Metcalf Energy Center

ORIGINAL

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AUG 17 2005
METCALF ENERGY CENTER

August 12, 2005

Mr. Steve Munro, Compliance Project Manager
California Energy Commission
1516 9th Street, MS 2000
Sacramento, CA 95814

Subject: **Metcalf Energy Center 99-AFC-3**
Monthly Compliance Report #46, July 1 – July 31, 2005

Dear Mr. Munro:

In accordance with the CEC Commission Decision, enclosed please find a Monthly Compliance Report (Report) and Compliance Matrix for the Metcalf Energy Center. This report is for the period from July 1 to July 31, 2005.

The Report lists those Conditions of Certification that require submittal with the Monthly Compliance Report as stated in the Commission Decision. These submittals are listed in the Report and are attached.

A copy of this report is also being submitted to the library nearest the project site, Santa Teresa Branch Library, as required in the Commission Decision.

If you have any questions please call me at (408) 361-4805.

Sincerely,

Mark Smolley
Compliance Manager
Metcalf Energy Center

Enclosures

cc: Michael Argentine, Calpine
Sam McIntosh, Calpine
Calpine Document Control, Calpine
Don Wimberly, Willdan

Metcalf Energy Center
99-AFC-3

Monthly Compliance Report #46
July 1 – July 31, 2005

1. **Project construction status**
   Earthwork: The landscaping along Fisher Creek was completed.

   Activities planned for August 2005
   Equipment: Construction of the architectural screen-wall, painting, sound-wall around the steam turbine, and various punch-list items will continue.

   Earthwork: Restoration of the Contractor Parking Area, South Laydown Yard, and Contractor Trailer City area is ongoing.

   MEC Litigation Update
   STCAG, Phillip J. Mitchell, Jeffrey S. Wade, Timothy Alton and Great Oaks Water Company v. City of San Jose. 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 4 personnel.
CUL-5	WEAT training was presented to 4 personnel.
GEN-2	Updated drawing list is available upon request.
GEN-3	A $50,000 payment was made to the CBO in July.
LAND-1	There is no update on trail developments.
PAL-3	WEAT training was presented to 4 personnel.
SOIL&WATR-1	379,685 gallons of well water were used.

3. **Compliance matrix**
   A Compliance Matrix is attached.

4. **Conditions that have been satisfied during the reporting period**
   - NOISE-5 - The Community Noise Survey was submitted to the CEC.
   - CIVIL-4 – Design Verification Letter from the Responsible Engineer.
   - STRUC-1 - Design Verification Letter from the Responsible Engineer.
   - MECH-1 - Design Verification Letter from the Responsible Engineer.
   - ELEC-1 - Design Verification Letter from the Responsible Engineer.

5. **Submittal deadlines not met**
   - There are no overdue submittals.

6. **Approved COC changes**
   - An amendment for an additional 14 acres of laydown area south of Blanchard Road and west of the railroad tracks was approved on 12/21/01.
   - 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.
   - An insignificant project change for 4 acres of parking area was approved on 12/17/03.
   - An amendment to modify air quality permit conditions was approved on 03/16/05.

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**
   - 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**
    - MECH-1 – Turnover Package for Fire Deluge & Fire Water Systems – Approved
    - MECH-1 – Water Treatment Building – Approved
    - CIVIL-1 – Site Grading & Drainage Plan – Approved
    - Construction Warehouse Documentation – Approved

    A Matrix of CBO submittals and approvals is available upon request.

CONDITION OF CERTIFICATION AQ-52

ULTRA-LOW SULFUR FUEL RECEIPTS

METCALF ENERGY CENTER
MONTHLY COMPLIANCE REPORT

DELIVERY RECEIPT

VALLEY OIL CO.

785 YUBA DRIVE, OFF EL CAMINO REAL • P.O. BOX 1655
MOUNTAIN VIEW, CA 94042 • (650) 967-2253

492122

Alliance

SOLVENTS
LUBE OILS
CARD SYSTEMS
CHEVRON PRODUCTS

Mobil TEXACO ARCO union

3724
BRAGG COMPANIES
6242 PARAMOUNT BLVD.
LONG BEACH CA 90805

TELEPHONE	JOB NO./P.O. NO.	DATE
		7/22/05

DELIVER TO Metcalf power plant

SAN JOSE

QTY ORD'D / QTY LOAD	DESCRIPTION	QTY DEL'D	UNIT PRICE	AMOUNT
	DIESEL FUEL, 3, NA 1993, PG III **CARB DIESEL**			
	FEDERAL EXCISE TAX			
	STATE USE TAX OHTA Low	Gallons		
	~~DIESEL FUEL, 3, NA 1993, PG III~~ **CARB DYED DIESEL**	98		
	THIS PRODUCT IS DYED DIESEL FUEL, NONTAXABLE USE ONLY, PENALTY FOR TAXABLE USE. THIS FUEL MEETS EPA REQUIREMENTS FOR SULFUR, CETANE INDEX, OR AROMATIC CONTENT.			
	GASOLINE, 3, UN 1203, PG II **UNLEADED**			
	GASOLINE, 3, UN 1203, PG II **UNLEADED PLUS**			
	GASOLINE, 3, UN 1203, PG II **PREMIUM UNLEADED**			
	KEROSENE, 3, UN 1223, PG III			
	(Pellet equipment)			
	HTR #			
	CALIFORNIA OIL RECYCLING FEE		.16	
	DIESEL: SALES TAX PREPAY SG GH 78-005855			
	GASOLINE: SALES TAX PREPAY SG GH 78-005855			

CREDIT TERMS: NET 10 DAYS. The unpaid balance remaining 10 days after the delivery date is subject to a service charge of 2% per month, which is an annual percentage rate of 24% applied to the unpaid balance. In the event Valley Oil Co. must undertake action to collect these charges, customer agrees to pay all costs of collection including reasonable attorney fees.

SUB-TOTAL

☐ CASH ☐ CHECK NO. _____ ☐ CHARGE

% SALES TAX

DRUM DEPOSIT	DELIVERED	RETURNED

NET CHANGE

TOTAL

X _____
CUSTOMER'S SIGNATURE

POSTED

DELIVERY RECEIPT

VALLEY OIL CO.

