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June 22, 2004

Los Esteros Critical Energy Facility
3800 Cisco Way
San Jose CA 95134

Attention: Dana Petrin, Compliance Specialist

Application Number: 8859
Equipment Location: 800 Thomas Foon Chew Way
San Jose CA 95134

Dear Mr. Petrin:

In response to your request, we have determined that part 38 of permit condition 19610 can be removed from the permit to operate for the LECEF as an administrative change.

38. Sunset Provision: Within three years of CEC Approval, The owner/operator must convert to either a combined cycle or cogeneration plant using BACT in effect at the time of conversion. If conversion does not occur the plant must cease operation. (Basis: California State Resources Code, Section 25552)

Because this condition is not enforceable by the District under its rules and regulations and because the condition was originally instituted at the request of the CEC and the CEC does not currently object to its removal, permit condition 19610 has been modified to reflect the deletion of part 38. A copy of the revised permit condition is enclosed for your information.

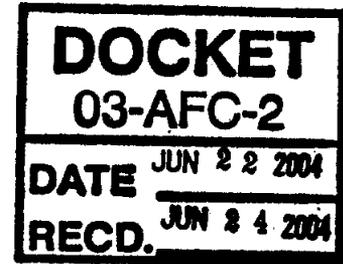
If you have any questions regarding this matter, please contact me by telephone at (415) 749-4707, or by e-mail: djang@baaqmd.gov.

Very truly yours,

Dennis Jang
Air Quality Engineer
Engineering Division

encl

cc: Rick Tetzloff, Calpine
Nancy Matthews, Sierra Research
Gabriel Taylor, CEC
Robert Worl, CEC



PROOF OF SERVICE (REVISED 5-21-04) FILED WITH ORIGINAL MAILED FROM SACRAMENTO ON 6-24-04
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COND# 19610 -----

Permit Conditions Revised 6/22/04
Los Esteros Critical Energy Facility Plant 13289

Definitions:

Clock Hour: Any continuous 60-minute period beginning on the hour.

Calendar Day: Any continuous 24-hour period beginning at 12:00 AM or 0000 hours.

Year: Any consecutive twelve month period of time

Heat Input: All heat inputs refer to the heat input at the higher heating value (HHV) of the fuel, in Btu/scf.

Firing Hours: Period of time, during which fuel is flowing to a unit, measured in fifteen-minute increments.

MM Btu: million British thermal units

Gas Turbine Start-up Mode: The time beginning with the introduction of continuous fuel flow to the Gas Turbine until the requirements listed in Condition 19 are met, but not to exceed 60 minutes.

Gas Turbine Shutdown Mode: The time from non-compliance with any requirement listed in Condition 19 until termination of fuel flow to the Gas Turbine, but not to exceed 30 minutes.

Corrected Concentration: The concentration of any pollutant (generally NOx, CO or NH3) corrected to a standard stack gas oxygen concentration. For an emission point (exhaust of a Gas Turbine) the standard stack gas oxygen concentration is 15% O₂ by volume on a dry basis

Commissioning Activities: All testing, adjustment, tuning, and calibration activities recommended by the equipment manufacturers and the construction contractor to insure safe and reliable steady state operation of the gas turbines, heat recovery steam generators, steam turbine, and associated

Commissioning Period:

electrical delivery systems.

The Period shall commence when all mechanical, electrical, and control systems are installed and individual system start-up has been completed, or when a gas turbine is first fired, whichever occurs first. The period shall terminate when the plant has completed performance testing, is available for commercial operation, and has initiated sales to the power exchange. In no event shall the Commissioning Period exceed 120 days unless the applicant has made a written request for an extension and the District has granted such an extension. In no case may the Commissioning Period exceed 180 days.

Alternate Calculation:

A District approved calculation used to calculate mass emission data during a period when the CEM or other monitoring system is not capable of calculating mass emissions.

