

Central Coast Regional Water Quality Control Board

July 21, 2026

Ronald George
Plant Manager
Moss Landing Power Company, LLC
7301 North State Highway 1
Moss Landing, CA 95039
Email: ronald.george@vistracorp.com

**Via Electronic Mail and Certified Mail
7020 1810 0002 0767 8643**

Dear Ronald George:

ENFORCEMENT PROGRAM: MOSS LANDING POWER COMPANY LLC POWER PLANT, HIGHWAY 1 AND DOLAN ROAD, MONTEREY COUNTY, WDID 3 272011001 – EXPEDITED PAYMENT PROGRAM – EXECUTED ADMINISTRATIVE CIVIL LIABILITY ORDER R3-2026-0037 TO RESOLVE PERMIT VIOLATIONS

Attached is Administrative Civil Liability Order R3-2026-0037 (ACL Order) signed by the California Regional Water Quality Control Board, Central Coast Region (Central Coast Water Board) Executive Officer. The ACL Order resolves mandatory minimum penalties for Moss Landing Power Company's (Discharger) violations of effluent limitations contained in Waste Discharge Requirements (WDR) Order R3-2020-0031, National Pollutant Discharge Elimination System Permit (NPDES) CA0006254, that occurred from February 28, 2022, to February 14, 2025, as shown in the notice of violation (NOV) attached to the ACL Order. Central Coast Water Board staff publicly noticed the Acceptance of Conditional Settlement Offer and Waiver of Right to Hearing (Acceptance and Waiver) from May 27, 2026 to June 28, 2026, and received no comments.

As provided in the ACL Order, the Discharger is subject to a total payment amount of \$90,000 (Penalty Amount). **No later than August 20, 2026**,¹ the Discharger must submit payment to the State Water Resources Control Board (State Water Board) State Water Pollution Cleanup and Abatement Account² by taking the following actions:

1. Pay \$90,000 by check payable to "State Water Pollution Cleanup and Abatement Account," noting "ACL Order R3-2026-0037" on the check, and mail to:

State Water Board Accounting Office
Attention: ACL Payment

¹ Please note that this due date supersedes any other due date that may be shown on invoices.

² Cleanup and Abatement Account:

https://www.waterboards.ca.gov/water_issues/programs/grants_loans/cleanup_and_abatement.html

JANE GRAY, CHAIR | RYAN E. LODGE, EXECUTIVE OFFICER

P.O. Box 1888
Sacramento, CA 95812-1888

2. Submit a copy of the above payment by email to Kelsey DeLong at kelsey.delong@waterboards.ca.gov or mail to:

Central Coast Regional Water Quality Control Board
Enforcement Unit
Attention: Kelsey DeLong
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401-7906

The State Water Board Division of Administrative Services Fee Branch [(916) 341-5247 or FeeBranch@waterboards.ca.gov] typically mails invoices within five business days after orders are issued, but delays are possible. If the Discharger does not receive an invoice within 10 business days after the date of this transmittal letter, Central Coast Water Board staff advises the Discharger to proceed with making the payment to avoid being late. Similarly, the Discharger may simply elect to make its payment before receiving an invoice. **In either case, it is critical that the Discharger's check refers to the ACL Order R3-2026-0037 as instructed above.** If the Discharger elects to pay before receiving the invoice, Central Coast Water Board staff advises the Discharger to contact the Fee Branch to confirm that the payment is posted correctly.

The Discharger also has the option to make the payment to the State Water Pollution Cleanup and Abatement Account by online electronic fund transfer (without surcharge) or credit card (with small surcharge) but must first wait to receive the above invoice, because the invoice number is needed for the transaction. After receiving the invoice, the Discharger may then go to the Fee Branch's "Make a Payment" website³ for guidance on the available payment options.

Payment of the full Penalty Amount will conclude the Central Coast Water Board's enforcement action for the violations identified in the NOV attached to the ACL Order.

If you have any questions, please contact Sarah Crable at sarah.crable@waterboards.ca.gov or (805) 549-3706, or Kelsey DeLong at kelsey.delong@waterboards.ca.gov or (805) 549-3334.