489899

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BRAGG COMPANIES
6242 PARAMOUNT BLVD.
LONG BEACH CA 90805

Alliance
SOLVENTS
LUBE OILS
CARD SYSTEMS
CHEVRON PRODUCTS
TEXACO
Mobil
ARCO
union

TELEPHONE	JOB NO./P.O. NO.	DATE 7/7/05

DELIVER TO metCAIF power plant
San Jose

QTY ORD'D / QTY LOAD	DESCRIPTION	QTY DEL'D	UNIT PRICE	AMOUNT
	DIESEL FUEL, 3, NA 1993, PG III **CARB DIESEL**			
	FEDERAL EXCISE TAX			
	STATE USE TAX Ultra Low		(a Allan)	
	DIESEL FUEL, 3, NA 1993, PG III **CARB DYED DIESEL**	78		
	THIS PRODUCT IS DYED DIESEL FUEL, NONTAXABLE USE ONLY, PENALTY FOR TAXABLE USE. THIS FUEL MEETS EPA REQUIREMENTS FOR SULFUR, CETANE INDEX, OR AROMATIC CONTENT.			
	GASOLINE, 3, UN 1203, PG II **UNLEADED**			
	GASOLINE, 3, UN 1203, PG II **UNLEADED PLUS**			
	GASOLINE, 3, UN 1203, PG II **PREMIUM UNLEADED**			
	KEROSENE, 3, UN 1223, PG III			
	(Filled Equipment)			
	HTR #			
	CALIFORNIA OIL RECYCLING FEE		.16	
	DIESEL: SALES TAX PREPAY SG GH 78-005855			
	GASOLINE: SALES TAX PREPAY SG GH 78-005855			

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SUB-TOTAL

☐ CASH ☐ CHECK NO. _____ ☐ CHARGE

% SALES TAX

RUM DEPOSIT | DELIVERED | RETURNED | NET CHANGE

TOTAL

X Ken Johnson
CUSTOMER'S SIGNATURE

X Eddie Luttes
DRIVER'S SIGNATURE

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DELIVERY RECEIPT

VALLEY OIL CO.

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489897

Alliance

3724
BRAGG COMPANIES
6242 PARAMOUNT BLVD.
LONG BEACH CA 90805

SOLVENTS
LUBE OILS
CARD SYSTEMS
CHEVRON PRODUCTS

TEXACO Mobil ARCO union

TELEPHONE	JOB NO./P.O. NO.	DATE 7 14 05

DELIVER TO metcalf power plant

San Jose

QTY ORD'D / QTY LOAD	DESCRIPTION	QTY DEL'D	UNIT PRICE	AMOUNT
	DIESEL FUEL, 3, NA 1993, PG III **CARB DIESEL**			
	FEDERAL EXCISE TAX			
	STATE USE TAX Ultra Low		Gallons	
	DIESEL FUEL, 3, NA 1993, PG III **CARB DYED DIESEL**	108		
	THIS PRODUCT IS DYED DIESEL FUEL, NONTAXABLE USE ONLY, PENALTY FOR TAXABLE USE. THIS FUEL MEETS EPA REQUIREMENTS FOR SULFUR, CETANE INDEX, OR AROMATIC CONTENT.			
	GASOLINE, 3, UN 1203, PG II **UNLEADED**			
	GASOLINE, 3, UN 1203, PG II **UNLEADED PLUS**			
	GASOLINE, 3, UN 1203, PG II **PREMIUM UNLEADED**			
	KEROSENE, 3, UN 1223, PG III			
	(filled equipment and can)			
	HTR #			
	CALIFORNIA OIL RECYCLING FEE		.16	
	DIESEL: SALES TAX PREPAY SG GH 78-005855			
	GASOLINE: SALES TAX PREPAY SG GH 78-005855			

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SUB-TOTAL

☐ CASH ☐ CHECK NO. _____ ☐ CHARGE

% SALES TAX

DRUM DEPOSIT	DELIVERED	RETURNED	NET CHANGE

X [signature]

CUSTOMER'S SIGNATURE

TOTAL

X [signature]

POSTED _____

DELIVERY RECEIPT

VALLEY OIL CO.

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MOUNTAIN VIEW, CA 94042 • (650) 967-2253

489898

Alliance

3724
BRAGG COMPANIES
6242 PARAMOUNT BLVD.
LONG BEACH CA 90805

SOLVENTS
LUBE OILS
CARD SYSTEMS
CHEVRON PRODUCTS

Mobil TEXACO ARCO union 76

TELEPHONE	JOB NO./P.O. NO.	DATE 7/11/05

DELIVER TO mtc AIF power plant San Jose

QTY ORD'D / QTY LOAD	DESCRIPTION	QTY DEL'D	UNIT PRICE	AMOUNT
	DIESEL FUEL, 3, NA 1993, PG III **CARB DIESEL**			
	FEDERAL EXCISE TAX			
	STATE USE TAX ULTRA LOW		GALLONS	
	~~DIESEL FUEL, 3, NA 1993, PG III~~ **CARB DYED DIESEL**	99		
	~~THIS PRODUCT IS~~ DYED DIESEL FUEL, NONTAXABLE USE ONLY, PENALTY FOR TAXABLE USE. THIS FUEL MEETS EPA REQUIREMENTS FOR SULFUR, CETANE INDEX, OR AROMATIC CONTENT.			
	~~GASOLINE, 3, UN 1203, PG II~~ **UNLEADED**	6	GALLONS	
	~~GASOLINE, 3, UN 1203, PG II~~ **UNLEADED PLUS**			
	GASOLINE, 3, UN 1203, PG II **PREMIUM UNLEADED**			
	KEROSENE, 3, UN 1223, PG III			
	(filled equipment)			
	HTR #			
	CALIFORNIA OIL RECYCLING FEE		.16	
	DIESEL: SALES TAX PREPAY SG GH 78-005855			
	GASOLINE: SALES TAX PREPAY SG GH 78-005855			

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SUB-TOTAL

☐ CASH ☐ CHECK NO. _____ ☐ CHARGE

% SALES TAX

DRUM DEPOSIT	DELIVERED	RETURNED	NET CHANGE
			TOTAL

X Ken Johnson
CUSTOMER'S SIGNATURE

DELIVERY RECEIPT

VALLEY OIL CO.