Precursor Organic Compounds (POCs):

Any compound of carbon, excluding methane, ethane, carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate

EQUIPMENT DESCRIPTION:

This Authority To Construct Is Issued And Is Valid For This Equipment Only While It Is In The Configuration Set Forth In The Following Description:

Installation of four Simple-Cycle Gas Turbine Generators Consisting Of:

1. Simple Cycle Gas Turbine, General Electric LM6000PC, Maximum Heat Input 472.6 MMBtu/hr, Nominal Electrical Output 45 MW, Natural Gas-Fired.
2. Selective Catalytic Reduction (SCR) NOx Control System.
3. Ammonia Injection System.

(including the ammonia storage tank and control system)

4. Oxidation Catalyst (OC) System.

5. Continuous emission monitoring system (CEMS) designed to continuously record the measured gaseous concentrations, and calculate and continuously monitor and record the NOx and CO concentrations in ppmvd corrected to 15% oxygen on a dry basis. The CEM shall also calculate, using District approved methods, and log any mass limits required by these conditions.

PERMIT CONDITIONS:

Conditions for the Commissioning Period

1. Deleted

2. Deleted

3. Deleted

4. Deleted

5. Deleted

6. Deleted

7. Deleted

8. Deleted

9. Deleted

10. Deleted

11. Deleted

Conditions for Operation:

12. Consistency with Analyses: Operation of this equipment shall be conducted in accordance with all information submitted with the application (and supplements thereof) and the analyses under which this permit is issued unless otherwise noted below.

13. Conflicts Between Conditions: In the event that any condition herein is determined to be in conflict with any other condition contained herein, then, if principles of law do not provide to the contrary, the condition most protective of air quality and public health and safety shall prevail to the extent feasible.

14. Reimbursement of Costs: All reasonable expenses, as set forth in the District's rules or regulations, incurred by the District for all activities that follow the issuance of this permit, including but not limited to permit condition implementation, compliance verification and emergency response, directly and necessarily related to enforcement of the permit shall be reimbursed by the

owner/operator as required by the District's rules or regulations.

15. Access to Records and Facilities: As to any condition that requires for its effective enforcement the inspection of records or facilities by representatives of the District, the Air Resources Board (ARB), the U.S. Environmental Protection Agency (U.S. EPA), or the California Energy Commission (CEC), the owner/operator shall make such records available or provide access to such facilities upon notice from representatives of the District, ARB, U.S. EPA, or CEC. Access shall mean access consistent with California Health and Safety Code Section 41510 and Clean Air Act Section 114A.

16. Notification of Commencement of Operation: The owner/operator shall notify the District of the date of anticipated commencement of turbine operation not less than 10 days prior to such date. Temporary operations under this permit are granted consistent with the District's rules and regulations.

17. Operations: The gas turbine, emissions controls, CEMS and associated equipment shall be properly maintained and kept in good operating condition at all times when the equipment is in operation.

18. Visible Emissions: No air contaminant shall be discharged into the atmosphere for a period or periods aggregating more than three minutes in any one hour, which is as dark or darker than Ringelmann 1 or equivalent 20% opacity.

19. Emissions Limits:

The owner/operator shall operate the facility such that none of the following limits are exceeded:

a. The Oxides of nitrogen (NOx) emissions from the gas turbine shall not exceed 5.0 ppmvd @ 15% O₂ (3-hour rolling average), except during periods of startup and shutdown as defined in this permit. The NOx emission concentration shall be verified by a District-approved continuous emission monitoring system (CEMS) and during any required source test. (basis: BACT)

b. Ammonia emissions from the gas turbine shall not exceed 10 ppmvd @ 15% O₂ (District Manual of Procedures, Volume IV, ST-1B), except during periods of startup and shutdown as defined in this permit. The ammonia emission concentration shall be verified by the continuous recording of the ratio of the ammonia injection rate to the NOx inlet rate into the SCR control system (molar ratio). The maximum allowable NH₃/NOx molar ratio shall be determined during any required source test, and shall not be exceeded until reestablished through another valid source test. (basis: BACT)

c. Carbon monoxide (CO) emissions from the gas turbine shall not exceed 4 ppmvd @ 15 % O₂ (3-hour rolling

average), except during periods of startup and shutdown as defined in this permit. The CO emission concentration shall be verified by a District-approved CEMS and during any required source test. (basis: BACT)