Sincerely,

Ryan E. Lodge
Executive Officer

³ Fee Branch payment website: https://www.waterboards.ca.gov/make_a_payment/

Attachment:

Acceptance of Conditional Settlement Offer and Waiver of Right to Hearing;
Administrative Civil Liability Order R3-2026-0037

cc via email:

Moss Landing Power Company, LLC:

Laura Dale
Environmental Health and Safety Manager
Moss Landing Power Plant
laura.dale@vistracorp.com

Central Coast Water Board:

Ryan Lodge, ryan.lodge@waterboards.ca.gov
Angela Schroeter, angela.schroeter@waterboards.ca.gov
Kelsey DeLong, kelsey.delong@waterboards.ca.gov
Tamara Anderson, tamara.anderson@waterboards.ca.gov
Arwen Wyatt-Mair, arwen.wyatt-mair@waterboards.ca.gov
Sarah Crable, sarah.crable@waterboards.ca.gov
Todd Stanley, todd.stanley@waterboards.ca.gov

File Location: R:\RB3\Shared\Enforcement\ACLs\MMP ACLO from EPL Offers\2026-0037 Moss Landing
MMP ACLO\Moss Landing MMP ACLO 26-0037 Pkg.docx

ECM Primary Indexing # 220809

**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.

Acceptance of Conditional Settlement Offer and Waiver of Right to Hearing;
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

Acceptance of Conditional Settlement Offer and Waiver of Right to Hearing;
Administrative Civil Liability Order R3-2026-0037

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)

Acceptance of Conditional Settlement Offer and Waiver of Right to Hearing;
Administrative Civil Liability Order R3-2026-0037

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

ECM Primary Indexing # 220809

Exhibit A – Notice of Violation
Moss Landing Power Company, Moss Landing Power Plant
Mandatory Minimum Penalty Violations Requiring Enforcement
Alleged Violation Dates: February 28, 2022 – February 14, 2025

The enforcement staff of the California Regional Water Quality Control Board, Central Coast Region (Central Coast Water Board) reviewed information submitted by this facility to determine whether the discharger is subject to mandatory minimum penalties (MMPs) pursuant to subdivisions (h) and (i) of California Water Code section 13385 and section 13385.1. The following table or tables list this facility's alleged violations of Waste Discharge Requirements Order R3-2020-0031, National Pollutant Discharge Elimination System Permit CA0006254 from February 28, 2022, to February 14, 2025, for which the Central Coast Water Board has not yet assessed MMPs. Final calculation of MMP amounts and definitions of some of the terms used in this document are listed below the table.

For additional information about the alleged violations listed in the table, please refer to [the State Water Resources Control Board CIWQS Public Reports webpage](#) and select the "Mandatory Minimum Penalty (MMP) Report" link located under the "Violations Reports" category. Once in the Mandatory Minimum Penalty Reports search page, select Region 3 along with the beginning and ending dates shown in this exhibit, select Run Report, and then select your facility to access the list of violations. Expand the "Effluent MMP Violations" and/or "Late Report MMP Violations" sections of that page by selecting the "+" icon to the left of the section titles. To view details of a violation, select the "Violation ID" number. For chronic (non-serious) effluent violations, select the "Chronic" link in the "MMP Type" column of the "Effluent Limit Violations" section to see a list of the three or more violations preceding each chronic violation within 180 days and thus qualifying the chronic violation as an MMP.

Effluent MMP Violations Table

#	Violation Number	Violation Date	Pollutant	Pollutant Type	Limit Period	Limit	Result	Units	% Over Limit	S or C for <u>Serious</u> or <u>Chronic</u> (Non-Serious) Violation	Date 180 Days Prior	Number of Violations within 180 days	Mandatory Minimum Penalty
1	1136576	2/28/22	Total Suspended Solids**	Group 1	Monthly Average	30	38	mg/L	27	C	9/1/21	4	\$ 3,000
2	1134906	5/18/22	Total Suspended Solids**	Group 1	Maximum Daily	100	286	mg/L	186	S	11/19/21	N/A	\$ 3,000
3	1136577	5/31/22	Total Suspended Solids**	Group 1	Monthly Average	30	286	mg/L	853	S	12/2/21	N/A	\$ 3,000
4	1134905	6/8/22	Total Suspended Solids**	Group 1	Maximum Daily	100	121	mg/L	21	C	12/10/21	7	\$ 3,000
5	1136578	6/30/22	Total Suspended Solids**	Group 1	Monthly Average	30	121	mg/L	303	S	1/1/22	N/A	\$ 3,000
6	1134908	7/31/22	Total Suspended Solids**	Group 1	Monthly Average	30	36	mg/L	20	C	2/1/22	6	\$ 3,000

EPL R3-2026-0037 – Exhibit A
 ACL Order R3-2026-0037
 Moss Landing Power Company, Moss Landing Power Plant