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488364

Bragg Crane & Rigging

Alliance

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CARD SYSTEMS
CHEVRON PRODUCTS

Mobil
TEXACO
ARCO
union

TELEPHONE	JOB NO./P.O. NO.	DATE 7/15/05

DELIVER TO metcalf power plant

San Jose

QTY ORD'D / QTY LOAD	DESCRIPTION	QTY DEL'D	UNIT PRICE	AMOUNT
	DIESEL FUEL, 3, NA 1993, PG III **CARB DIESEL**			
	FEDERAL EXCISE TAX			
	STATE USE TAX ULSA Low		Gallons	
	~~DIESEL FUEL, 3, NA 1993, PG III~~ **CARB DYED DIESEL**	268		
	~~THIS PRODUCT IS DYED DIESEL FUEL~~, NONTAXABLE USE ONLY, PENALTY FOR TAXABLE USE. THIS FUEL MEETS EPA REQUIREMENTS FOR SULFUR, CETANE INDEX, OR AROMATIC CONTENT.			
	GASOLINE, 3, UN 1203, PG II **UNLEADED**			
	GASOLINE, 3, UN 1203, PG II **UNLEADED PLUS**			
	GASOLINE, 3, UN 1203, PG II **PREMIUM UNLEADED**			
	KEROSENE, 3, UN 1223, PG III			
	filled Equipment (approx 12 pcs)			
	HTR #			
	CALIFORNIA OIL RECYCLING FEE		.16	
	DIESEL: SALES TAX PREPAY SG GH 78-005855			
	GASOLINE: SALES TAX PREPAY SG GH 78-005855			

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SUB-TOTAL

☐ CASH ☐ CHECK NO. _____ ☐ CHARGE

% SALES TAX

DRUM DEPOSIT	DELIVERED	RETURNED	NET CHANGE
			TOTAL

X Ken Kline
CUSTOMER'S SIGNATURE

X
DRIVER'S SIGNATURE

POSTED _____

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Bragg Crane & Rigging

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CARD SYSTEMS
CHEVRON PRODUCTS

Mobil
TEXACO
ARCO
union 76

TELEPHONE	JOB NO./P.O. NO.	DATE 7/19/05

DELIVER TO metrAIE power plant

San Jose

QTY ORD'D / QTY LOAD	DESCRIPTION	QTY DEL'D	UNIT PRICE	AMOUNT
	DIESEL FUEL, 3, NA 1993, PG III **CARB DIESEL**			
	FEDERAL EXCISE TAX			
	STATE USE TAX ULtrA Low	GALLONS		
	DIESEL FUEL, 3, NA 1993, PG III **CARB DYED DIESEL**	89		
	THIS PRODUCT IS DYED DIESEL FUEL, NONTAXABLE USE ONLY, PENALTY FOR TAXABLE USE. THIS FUEL MEETS EPA REQUIREMENTS FOR SULFUR, CETANE INDEX, OR AROMATIC CONTENT.			
	~~GASOLINE, 3, UN 1203, PG II~~ **UNLEADED**	10 GALLONS		
	~~GASOLINE, 3, UN 1203, PG II~~ **UNLEADED PLUS**			
	GASOLINE, 3, UN 1203, PG II **PREMIUM UNLEADED**			
	KEROSENE, 3, UN 1223, PG III			
	filled			
	HTR #			
	CALIFORNIA OIL RECYCLING FEE		.16	
	DIESEL: SALES TAX PREPAY SG GH 78-005855			
	GASOLINE: SALES TAX PREPAY SG GH 78-005855			

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SUB-TOTAL

☐ CASH ☐ CHECK NO. _____ ☐ CHARGE

% SALES TAX

DRUM DEPOSIT	DELIVERED	RETURNED	NET CHANGE

TOTAL

X Ken Johnson
CUSTOMER'S SIGNATURE

X _____

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492121

3724
BRAGG COMPANIES
6242 PARAMOUNT BLVD.
LONG BEACH CA 90805

Alliance

SOLVENTS
LUBE OILS
CARD SYSTEMS
CHEVRON PRODUCTS

Mobil
TEXACO
ARCO
union

TELEPHONE	JOB NO./P.O. NO.	DATE 7/27/05

DELIVER TO metcalf power plant

San Jose

QTY ORD'D / QTY LOAD	DESCRIPTION	QTY DEL'D	UNIT PRICE	AMOUNT
	DIESEL FUEL, 3, NA 1993, PG III **CARB DIESEL**			
	FEDERAL EXCISE TAX			
	STATE USE TAX Ultra Low	137	GALLONS	
	~~DIESEL FUEL, 3, NA 1993, PG III~~ **CARB DYED DIESEL**	~~XXXX~~		
	THIS PRODUCT IS DYED DIESEL FUEL, NONTAXABLE USE ONLY, PENALTY FOR TAXABLE USE. THIS FUEL MEETS EPA REQUIREMENTS FOR SULFUR, CETANE INDEX, OR AROMATIC CONTENT.			
	GASOLINE, 3, UN 1203, PG II **UNLEADED**			
	GASOLINE, 3, UN 1203, PG II **UNLEADED PLUS**			
	GASOLINE, 3, UN 1203, PG II **PREMIUM UNLEADED**			
	KEROSENE, 3, UN 1223, PG III			
	(filled Segment)			
	HTR #			
	CALIFORNIA OIL RECYCLING FEE		.16	
	DIESEL: SALES TAX PREPAY SG GH 78-005855			
	GASOLINE: SALES TAX PREPAY SG GH 78-005855			

CREDIT TERMS: NET 10 DAYS. The unpaid balance remaining 10 days after the delivery date is subject to a **service charge** of 2% per month, which is an **annual percentage rate** of 24% applied to the unpaid balance. In the event Valley Oil Co. must undertake action to collect these charges, customer agrees to pay all costs of collection including reasonable attorney fees.

SUB-TOTAL

☐ CASH ☐ CHECK NO. _____ ☐ CHARGE

% SALES TAX

DRUM DEPOSIT	DELIVERED	RETURNED	NET CHANGE

TOTAL

X _____
CUSTOMER'S SIGNATURE

DELIVERY RECEIPT

VALLEY OIL CO.