d. Precursor organic compound (POC) emissions from the gas turbine shall not exceed 2 ppmvd @ 15% O₂ (District Manual of Procedures, Volume IV, ST-7), except during periods of startup and shutdown as defined in this permit. The POC emission concentration shall be verified during any required source test. (basis: BACT)

e. Particulate matter emissions less than ten microns in diameter (PM₁₀) from each gas turbine shall not exceed 2.5 pounds per hour (EPA Method 5 and 202, or CARB 5) except during periods of startup and shutdown as defined in this permit. The PM₁₀ mass emission rate shall be verified during any required source test. (basis: BACT & cumulative increase)

f. Oxides of sulfur emissions (SO_x) from each gas turbine shall not exceed 0.33 pounds per hour (District Manual of Procedures, Volume IV, ST-20), except during periods of startup and shutdown as defined in this permit. The SO_x emission rate shall be verified during any required source test. (basis: BACT & cumulative increase)

20. Turbine Startup: The owner/operator shall not operate the facility such that startup of the gas turbine exceeds a time period of 60 minutes each per occurrence, or another time period based on good engineering practice and approved in advance by the District. The startup applicable period begins with the turbine's initial firing and continues until the unit meets the emission concentration limits. (Basis: Cumulative increase)

21. Turbine Shutdown: The owner/operator shall not operate the facility such that shutdown of the gas turbine exceeds a time period of 30 minutes each per occurrence, or another time period based on good engineering practice and approved in advance by the District. Shutdown begins with initiation of the turbine shutdown sequence and ends with the cessation of turbine firing. (Basis: Cumulative increase)

22. Mass Emission Limits: The owner/operator shall not operate the facility such that the mass emissions from the S-1, S-2, S-3 and S-4 Gas Turbines exceeds the daily, and annual mass emission limits listed in Table 1 below. The owner/operator shall implement process computer data logging including running totals to demonstrate compliance with Table 1 limits without further calculations

Table 1 - Mass Emission Limits (Including Startups and Shutdowns)

Pollutant	Each turbine	Daily(4 units)	Annual
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	(lb/day)	(lb)	(tons)
NOx (as NO2)	205.2	821	74.9
POC	28.3	113	20.8
CO	99.8	399	72.9
SOx (as SO2)	7.9	32	5.8
PM10	60.0	240	43.8
NH3	151.7	607	110.7

The daily mass limits are on a Calendar Day basis as defined under Permit Conditions. The Annual Mass Limit is based on a rolling 8760-hour period ending on the last hour. Compliance shall be based on calendar average one-hour readings through the use of process monitors (e.g., fuel use meters), CEMS, and source test results; and the monitoring, recordkeeping and reporting conditions of this permit. If any part of the CEM, involved in the mass emission calculations, is inoperative for more than three hours of plant operation, the mass data for the inoperative period shall be calculated using a District approved Alternate Calculation.

(Basis: Cumulative increase & record keeping)

23. Acid Limit: The owner/operator shall not operate the facility such that sulfuric acid emissions (SAM) from S-1 through S-4 combined exceed 7 tons in any consecutive four quarters. (Basis: PSD)

24. Operational Limits: In order to comply with the emission limits of this rule, the owner/operator shall comply with the following operational limits:

a. The heat input to any gas turbine shall not exceed:

Hourly: 472.6 MMBtu/hr
Daily: 11,342 MMBtu/day
Four Turbines
Annual: 16,560,000 MMBtu/year

b. Only PUC Quality natural gas (General Order 58-a) shall be used to fire the gas turbine. The natural gas shall not contain total sulfur in concentrations exceeding 0.25 gr./100 scf.

c. The owner/operator of the gas turbine shall comply with the daily and annual emission limits listed in Table 1 by keeping running totals based on CEM data. (Basis: Cumulative increase)

25. Monitoring Requirements: The owner/operator shall comply with the following monitoring requirements for each gas turbine:

a. The gas turbine exhaust stack shall be equipped with permanent provisions to allow collection of stack gas samples consistent with EPA test methods.