#	Violation Number	Violation Date	Pollutant	Pollutant Type	Limit Period	Limit	Result	Units	% Over Limit	S or C for <u>S</u> erious or <u>C</u> hronic (Non-Serious) Violation	Date 180 Days Prior	Number of Violations within 180 days	Mandatory Minimum Penalty
7	1134811	7/31/22	Poly-chlorinated Biphenyls	Group 2	30-Day Average	0	195.8	pg/L	N/A*	S	2/1/22	N/A	\$ 3,000
8	1134907	9/30/22	Total Suspended Solids**	Group 1	Monthly Average	30	83	mg/L	177	S	4/3/22	N/A	\$ 3,000
9	1134913	10/10/22	Cyanide, Total (as CN)	Group 2	6-Month Median	8.4	12.1	ug/L	44	S	4/13/22	N/A	\$ 3,000
10	1134911	12/30/22	pH	Other	Instantaneous	9	9.2	SU	N/A	C	7/3/22	5	\$ 3,000
11	1134430	6/6/23	pH	Other	Instantaneous	9	9.2	SU	N/A	C	12/8/22	4	\$ 3,000
12	1134792	6/26/23	Total Suspended Solids**	Group 1	Daily Maximum	100	173	mg/L	73	S	12/28/22	N/A	\$ 3,000
13	1134768	6/30/23	Total Suspended Solids**	Group 1	Monthly Average	30	173	mg/L	477	S	1/1/23	N/A	\$ 3,000

EPL R3-2026-0037 – Exhibit A
 ACL Order R3-2026-0037
 Moss Landing Power Company, Moss Landing Power Plant

#	Violation Number	Violation Date	Pollutant	Pollutant Type	Limit Period	Limit	Result	Units	% Over Limit	S or C for <u>S</u> erious or <u>C</u> hronic (Non-Serious) Violation	Date 180 Days Prior	Number of Violations within 180 days	Mandatory Minimum Penalty
14	1137081	7/31/23	Poly-chlorinated Biphenyls	Group 2	30-Day Average	0	135.3	pg/L	N/A*	S	2/1/23	N/A	\$ 3,000
15	1134914	8/14/23	Total Suspended Solids**	Group 1	Daily Maximum	100	120	mg/L	20	C	2/15/23	7	\$ 3,000
16	1134915	8/31/23	Total Suspended Solids**	Group 1	Monthly Average	30	120	mg/L	300	S	3/4/23	N/A	\$ 3,000
17	1136541	8/31/23	Total Suspended Solids**	Group 1	Monthly Average	138	266	lb/day	93	S	3/4/23	N/A	\$ 3,000
18	1134916	11/21/23	pH	Other	Instantaneous	9	9.1	SU	N/A	C	5/25/23	8	\$ 3,000
19	1134917	11/30/23	Oil and Grease	Group 1	Monthly Average	15	16	mg/L	7	C	6/3/23	9	\$ 3,000
20	1137022	12/31/23	Total Suspended Solids**	Group 1	Monthly Average	30	31	mg/L	3	C	7/4/23	7	\$ 3,000

EPL R3-2026-0037 – Exhibit A
 ACL Order R3-2026-0037
 Moss Landing Power Company, Moss Landing Power Plant

#	Violation Number	Violation Date	Pollutant	Pollutant Type	Limit Period	Limit	Result	Units	% Over Limit	S or C for <u>S</u> erious or <u>C</u> hronic (Non-Serious) Violation	Date 180 Days Prior	Number of Violations within 180 days	Mandatory Minimum Penalty
21	1136530	1/11/24	pH	Other	Instantaneous	9	9.5	SU	N/A	C	7/15/23	8	\$ 3,000
22	1137023	5/31/24	Total Suspended Solids**	Group 1	Monthly Average	30	46	mg/L	53	S	12/3/23	N/A	\$ 3,000
23	1136574	6/30/24	Total Suspended Solids**	Group 1	Monthly Average	30	70	mg/L	133	S	1/2/24	N/A	\$ 3,000
24	1135131	9/24/24	Total Suspended Solids**	Group 1	Daily Maximum	100	393	mg/L	293	S	3/28/24	N/A	\$ 3,000
25	1135130	9/30/24	Total Suspended Solids**	Group 1	Monthly Average	30	196	mg/L	553	S	4/3/24	N/A	\$ 3,000
26	1135129	9/30/24	Total Suspended Solids**	Group 1	Monthly Average	138	352	lb/day	155	S	4/3/24	N/A	\$ 3,000
27	1139635	10/31/24	Oil and Grease	Group 1	Monthly Average	15	17	mg/L	13	C	5/4/24	6	\$ 3,000

EPL R3-2026-0037 – Exhibit A
 ACL Order R3-2026-0037
 Moss Landing Power Company, Moss Landing Power Plant

#	Violation Number	Violation Date	Pollutant	Pollutant Type	Limit Period	Limit	Result	Units	% Over Limit	S or C for <u>S</u> erious or <u>C</u> hronic (Non-Serious) Violation	Date 180 Days Prior	Number of Violations within 180 days	Mandatory Minimum Penalty
28	1139634	10/31/24	Total Suspended Solids**	Group 1	Monthly Average	30	64	mg/L	113	S	5/4/24	N/A	\$ 3,000
29	1142926	1/31/25	Total Suspended Solids**	Group 1	Monthly Average	30	44	mg/L	47	S	8/4/24	N/A	\$ 3,000
30	1142917	2/14/25	Temperature	Other	Instantaneous	26	27.2	Deg F	N/A	C	8/18/24	7	\$ 3,000

Total Penalty for Effluent Violations: \$90,000

* Where an effluent limitation is zero, any reported detection necessarily exceeds the effluent limitation by more than 40 percent for Group 1 pollutant types or by more than 20 percent for Group 2 pollutant types and therefore warrants determination as a serious violation for mandatory minimum penalty purposes.