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Crown Sheetmetal

491696

Alliance

SOLVENTS
LUBE OILS
CARD SYSTEMS
CHEVRON PRODUCTS

Mobil
TEXACO
ARCO
union

TELEPHONE	JOB NO./P.O. NO.	DATE 7/22/05

DELIVER TO metcalf power plant

San Jose

QTY ORD'D / QTY LOAD	DESCRIPTION	QTY DEL'D	UNIT PRICE	AMOUNT
	DIESEL FUEL, 3, NA 1993, PG III **CARB DIESEL**			
	FEDERAL EXCISE TAX			
	STATE USE TAX (on)		Gallons	
	~~DIESEL FUEL, 3, NA 1993, PG III~~ **CARB DYED DIESEL**	72		
	THIS PRODUCT IS DYED DIESEL FUEL, NONTAXABLE USE ONLY, PENALTY FOR TAXABLE USE. THIS FUEL MEETS EPA REQUIREMENTS FOR SULFUR, CETANE INDEX, OR AROMATIC CONTENT.			
	GASOLINE, 3, UN 1203, PG II **UNLEADED**			
	GASOLINE, 3, UN 1203, PG II **UNLEADED PLUS**			
	GASOLINE, 3, UN 1203, PG II **PREMIUM UNLEADED**			
	KEROSENE, 3, UN 1223, PG III			
	filled 3 generators and 1 GM			
	HTR #			
	CALIFORNIA OIL RECYCLING FEE		.16	
	DIESEL: SALES TAX PREPAY SG GH 78-005855			
	GASOLINE: SALES TAX PREPAY SG GH 78-005855			

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SUB-TOTAL

☐ CASH ☐ CHECK NO. _____ ☐ CHARGE

% SALES TAX

DRUM DEPOSIT	DELIVERED	RETURNED	NET CHANGE

TOTAL

X
CUSTOMER'S SIGNATURE

DELIVERY RECEIPT

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Crown Sheetmetal

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LUBE OILS
CARD SYSTEMS
CHEVRON PRODUCTS

TEXACO Mobil ARCO union

TELEPHONE	JOB NO./P.O. NO.	DATE 7/12/05

DELIVER TO metcalf power plant

San Jose

QTY ORD'D / QTY LOAD	DESCRIPTION	QTY DEL'D	UNIT PRICE	AMOUNT
	DIESEL FUEL, 3, NA 1993, PG III **CARB DIESEL**			
	FEDERAL EXCISE TAX			
	STATE USE TAX ultra low		6 Allons	
	~~DIESEL FUEL, 3, NA 1993, PG III~~ **CARB DYED DIESEL**	70		
	THIS PRODUCT IS DYED DIESEL FUEL, NONTAXABLE USE ONLY, PENALTY FOR TAXABLE USE. THIS FUEL MEETS EPA REQUIREMENTS FOR SULFUR, CETANE INDEX, OR AROMATIC CONTENT.			
	GASOLINE, 3, UN 1203, PG II **UNLEADED**			
	GASOLINE, 3, UN 1203, PG II **UNLEADED PLUS**			
	GASOLINE, 3, UN 1203, PG II **PREMIUM UNLEADED**			
	KEROSENE, 3, UN 1223, PG III			
	(filled two generators, and lift)			
	HTR #			
	CALIFORNIA OIL RECYCLING FEE		.16	
	DIESEL: SALES TAX PREPAY SG GH 78-005855			
	GASOLINE: SALES TAX PREPAY SG GH 78-005855			

CREDIT TERMS: NET 10 DAYS. The unpaid balance remaining 10 days after the delivery date is subject to a service charge of 2% per month, which is an annual percentage rate of 24% applied to the unpaid balance. In the event Valley Oil Co. must undertake action to collect these charges, customer agrees to pay all costs of collection including reasonable attorney fees.

SUB-TOTAL

☐ CASH ☐ CHECK NO. _____ ☐ CHARGE

% SALES TAX

DRUM DEPOSIT	DELIVERED	RETURNED	NET CHANGE
X			TOTAL

CUSTOMER'S SIGNATURE

POSTED

DELIVERY RECEIPT

VALLEY OIL CO.

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Crown Sheetmetal

491698

Alliance

SOLVENTS
LUBE OILS
CARD SYSTEMS
CHEVRON PRODUCTS

Mobil
TEXACO
ARCO
union 76

TELEPHONE	JOB NO./P.O. NO.	DATE 7/25/05

DELIVER TO metCAIF power plant

San Jose

QTY ORD'D / QTY LOAD	DESCRIPTION	QTY DEL'D	UNIT PRICE	AMOUNT
	DIESEL FUEL, 3, NA 1993, PG III **CARB DIESEL**			
	FEDERAL EXCISE TAX			
	STATE USE TAX Ultra Low	86	Gallons	
	~~DIESEL FUEL, 3, NA 1993, PG III~~ **CARB DYED DIESEL**			
	THIS PRODUCT IS DYED DIESEL FUEL, NONTAXABLE USE ONLY, PENALTY FOR TAXABLE USE. THIS FUEL MEETS EPA REQUIREMENTS FOR SULFUR, CETANE INDEX, OR AROMATIC CONTENT.			
	GASOLINE, 3, UN 1203, PG II **UNLEADED**			
	GASOLINE, 3, UN 1203, PG II **UNLEADED PLUS**			
	GASOLINE, 3, UN 1203, PG II **PREMIUM UNLEADED**			
	KEROSENE, 3, UN 1223, PG III			
	(Filled lifts and generators)			
	HTR #			
	CALIFORNIA OIL RECYCLING FEE		.16	
	DIESEL: SALES TAX PREPAY SG GH 78-005855			
	GASOLINE: SALES TAX PREPAY SG GH 78-005855			

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SUB-TOTAL

☐ CASH ☐ CHECK NO. _____ ☐ CHARGE

% SALES TAX

DRUM DEPOSIT	DELIVERED	RETURNED	NET CHANGE
			TOTAL

X _____
CUSTOMER'S SIGNATURE

POSTED

DELIVERY RECEIPT

VALLEY OIL CO.

785 YUBA DRIVE, OFF EL CAMINO REAL • P.O. BOX 1655
MOUNTAIN VIEW, CA 94042 • (650) 967-2253

Crown Sheetmetal

488356

Alliance

SOLVENTS
LUBE OILS
CARD SYSTEMS
CHEVRON PRODUCTS

Mobil TEXACO ARCO union

TELEPHONE	JOB NO./P.O. NO.	DATE 7/8/05

DELIVER TO McCAIN power plant San Jose

QTY ORD'D / QTY LOAD	DESCRIPTION	QTY DEL'D	UNIT PRICE	AMOUNT
	DIESEL FUEL, 3, NA 1993, PG III **CARB DIESEL**			
	FEDERAL EXCISE TAX			
	STATE USE TAX ULTRA LOW		6.4 CENTS	
	~~DIESEL FUEL, 3, NA 1993, PG III~~ **CARB DYED DIESEL**	104		
	THIS PRODUCT IS DYED DIESEL FUEL, NONTAXABLE USE ONLY, PENALTY FOR TAXABLE USE. THIS FUEL MEETS EPA REQUIREMENTS FOR SULFUR, CETANE INDEX, OR AROMATIC CONTENT.			
	GASOLINE, 3, UN 1203, PG II **UNLEADED**			
	GASOLINE, 3, UN 1203, PG II **UNLEADED PLUS**			
	GASOLINE, 3, UN 1203, PG II **PREMIUM UNLEADED**			
	KEROSENE, 3, UN 1223, PG III			
	(Bleed typo generators and lift)			
	HTR #			
	CALIFORNIA OIL RECYCLING FEE		.16	
	DIESEL: SALES TAX PREPAY SG GH 78-005855			
	GASOLINE: SALES TAX PREPAY SG GH 78-005855			

CREDIT TERMS: NET 10 DAYS. The unpaid balance remaining 10 days after the delivery date is subject to a **service charge** of 2% per month, which is an **annual percentage rate** of 24% applied to the unpaid balance. In the event Valley Oil Co. must undertake action to collect these charges, customer agrees to pay all costs of collection including reasonable attorney fees.