b. The ammonia injection system shall be equipped with an operational ammonia flowmeter and injection pressure indicator accurate to plus or minus five percent at full scale and calibrated once every twelve months.

c. The gas turbine exhaust shall be equipped with continuously recording emissions monitor(s) for NO_x, CO and O₂. Continuous emissions monitors shall comply with the requirements of 40 CFR Part 60, Appendices B and F, and 40 CFR Part 75, and shall be capable of monitoring concentrations and mass emissions during normal operating conditions and during startups and shutdowns.

d. The fuel heat input rate shall be continuously recorded using District-approved fuel flow meters along with quarterly fuel compositional analyses for the fuel's higher heating value (wet basis).

e. The total sulfur content of the fuel gas shall be analyzed on a quarterly basis. (Basis: Monitoring & record keeping)

26. Source Testing/RATA: Within sixty days after startup of the gas turbines, and at a minimum on an annual basis thereafter, the owner/operator shall perform a relative accuracy test audit (RATA) on the CEMS in accordance with 40 CFR Part 60 Appendix B Performance Specifications and a source test shall be performed. Additional source testing may be required at the discretion of the District to address or ascertain compliance with the requirements of this permit. The written test results of the source tests shall be provided to the District within thirty days after testing. A complete test protocol shall be submitted to the District no later than 30 days prior to testing, and notification to the District at least ten days prior to the actual date of testing shall be provided so that a District observer may be present. The source test protocol shall comply with the following: measurements of NO_x, CO, POC, and stack gas oxygen content shall be conducted in accordance with ARB Test Method 100; measurements of PM₁₀ shall be conducted in accordance with ARB Test Method 5; and measurements of ammonia shall be conducted in accordance with Bay Area Air Quality Management District test method ST-1B. Alternative test methods, and source testing scope, may also be used to address the source testing requirements of the permit if approved in advance by the District. The initial and annual source tests shall include those parameters specified in the approved test protocol, and shall at a minimum include the following:

- a. NO_x - ppmvd at 15% O₂ and LB/MMBtu (as NO₂);
- b. Ammonia - ppmvd at 15% O₂ (Exhaust);
- c. CO - ppmvd at 15% O₂ and LB/MMBtu (Exhaust);
- d. POC - ppmvd at 15% O₂ and LB/MMBtu (Exhaust);
- e. PM₁₀ - LB/hr (Exhaust);
- f. SO_x - LB/hr (Exhaust);
- g. Natural gas consumption, fuel High Heating Value (HHV), and total fuel sulfur content;
- h. Turbine load in megawatts;
- i. Stack gas flow rate (SDCFM) calculated according to procedures in U.S. EPA Method 19.
- j. Exhaust gas temperature (°F)
- k. Ammonia injection rate (LB/hr or moles/hr)

1. Water injection rate for each turbine at S-1, S-2, S-3, & S-4

(Basis: source test requirements & monitoring)

27. Within 60 days of start-up of the LECEF and on a semi-annual basis thereafter, the owner/operator shall conduct a District approved source test on exhaust points for S-1 through S-4 while each Gas Turbine is operating at maximum load to demonstrate compliance with the SAM levels in Condition number 23. The owner/operator shall test for (as a minimum) SO₂, SO₃ and SAM. After acquiring one year of source test data on these units, the owner/operator may petition the District to switch to annual source testing if test variability is low.

(Basis: PSD Avoidance, SAM Periodic Monitoring)

28. The owner/operator shall prepare a written quality assurance program must be established in accordance with 40 CFR Part 75, Appendix B and 40 CFR Part 60 Appendix F.

