ACL Order. Furthermore, the Discharger understands that full payment within 30 calendar days of the executed ACL Order is a material condition of this Acceptance and Waiver. Failure to pay the Penalty Amount within the required time period may subject the Discharger to further liability.

¹ Cleanup and Abatement Account:
https://www.waterboards.ca.gov/water_issues/programs/grants_loans/cleanup_and_abatement.html

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IT IS SO STIPULATED.

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.

*Original Signed by Ronald George
On May 26, 2026*

By: _____
(Signed Name)

(Date)

(Printed or Typed Name)

(Email)

(Title)

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IT IS HEREBY ORDERED pursuant to Water Code section 13323 and Government Code section 11415.60 on behalf of the California Regional Water Quality Control Board, Central Coast Region that ACL Order R3-2026-0037 is hereby adopted.

By: _____
Ryan E. Lodge
Executive Officer
Central Coast Water Board

Attachment: Notice of Violation

File Location: R:\RB3\Enforcement\EPLs\2026-0037 Moss Landing PP\Moss Landing MMP EPL 26-0037 Waiver.docx

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