SUB-TOTAL

☐ CASH ☐ CHECK NO. _____ ☐ CHARGE

% SALES TAX

DRUM DEPOSIT	DELIVERED	RETURNED	NET CHANGE
			TOTAL

X _____
CUSTOMER'S SIGNATURE

X _____ POSTED

DELIVERY RECEIPT

VALLEY OIL CO.

785 YUBA DRIVE, OFF EL CAMINO REAL • P.O. BOX 1655
MOUNTAIN VIEW, CA 94042 • (650) 967-2253

Crown Sheetmetal

488365

Alliance

SOLVENTS
LUBE OILS
CARD SYSTEMS
CHEVRON PRODUCTS

Mobil
TEXACO
ARCO
union

TELEPHONE	JOB NO./P.O. NO.	DATE 7/15/05

DELIVER TO Metcalf Power Plant

San Jose

QTY ORD'D / QTY LOAD	DESCRIPTION	QTY DEL'D	UNIT PRICE	AMOUNT
	DIESEL FUEL, 3, NA 1993, PG III **CARB DIESEL**			
	FEDERAL EXCISE TAX			
	STATE USE TAX Ultra Low	GALLONS		
	~~DIESEL FUEL, 3, NA 1993, PG III~~ **CARB DYED DIESEL**	42		
	THIS PRODUCT IS DYED DIESEL FUEL, NONTAXABLE USE ONLY, PENALTY FOR TAXABLE USE. THIS FUEL MEETS EPA REQUIREMENTS FOR SULFUR, CETANE INDEX, OR AROMATIC CONTENT.			
	GASOLINE, 3, UN 1203, PG II **UNLEADED**			
	GASOLINE, 3, UN 1203, PG II **UNLEADED PLUS**			
	GASOLINE, 3, UN 1203, PG II **PREMIUM UNLEADED**			
	KEROSENE, 3, UN 1223, PG III			
	(filled generator)			
	HTR #			
	CALIFORNIA OIL RECYCLING FEE		.16	
	DIESEL: SALES TAX PREPAY SG GH 78-005855			
	GASOLINE: SALES TAX PREPAY SG GH 78-005855			

CREDIT TERMS: NET 10 DAYS. The unpaid balance remaining 10 days after the delivery date is subject to a service charge of 2% per month, which is an annual percentage rate of 24% applied to the unpaid balance. In the event Valley Oil Co. must undertake action to collect these charges, customer agrees to pay all costs of collection including reasonable attorney fees.

SUB-TOTAL

☐ CASH ☐ CHECK NO. _____ ☐ CHARGE

% SALES TAX

DRUM DEPOSIT	DELIVERED	RETURNED	NET CHANGE
			TOTAL

X
CUSTOMER'S SIGNATURE

DELIVERY RECEIPT

VALLEY OIL CO.

785 YUBA DRIVE, OFF EL CAMINO REAL • P.O. BOX 1655
MOUNTAIN VIEW, CA 94042 • (650) 967-2253

Crown Sheetmetal

488370

Alliance

SOLVENTS
LUBE OILS
CARD SYSTEMS
CHEVRON PRODUCTS

Mobil TEXACO ARCO union

TELEPHONE	JOB NO./P.O. NO.	DATE
		7/18/05

DELIVER TO metcalf power plant

San Jose

QTY ORD'D / QTY LOAD	DESCRIPTION	QTY DEL'D	UNIT PRICE	AMOUNT
	DIESEL FUEL, 3, NA 1993, PG III **CARB DIESEL**			
	FEDERAL EXCISE TAX			
	STATE USE TAX ULTRA LOW		6 GALLONS	
	~~DIESEL FUEL, 3, NA 1993, PG III~~ **CARB DYED DIESEL**	53		
	THIS PRODUCT IS DYED DIESEL FUEL, NONTAXABLE USE ONLY, PENALTY FOR TAXABLE USE. THIS FUEL MEETS EPA REQUIREMENTS FOR SULFUR, CETANE INDEX, OR AROMATIC CONTENT.			
	GASOLINE, 3, UN 1203, PG II **UNLEADED**			
	GASOLINE, 3, UN 1203, PG II **UNLEADED PLUS**			
	GASOLINE, 3, UN 1203, PG II **PREMIUM UNLEADED**			
	KEROSENE, 3, UN 1223, PG III			
	I filled two generators			
	HTR #			
	CALIFORNIA OIL RECYCLING FEE		.16	
	DIESEL: SALES TAX PREPAY SG GH 78-005855			
	GASOLINE: SALES TAX PREPAY SG GH 78-005855			

CREDIT TERMS: NET 10 DAYS. The unpaid balance remaining 10 days after the delivery date is subject to a service charge of 2% per month, which is an annual percentage rate of 24% applied to the unpaid balance. In the event Valley Oil Co. must undertake action to collect these charges, customer agrees to pay all costs of collection including reasonable attorney fees.

SUB-TOTAL

☐ CASH ☐ CHECK NO. _____ ☐ CHARGE

% SALES TAX

DRUM DEPOSIT	DELIVERED	RETURNED	NET CHANGE

TOTAL

X _____
CUSTOMER'S SIGNATURE

POSTED

Coast Oil Company, LLC

Marketers & Manufacturers "since 1935"

RECEIVED
AUG 3 2005
TOP GRADE CONSTRUCTION

4250 WILLIAMS ROAD • SAN JOSE, CA 95129-3344

FED I.D. NO. 770584351
RESALE NO. SR GH 97953643
FUEL RESALE NO. SG GH 78020404

OFFICE (408) 252-7720
OFFICE FAX (408) 255-5263
PLANT (408) 251-0811
ORDER DESK (408) 342-0222

REMIT TO: COAST OIL COMPANY, LL
4250 WILLIAMS ROAD
SAN JOSE, CA 95129-3344

HAZARDOUS MATERIAL NUMBER
CALL INFOTRAC 1-800-535-5053

DATE: 07-31-05

INVOICE NUMBER 267550

SOLD TO: 915
TOP GRADE CONSTRUCTION, INC.