(Basis: continuous emission monitoring)

29. The owner/operator shall comply with the applicable requirements of 40 CFR Part 60 Subpart GG. (Basis: NSPS)

30. The owner/operator shall notify the District of any breakdown condition consistent with the District's breakdown regulations. (Basis: Regulation 1-208)

31. The owner/operator shall notify the District in writing in a timeframe consistent with the District's breakdown regulations following the correction of any breakdown condition. The breakdown condition shall include a description of the equipment malfunction or failure, the date and cause of the initial failure, the estimated emissions in excess of those allowed, and the actions taken to restore normal operations. (Basis: Regulation 1-208)

32. Recordkeeping: The owner/operator shall maintain the following records:

- a. hourly, daily, quarterly and annual quantity of fuel used and corresponding heat input rates;
- b. the date and time of each occurrence, duration, and type of any startup, shutdown, or malfunction along with the resulting mass emissions during such time period;
- c. emission measurements from all source testing, RATAs and fuel analyses;
- d. daily, quarterly and annual hours of operation;
- e. hourly records of NO_x and CO, emission concentrations and hourly ammonia injection rates and ammonia/NO_x ratio.
- f. for the continuous emissions monitoring system; performance testing, evaluations, calibrations, checks, maintenance, adjustments, and any period of non-operation of any continuous emissions monitor.

(Basis: record keeping)

33. The owner/operator shall maintain all records required to be maintained by this permit for a period of five years and shall make such records readily available

for District inspection upon request. (Basis: record keeping)

34. Reporting: The owner/operator shall submit to the District a written report for each calendar quarter, within 30 days of the end of the quarter, which shall include:

- a. Daily and quarterly fuel use and corresponding heat input rates;
 - b. Daily and quarterly mass emission rates for all criteria pollutants during normal operations and during other periods (startup/shutdown, breakdowns);
 - c. Time intervals, date, and magnitude of excess emissions;
 - d. Nature and cause of the excess emission, and corrective actions taken;
 - e. Time and date of each period during which the CEM was inoperative, except for zero and span checks, and the nature of system repairs and adjustments;
 - f. A negative declaration when no excess emissions occurred;
 - g. Results of quarterly fuel analyses for HHV and total sulfur content.
- (Basis: record keeping & reporting)

35. Emission Offsets: The owner/operator shall offset the project emissions in the amount and at the ratios outlined in Table 2 below.

Table 2 - Emission Offsets

Pollutant	Emissions Requiring Offsets (tons/yr.)	Offset Ratio	Total ERCs Required (tons/yr.)
NOx (as NO2)	75.4	1.15	86.7
POC	21.0	1.00	21.0

The ERC certificates must be delivered to the District ten days prior to the issuance of the ATC. (Basis: Emission Offsets)

36. District Operating Permit: The owner/operator shall apply for and obtain all required operating permits from the District according to the requirements of the District's rules and regulations. (Basis: Regulations 2-2 & 2-6)

37. Title IV and Title V Permits: The owner/operator must deliver applications for the Title IV and Title V permits to the District prior to first-fire of the turbines. The owner/operator must cause the acid rain monitors (Title IV) to be certified within 90 days of first-fire. (Basis: Regulation 2-6)

38. Deleted (6/22/04)

39. The owner/operator shall fire S-5 Fire Pump Engine exclusively on diesel fuel having a sulfur content no

greater than 0.05% by weight. (Toxics, Cumulative Increase)

40. The owner/operator shall operate the S-5 Fire Pump Engine for no more than 100 hours per year for the purpose of reliability testing and non-emergency operation. (Cumulative Increase, Regulation 9-8-231 & 330)

41. The owner/operator shall equip the S-5 Fire Pump Engine with a non-resettable totalizing counter that records hours of operation. (BACT)

42. The owner/operator shall maintain the following monthly records in a District-approved log for at least 5 years and shall make such records and logs available to the District upon request: (BACT)

- a. Total number of hours of operation for S-5.
- b. Fuel usage at S-5

43. The owner/operator shall fire the S-6 Emergency Generator exclusively on natural gas. (Toxics, Cumulative Increase).

44. The owner/operator shall not operate S-6 Emergency Generator for more than 100 hours per year for the purpose of reliability testing or in anticipation of imminent emergency conditions. Emergency conditions are any of the following: loss of regular natural gas supply, failure of regular electric power supply, flood mitigation, sewage overflow mitigation, fire, failure of a primary motor, but only for such time as needed to repair or replace the primary motor. (Regulation 9-8-231 & 330, Cumulative Increase)

45. The owner/operator shall equip the S-6 Emergency Generator with a non-resettable totalizing counter that records hours of operation. (BACT)