** Waste Discharge Requirements Order R3-2020-0031, Monitoring and Reporting Program Effluent Monitoring Requirement IV.B.1, Table E-4, Footnote [2], and Effluent Monitoring Requirement IV.C.1, Table E-5, Footnote [1] state, "When suspended solids analysis...indicate noncompliance may be due to intake water quality, concurrent intake samples shall be collected to verify such is the case". Therefore, Central Coast Water Board staff subtracted influent total suspended solids concentrations from the concurrent effluent concentrations to calculate the net discharge concentration to determine compliance and evaluate the applicability of mandatory minimum penalties.

EPL R3-2026-0037 – Exhibit A
ACL Order R3-2026-0037
Moss Landing Power Company, Moss Landing Power Plant

Calculation of Total Mandatory Minimum Penalty Amount for Effluent Violations:
 $(18 \text{ Serious Violations} + 12 \text{ Non-Serious Violations}) \times \$3,000 = \$90,000$

For Group 1 pollutants, a violation is serious when the limit is exceeded by 40% or more, and non-serious when the limit is exceeded by less than 40%. “Non-serious” is also referred to as “chronic” in CIWQS, indicating violations are occurring too frequently.

For Group 2 pollutants, a violation is serious when the limit is exceeded by 20% or more, and non-serious when the limit is exceeded by less than 20%. “Non-serious” is also referred to as “chronic” in CIWQS, indicating violations are occurring too frequently.

For “Other” pollutants (i.e., pollutants other than Groups 1 or 2), a violation is non-serious when the limit is exceeded by any amount. “Non-serious” is also referred to as “chronic” in CIWQS, indicating violations are occurring too frequently. For the purposes of MMP enforcement, “Other” pollutant violations are not categorized as serious.

Each serious violation is subject to a mandatory minimum penalty of \$3,000.

A non-serious (also known as chronic) violation is subject to a mandatory minimum penalty of \$3,000 when it is preceded by three chronic or serious violations (or more) in a 180-day period representing six consecutive months (e.g., period commencing on the date of the violation being evaluated and ending 180 days before that date). The three most recent preceding chronic or serious violations within the 180-day period that are counted first toward qualifying a chronic violation for a mandatory minimum penalty are not penalized within that specific determination.

For example, if a violation named V4 is preceded by three violations V1, V2, and V3 within a 180-day period, V4 is determined to be subject to a mandatory minimum penalty of \$3,000. Within that specific determination for violation V4, V1 through V3 are counted but not penalized. However, each violation is subject to its own specific determination. So, V1, V2, and V3 are each subject to their own evaluation based on their specific occurrence dates and applicable 180-day periods and may warrant or have warranted in a previous enforcement action their own penalty as a chronic or serious violation.

Accordingly, all violations indicating “C” for “Chronic” in the above table also show four or more violations within 180 days because each of the chronic violations is preceded by three (or more) violations in that period. Please see the instructions

EPL R3-2026-0037 – Exhibit A
ACL Order R3-2026-0037
Moss Landing Power Company, Moss Landing Power Plant

on the first page of this exhibit if you would like to view in CIWQS all of the preceding violations applicable to the above chronic violations.

Term	Definition
Units	SU = standard units of pH pg/L = picograms per liter mg/L = milligrams per liter ug/L = micrograms per liter lb/day = pounds per day Deg F = degrees Fahrenheit
N/A	Not Applicable
CIWQS	California Integrated Water Quality System database used by the Water Boards to manage violation and enforcement activities, as well as other data types relevant to water quality protection.
Violation Number	Identification number assigned to a violation in CIWQS.
Violation Date	Date that a violation occurred, with the exception that for some violation types, such as a monthly average, the last day of the reporting period is used. If the occurrence date is unknown, the date used is the day the violation was first discovered by staff, the Discharger, or a third party.
Pollutant Types: Group 1 & 2	Groups of pollutants defined in the State Water Resources Control Board Water Quality Enforcement Policy. Also referred to as Category 1 or CAT1 and Category 2 or CAT2, respectively.
Pollutant Type: Other	“Other” refers to “Other Effluent Violation”. Group of pollutants other than those included in Group 1 or 2.

File Location: R:\RB3\Enforcement\EPLs\2026-0037 Moss Landing PP\Moss Landing MMP EPL Offer 26-0037 Exh A-NOV.docx

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