50 CONTRACTORS STREET
LIVERMORE, CA 94551

(408) 287-2207

SHIP TO: 915
TOP GRADE CONSTRUCTION, INC.

50 CONTRACTORS STREET
LIVERMORE, CA 94551

(925) 449-5764

ORDERED BY	PURCHASE ORDER NUMBER	SALESMAN	TERMS	DUE DATE
	602-999-05	DEDEAUX	NET 30	08-29-0

ROUTE NUMBER	DELIVERY DATE	TRUCK NUMBER	DRIVER	HTR NUMBER	TIME IN	TIME OUT	MILES
0	07-29-05		992				0

NO. OF PKG'S	BULK OR PKG. SIZE	PRODUCT DESCRIPTION	QUANTITY ORDERED	QUANTITY DELIVERED	TAXES FED	TAXES STATE	TAXES SALES	PRICE	AMOUNT
	GALS	ULTRA LOW SULPHUR DIESEL EC	190	190	T	T	T	2.25621	428.
		CLEAR DIESEL FEDERAL EXCISE		190				0.24400	46.
		CLEAR DIESEL STATE EXCISE T		190				0.18000	34.
		FEDERAL SUPERFUND		190				0.00000	0.
		OIL SPILL FEE		190				0.00119	0.

PRODUCT	BEFORE	AFTER	HTR NO. / TANK I.D.

THIS INVOICE DOES NOT INCLUDE STATE OR FEDERAL EXCISE TAXES, SUPER FUNDS OR SURCHARGES UNLESS SHOWN AS A SEPARATE LINE ITEM.

SALES TAX	8.25
TOTAL ➡	548.
CHECK NO.	
CHECK AMOUNT	

T DUE AFTER ... If account unpaid within time permitted, customer agrees to pay interest at ... % per annum. In case of suit for collection, osts of collection, suit and reasonable and attorney's fees will be charged. To secure payment of this invoice and all other amounts due Coast Oil Co., customer hereby grants to st Oil Co. a security interest in the inventory and the proceeds of inventory. Coast Oil Co. shall have all remedies as provided in the Uniform Commercial Code upon default including ight to take immediate possession of customer's inventory. The undersigned hereby states that he is authorized to bind the customer to the terms hereof.

ERRORS IN PRICE, EXTENSION AND ADDITION SUBJECT TO CORRECTION.

EIVED IN GOOD ORDER:

PRINTED NAME

X

PLEASE PAY FROM THIS INVOICE

Coast Oil Company, LLC

Marketers & Manufacturers "since 1935"

4250 WILLIAMS ROAD • SAN JOSE, CA 95129-3344

FED I.D. NO. 770584351
RESALE NO. SR GH 97953643
FUEL RESALE NO. SG GH 78020404

OFFICE (408) 252-7720
OFFICE FAX (408) 255-5263
PLANT (408) 251-0811
ORDER DESK (408) 342-0222

REMIT TO: COAST OIL COMPANY, LLC
4250 WILLIAMS ROAD
SAN JOSE, CA 95129-3344

HAZARDOUS MATERIAL NUMBER
CALL INFOTRAC 1-800-535-5053

DATE: 07-28-05

INVOICE NUMBER 86723

SOLD TO: 915
TOP GRADE CONSTRUCTION, INC.

50 CONTRACTORS STREET
LIVERMORE, CA 94551

(408) 287-2207

SHIP TO: 915
TOP GRADE CONSTRUCTION, INC

50 CONTRACTORS STREET
LIVERMORE, CA 94551

(925) 449-5764

ORDERED BY	PURCHASE ORDER NUMBER	SALESMAN	TERMS	DUE DATE
IARVIN	602-999-05	DEDEAUX	NET 30	08-24-05

ROUTE NUMBER	DELIVERY DATE	TRUCK NUMBER	DRIVER	HTR NUMBER	TIME IN	TIME OUT	MILES
0	07-25-05		992				0

NO. OF KG'S	BULK OR PKG. SIZE	PRODUCT DESCRIPTION	QUANTITY ORDERED	QUANTITY DELIVERED	TAXES FED	TAXES STATE	TAXES SALES	PRICE	AMOUNT
	BALS	ULTRA LOW SULPHUR DIESEL EC	134	134	T	T	T	2.15121	[illegible]
		CLEAR DIESEL FEDERAL EXCISE		134				0.24400	[illegible]
		CLEAR DIESEL STATE EXCISE T		134				0.18000	[illegible]
		FEDERAL SUPERFUND		134				0.00000	[illegible]
		OIL SPILL FEE		134				0.00119	[illegible]

RECEIVED
JUL 27 2005
TOP GRADE CONSTRUCTION

PRODUCT	BEFORE	AFTER	HTR NO./TANK I.D.

THIS INVOICE DOES NOT INCLUDE STATE OR FEDERAL EXCISE TAXES, SUPER FUNDS OR SURCHARGES UNLESS SHOWN AS A SEPARATE LINE ITEM.

SALES TAX	8.25
TOTAL	37.[illegible]
CHECK NO.	
CHECK AMOUNT	

T DUE AFTER . If account unpaid within time permitted, customer agrees to pay interest at % per annum. In case of suit for collection, sts of collection, suit and reasonable and attorney's fees will be charged. To secure payment of this invoice and all other amounts due Coast Oil Co., customer hereby grants to t Oil Co. a security interest in the inventory and the proceeds of inventory. Coast Oil Co. shall have all remedies as provided in the Uniform Commercial Code upon default including ight to take immediate possession of customer's inventory. The undersigned hereby states that he is authorized to bind the customer to the terms hereof.

ERRORS IN PRICE, EXTENSION AND ADDITION SUBJECT TO CORRECTION.