46. The owner/operator shall maintain the following monthly records in a District-approved log for at least 5 years and shall make such records and logs available to the District upon request: (BACT)

- a. Total number of hours of operation for S-6
- b. Fuel usage at S-6

47. The owner/operator shall operate the facility such that maximum projected annual toxic air contaminant emissions (per condition 48) from the gas turbines combined (S-1, S-2, S-3 and S-4) shall not exceed the following limits:

- 6000 pounds of formaldehyde per year
- 3000 pounds of acetaldehyde per year
- 1.7 pounds of Specified polycyclic aromatic hydrocarbons (PAHs) per year
- 60 pounds of acrolein per year

unless the following requirement is requirement

satisfied:

The owner/operator shall perform a health risk assessment using the emission rates determined by source test and the most current Bay Area Air Quality Management District approved procedures and unit risk factors in effect at the time of the analysis. This analysis shall be submitted to the District and the CEC CPM within 60 days of the source test date. The owner/operator may request that the District and CEC CPM revise the carcinogenic compound emission limits specified above. If the owner/operator demonstrates to the satisfaction of the APCO that these revised emission limits will result in a cancer risk of not more than 1.0 in one million, the District and CEC CPM may, at their discretion, adjust the carcinogenic compound emission limits listed above. (TRMP)

48. To demonstrate compliance with Condition 47, the owner/operator shall calculate and record on an annual basis the maximum projected annual emissions shall be calculated using the maximum Heat Input of 16,560,000 MM Btu/year and the highest emission factor (pound of pollutant per MM Btu of Heat Input) determined by any source test of the S-1, S-2, S-3 & S-4 Gas Turbines. If this calculation method results in an unrealistic mass emission rate (the highest emission factor occurs at a low firing rate) the applicant may use an alternate calculation, subject to District approval. (TRMP)

49. Within 60 days of start-up of the Los Esteros Critical Facility and on a biennial (once every two years) thereafter, the owner/operator shall conduct a District-approved source test at exhaust point P-1, P-2, P-3, or P-4 while the Gas Turbines are at maximum allowable operating rates to demonstrate compliance with Condition 47. If three consecutive biennial source tests demonstrate that the annual emission rates calculated pursuant to condition 47 for any of the compounds listed above are less than the BAAQMD Toxic Risk Management Policy trigger levels shown, and then the owner/operator may discontinue future testing for that pollutant:

Formaldehyde	<	132 lbs./yr.
Acetaldehyde	<	288 lbs./yr.
Specified PAHs	<	0.18 lbs./yr.
Acrolein	<	15.6 lbs./yr.

(TRMP)

BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
COMMISSION OF THE STATE OF CALIFORNIA

APPLICATION FOR CERTIFICATION
FOR THE LOS ESTEROS CRITICAL
ENERGY FACILITY PHASE 2
(LOS ESTEROS 2)

DOCKET No. 03-AFC-2

(Revised May 21, 2004)

PROOF OF SERVICE

I, Theresa L. Epps, declare that on June 24, 2004, I deposited copies of the attached Response to Request That Part 38 of Permit Condition 19610 Can be Removed from the Permit to Operated in the United States mail at Sacramento, CA with first class postage thereon fully prepaid and addressed to the following:

DOCKET UNIT

Send the original signed document plus the required 12 copies to the address below:

CEC DOCKET UNIT
Attn: Docket No. 03-AFC-2
1516 Ninth Street, MS-4
Sacramento, CA 95814-5512
docket@energy.state.ca.us

In addition to the documents sent to the Commission Docket Unit, also send individual copies of any documents to:

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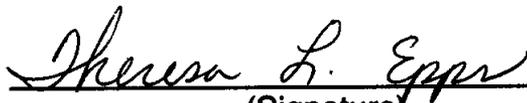
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I declare that under penalty of perjury that the foregoing is true and correct.



(Signature)

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FOR YOUR INFORMATION ONLY! Parties DO NOT mail to the following individuals. The Energy Commission Docket Unit will internally distribute documents filed in this case to the following:

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