

February 1, 2005

Roger Briggs
California Regional Water Quality Control Board
Central Coast Region
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401

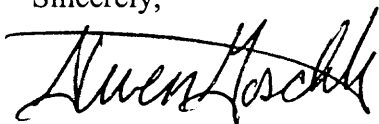
Attn: Michael Thomas

SUBJECT: COMPLAINT R3-2005-0030: WAIVER OF RIGHT TO A PUBLIC HEARING

Dear Mr. Briggs:

In settlement of Compliant R3-2005-0030, enclosed please find the completed *Waiver of the Right to a Public Hearing* form and a check in the amount of \$12,000.00, the mandatory minimum penalty specified in the complaint. Complaint R3-2005-0030 was issued by the Board on January 11, 2004 for alleged violations of effluent limitations in Waste Discharge Requirements Order No. 95-28, National Pollutant Discharge Elimination System (NPDES) Permit No. CA0003743, that occurred between January 31 and March 31, 2002, and between March 2 and June 6, 2003. With submittal of the waiver and penalty fee, it is our understanding that Duke's liabilities under Section 13385 of the California Code of Regulations for the events mentioned in Compliant R3-2005-0030 are settled. In the event you require further information or have any questions, please do not hesitate to contact Barry Lajoie of my staff at (805) 595-4229.

Sincerely,



Steven C. Goschke
On behalf of, and as an agent for, Duke Energy Morro Bay LLC

SCG:bpl

Enclosure



WAIVER OF THE RIGHT TO A PUBLIC HEARING

[X] By checking this box, I agree to waive Duke Energy Morro Bay, LLC's right to a public hearing before the Regional Water Quality Control Board with regard to the violations alleged in the Complaint for Mandatory Minimum Penalty No. R3-2005-0030. I agree to provide payment of the mandatory minimum penalty for the amount proposed in Complaint for Mandatory Minimum Penalty No. R3-2005-0030. I understand that I am giving up Duke Energy Morro Bay, LLC's right to be heard, and its right to argue against the allegations made by the Executive Officer in Complaint for Mandatory Minimum Penalty No. R3-2005-0030, and against the imposition of, or the amount of, the mandatory minimum penalty proposed.

Steven Goschke 2-1-05
Signature

Steven C. Goschke
Printed Name

Plant Manager
Title/Position

February 1, 2005
Date



P803B / 422 S. Church Street
P.O. Box 1244
Charlotte, NC 28201-1244

Duke Energy Morro Bay, LLC
5400 Westheimer Ct.
Houston, TX 77056-5310

JP Morgan Chase
Syracuse, NY

0001012884

50-937/213

*****12,000.00

Date 01/21/2005 Pay Amount \$

Pay *Twelve thousand and 00/100 Dollars*

To The Order of STATE WATER RESOURCES CONTROL BOARD, ATTN: AFRR
PO BOX 100
SACRAMENTO, CA 95812-0100

Myron L. Caldwell
AUTHORIZED SIGNATURE

⑈0001012884⑈ ⑆021309379⑆ 601821564⑈

THE BACK OF THIS DOCUMENT CONTAINS AN ARTIFICIAL WATERMARK - HOLD AT AN ANGLE TO VIEW WHEN CHECKING ENDORSEMENT.

0001012884