EIVED IN GOOD ORDER

PRINTED NAME

X

PLEASE PAY FROM THIS INVOICE

Coast Oil Company, LLC

Marketers & Manufacturers "since 1935"

4250 WILLIAMS ROAD • SAN JOSE, CA 95129-3344

FED I.D. NO. 770584351
RESALE NO. SR GH 97953643
FUEL RESALE NO. SG GH 78020404

OFFICE (408) 252-7720
OFFICE FAX (408) 255-5263
PLANT (408) 251-0811
ORDER DESK (408) 342-0222

REMIT TO: COAST OIL COMPANY, LLC
4250 WILLIAMS ROAD
SAN JOSE, CA 95129-3344

HAZARDOUS MATERIAL NUMBER
CALL INFOTRAC 1-800-535-5053

DATE: 07-28-

INVOICE NUMBER 267373

SOLD TO: 915
TOP GRADE CONSTRUCTION, INC
50 CONTRACTORS STREET
LIVERMORE, CA 94551
(408) 287-2207

RECEIVED
JUL 29 2005

SHIP TO: 915
TOP GRADE CONSTRUCTION, IN
50 CONTRACTORS STREET
LIVERMORE, CA 94551
(925) 443-5764

ORDERED BY	PURCHASE ORDER NUMBER	SALESMAN	TERMS	DUE DATE
	602-999-05 TOP GRADE	BEDEAUX	NET 30	08-26-0

ROUTE NUMBER	DELIVERY DATE	TRUCK NUMBER	DRIVER	HTR NUMBER	TIME IN	TIME OUT	MILES
0	07-27-05		992				0

NO. OF PKG'S	BULK OR PKG. SIZE	PRODUCT DESCRIPTION	QUANTITY ORDERED	QUANTITY DELIVERED	TAXES FED	TAXES STATE	TAXES SALES	PRICE	AMOUNT
	GALS	ULTRA LOW SULPHUR DIESEL EC	121	121	T	T	T	2.22121	268.
		CLEAR DIESEL FEDERAL EXCISE		121				0.24400	29.
		CLEAR DIESEL STATE EXCISE T		121				0.18000	21.
		FEDERAL SUPERFUND		121				0.00000	0.
		OIL SPILL FEE		121				0.00119	0.

PRODUCT	BEFORE	AFTER	HTR NO. / TANK I.D.

THIS INVOICE DOES NOT INCLUDE STATE OR FEDERAL EXCISE TAXES, SUPER FUNDS OR SURCHARGES UNLESS SHOWN AS A SEPARATE LINE ITEM.

SALES TAX	8.25 24.
TOTAL	344.
CHECK NO.	
CHECK AMOUNT	

T DUE AFTER . If account unpaid within time permitted, customer agrees to pay interest at % per annum. In case of suit for collection, osts of collection, suit and reasonable and attorney's fees will be charged. To secure payment of this invoice and all other amounts due Coast Oil Co., customer hereby grants to st Oil Co. a security interest in the inventory and the proceeds of inventory. Coast Oil Co. shall have all remedies as provided in the Uniform Commercial Code upon default including ight to take immediate possession of customer's inventory. The undersigned hereby states that he is authorized to bind the customer to the terms hereof.

ERRORS IN PRICE, EXTENSION AND ADDITION SUBJECT TO CORRECTION.

EIVED IN GOOD ORDER

PRINTED NAME

X

PLEASE PAY FROM THIS INVOIC

Coast Oil Company, LLC

Marketers & Manufacturers "since 1935"

4250 WILLIAMS ROAD • SAN JOSE, CA 95129-3344

FED I.D. NO. 770584351
RESALE NO. SR GH 97953643
FUEL RESALE NO. SG GH 78020404

OFFICE (408) 252-7720
OFFICE FAX (408) 255-5263
PLANT (408) 251-0811
ORDER DESK (408) 342-0222

REMIT TO: COAST OIL COMPANY, LLC
4250 WILLIAMS ROAD
SAN JOSE, CA 95129-3344
HAZARDOUS MATERIAL NUMBER
CALL INFOTRAC 1-800-535-5053

DATE: 07-25-

INVOICE NUMBER 26747

SOLD TO: 915
TOP GRADE CONSTRUCTION, INC.

50 CONTRACTORS STREET
LIVERMORE, CA 94551

(408) 287-2207

SHIP TO: 915
TOP GRADE CONSTRUCTION, I

50 CONTRACTORS STREET
LIVERMORE, CA 94551

(925) 449-5764

ORDERED BY	PURCHASE ORDER NUMBER	SALESMAN	TERMS	DUE DATE
	602-999-05	DEDEAUX	NET 30	08-2

ROUTE NUMBER	DELIVERY DATE	TRUCK NUMBER	DRIVER	HTR NUMBER	TIME IN	TIME OUT	MILES
0	07-28-05		992				0

NO. OF PKG'S	BULK OR PKG. SIZE	PRODUCT DESCRIPTION	QUANTITY ORDERED	QUANTITY DELIVERED	TAXES FED	TAXES STATE	TAXES SALES	PRICE	AMOUNT
	GALS	ULTRA LOW SULPHUR DIESEL EC	152	152	T	T	T	2.22621	338.
		CLEAR DIESEL FEDERAL EXCISE		152				0.24400	37.
		CLEAR DIESEL STATE EXCISE T		152				0.18000	27.
		FEDERAL SUPERFUND		152				0.00000	0.
		OIL SPILL FEE		152				0.00119	0.

RECEIVED
AUG 1 2005
TOP GRADE CONSTRUCTION

PRODUCT	BEFORE	AFTER	HTR NO. / TANK I.D.

THIS INVOICE DOES NOT INCLUDE STATE OR FEDERAL EXCISE TAXES, SUPER FUNDS OR SURCHARGES UNLESS SHOWN AS A SEPARATE LINE ITEM.

SALES TAX	8.25
TOTAL ➡	434.
CHECK NO.	
CHECK AMOUNT	

IT DUE AFTER . If account unpaid within time permitted, customer agrees to pay interest at % per annum. In case of suit for collection, osts of collection, suit and reasonable and attorney's fees will be charged. To secure payment of this invoice and all other amounts due Coast Oil Co., customer hereby grants to st Oil Co. a security interest in the inventory and the proceeds of inventory. Coast Oil Co. shall have all remedies as provided in the Uniform Commercial Code upon default including right to take immediate possession of customer's inventory. The undersigned hereby states that he is authorized to bind the customer to the terms hereof.

ERRORS IN PRICE, EXTENSION AND ADDITION SUBJECT TO CORRECTION.

EIVED IN GOOD ORDER

PRINTED NAME

X

PLEASE PAY FROM THIS INVOICE

CONDITION OF CERTIFICATION AQ-52

OFF-ROAD DIESEL FIRED EQUIPMENT USAGE LISTS

METCALF ENERGY CENTER
MONTHLY COMPLIANCE REPORT

CONTRACTOR: Bragg Crane **DATE: July 2005**

This form must be completed before site mobilization and must include all equipment that will be used on site.
**All diesel equipment must use ultra low sulfur diesel fuel. Engine idle time must be limited to 10 minutes or less.

