

**Metcalf Energy Center
99-AFC-3**

**Monthly Compliance Report #42
March 1 – March 31, 2005**

1. Project construction status

Earthwork: The access road along the west side of the Cooling Towers was completed. Landscaping along Monterey Road was completed.

Equipment: Equipment installation continues on minor punch-list activities. Process pipe contractor continued to complete steam pipe. All large bore piping has been completed. Air blows were conducted to clean low pressure and high pressure piping systems. Equipment within the Cooling Tower was tested.

Material Receiving and Preservation: All activities related to material receiving and preservation are complete.

Activities planned for April 2005

Foundations: A second layer of asphalt will be placed on all paved roads on site.

Equipment: Ongoing alignment of miscellaneous equipment throughout plant. Continue start-up of equipment and systems throughout the site.

Earthwork: Begin site restoration and landscaping along Fisher Creek.

Above Ground Piping: Continue walk down / turnover of process pipe as it comes available. Continue insulation of pipe throughout plant.

Underground Electrical: Continue cleaning of manholes.

Above Ground Electrical: Continue cable pulling, wiring terminations, and grounding of electrical equipment.

MEC Litigation Update

1. STCAG, Phillip J. Mitchell, Jeffrey S. Wade, Timothy Alton and Great Oaks Water Company v. City of San Jose
 - a. This case filed in Federal District Court seeks to invalidate the Cooperation Agreement between the City and Calpine for Metcalf. Calpine was not named as a party. The City has filed a motion to dismiss.
 - b. The City's motion to dismiss was heard on June 25, 2004. STCAG lawsuit against the City of San Jose was dismissed on statute of limitations grounds.
 - c. STCAG filed their Reply Brief on February 28, 2005. A date for Oral Argument has not been set.

2. Documents required to be submitted with Monthly Compliance Report

CONDITION	SUMMARY
AQ-48	Activities for Fugitive Dust Control Plan are attached.
AQ-52	Ultra-low sulfur diesel fuel receipts are attached.
AQ-52	Off-road diesel fired equipment usage lists are attached.
BIO-2	Designated Biologist's summary report is attached.
BIO-6	WEAT training was presented to 69 personnel.
CUL-5	WEAT training was presented to 69 personnel.
GEN-2	Updated drawing list is available upon request.
GEN-3	No payments were made to the CBO in January.
LAND-1	There is no update on trail developments.
PAL-3	WEAT training was presented to 69 personnel.
SOIL&WATR-1	205,000 gallons of well water were used.

3. Compliance matrix

A Compliance Matrix is attached.

4. Conditions that have been satisfied during the reporting period (CBO submittals and approvals can be found in #12)

- AQ- 5 – Commissioning Plan for First Fire of Gas Turbines
- WORKER SAFETY-2 – Operations Safety & Health Plan
- CUL-12 – Scope of Work for Cultural Resources Report
- GEN-8 – Final Report on Project Geotechnical Observations & Testing

5. Submittal deadlines not met

- There are no overdue submittals.

6. Approved COC changes

- A request for amendment was submitted 11/30/01 and approved 12/21/01. The amendment allows for an additional 14 acres of laydown area south of Blanchard Road and west of the railroad tracks.
- An amendment was approved on 8/28/02 to allow the originally certified 10.2-mile recycled water line to be replaced with a 1000-foot lateral interconnection line of the same capacity.
- An insignificant project change for 4 acres of additional parking area was approved on 12/17/03.

7. Filings or permits with other agencies

- None.

8. Projection of project compliance activities for next two months.

CONDITION	SUMMARY
AQ-48	Will follow dust mitigation measures.
AQ-49 and 50	Dust will be monitored and activities recorded.

CUL-5	Training will be provided as needed.
BIO-2	Biologist will perform required duties when necessary.
BIO-6	Training will be provided as needed.
PAL-3	Training will be provided as needed.

9. Additions to on-site compliance file

- Silt fence inspection logs
- Straw bale and wattle inspection logs
- Erosion and sediment control inspection logs
- Water truck (dust control) logs
- Biological monitoring logs
- WEAT training logs
- Daily logs (fugitive dust and public road inspections)
- Ultra low sulfur fuel receipts

10. Requests to dispose of items in compliance file

None

11. Listing of complaints, notices of violations, official warnings, and citations

Listing of calls received on MEC public information line

No phone calls were received.

12. List of facility design submittals, comments and approvals to CBO

No CBO comments or approvals were received during the month. A Matrix of CBO submittals and approvals is available upon request.