Equipment ID	Year	Make	Model	Serial #	Engine HP	# of days equipment planned usage	Actual date usage started	Actual date usage stopped	Type of mitigation implemented (e.g., CARB, CDPF)
Welder	1998	Miller	402D		47				< 100 HP
Welder	1996	Miller	402D	LA255635	47		3/1/05	7/21/05	< 100 HP
Welder	1996	Miller	402D		47		3/1/05	7/21/05	< 100 HP
Welder	1996	Miller	402D		47		3/1/05	7/21/05	< 100 HP
Compressor	1996	Ing. Rand	P-160	169782	58		3/1/05	7/21/05	< 100 HP
Fork Lift	1995	Hyster	H360XL	DO19001944	197		3/1/05	7/29/05	CARB Filters Inst.
Fork Lift	1996	Ing. Rand	VR90B	149320	50		3/1/05	7/29/05	< 100 HP
80 Ton Crane	2004	Grove	RT800E	223881	275				1996 or newer
JLG Lift	2004	JLG	1350SJP	0300068002	87				< 100 HP
JLG Lift	2004	JLG	1350SJP	0300068018	87		3/1/05	7/25/05	< 100 HP
Hyd. Crane	1999	Terex	RT-175	58170	260				1996 or newer
Manlifts (2)		Genie	SX110		87				< 100 HP
Generator		Whis	Isuzu	7102078	31		3/1/05	7/8/05	< 100 HP

CMM Signature: _____ Date: 8/10/05

Comments: The 1995 Hyster Forklift has catalyzed filters installed by a qualified Bragg mechanic. See Bragg letter of 3/28/05 submitted to CEC with Calpine letter on April 4, 2005.

08-12-'05 13:40 FROM-Pasquini Engineering 661-328-9030 T-318 P003/005 F-4

CONTRACTOR: Crown Sheet Metal

DATE: July 2005

This form must be completed before site mobilization and must include all equipment that will be used on site.
**All diesel equipment must use ultra low sulfur diesel fuel. Engine idle time must be limited to 10 minutes or less.

Equipment Type	Year	Make	Model	Serial #	Engine HP	# of days equipment planned usage	Actual date usage started	Actual date usage stopped	Type of mitigation implemented (e.g., CARB, CDPF)
Telescopic Boom Lift	2001	Genie	S125	322		60	6/6/05		1996 or newer
Generator	2001	Multiquip	DCA7OSSJ 02C	7302465	90	60	5/20/05		1996 or newer
Generator	2001	Multiquip	DCA7OSSJ 02C	7302532	90	60	6/1/05		1996 or newer
Reach Forklift	2004	Cat	TH4608	SLF00657		60	6/1/05		1996 or newer
Generator	2005	Power Pro	SDG255	1236A7020		30	7/13/05		1996 or newer

CMM Signature: _____ Date: 8/10/05

Comments: _____

'08-12-'05 13:40 FROM-Pasquini Engineering 661-328-9030 T-318 P004/005 F-411

CONTRACTOR: Top Grade Construction **DATE: July 2005**

This form must be completed before site mobilization and must include all equipment that will be used on site.
**All diesel equipment must use ultra low sulfur diesel fuel. Engine idle time must be limited to 10 minutes or less.

Equipment Type	Year	Make	Model	Serial #	Engine HP	# of days equipment planned usage	Actual date usage started	Actual date usage stopped	Type of mitigation implemented (e.g., CARB, CDPF)
Forklift	2001	Hyster	360	D019D032284	127		11/4/03		1996 or newer
Backhoe	2004	CAT	430D	CAT0430DPBNK04469	90		1/25/04		1996 or newer <100 HP
Blade	1994	CAT	14G		180		7/25/05	7/29/05	Used < 10 days
Scraper	1994	CAT	613C		165		7/25/05	7/29/05	Used < 10 days
Scraper	1994	CAT	623F		383		7/25/05	7/29/05	Used < 10 days

CMM Signature: _____ Date: 8/11/05

Comments: _____

'08-12-'05 13:40 FROM-Pasquini Engineering 661-328-9030 T-318 P005/005 F-1

CONDITION OF CERTIFICATION BIO-2

SUMMARY OF BIOLOGICAL MONITORING

METCALF ENERGY CENTER
MONTHLY COMPLIANCE REPORT

Biological Resources

Mitigation Monitoring for the

Metcalf Energy Center

MONTHLY COMPLIANCE REPORT #46

July 2005

Prepared by:

CH2M HILL

2485 Natomas Park Drive, Suite 600

Sacramento, California 95833

METCALF ENERGY CENTER

MONTHLY COMPLIANCE REPORT

July 2005

TABLE OF CONTENTS

INTRODUCTION 2

MONITORED MITIGATION MEASURES 3

SUMMARY OF ACTIVITIES 4

WORKER ENVIRONMENTAL AWARENESS TRAINING 5

GENERAL NOTES AND OBSERVATIONS 5

APPENDICES

A) Cumulative Wildlife Species Observed in or Near the Project Area

B) WEAT Sign-in Sheets

C) Wildlife Observation Forms

D) Photographs

INTRODUCTION

The Metcalf Energy Center (MEC) site is located in the Santa Clara Valley within the Urban Service Area of south San Jose. The MEC will be a 600-megawatt natural-gas-fired combined cycle power plant with the following features:

- A 230-kilovolt (kV) switchyard and approximately 240 feet of new 230-kV transmission line that loops into the existing Pacific Gas and Electric (PG&E) 230-kV Metcalf-Monta Vista No. 4 transmission on Tulare Hill.
- An approximately 1 mile, 16-inch natural gas pipeline that connects to an existing PG&E transmission backbone pipeline that runs along the eastern side of U.S. 101.
- An approximately 1000-foot recycled water pipeline from a tap into a new South Bay Water Recycling Program's (SBWR) pipeline for cooling water.
- An approximately 1.2-mile potable water pipeline will supply domestic and backup water supplies.
- A stormwater detention basin and discharge outfall structure to Fisher Creek.
- A new access road from Monterey Road at the Blanchard Road junction and visual screening and landscape corridor along the new access road that will require 6 acres of agricultural land south of the MEC site.
- A second access road (west access road) may extend from Santa Teresa Boulevard to the MEC site that will require 2.0 acres of agricultural land.
- Two temporary construction laydown yards totaling 24.8-acres are located in agricultural land south of the MEC site.

The project was designed to avoid significant adverse impacts to sensitive biological resources to the furthest extent feasible. Mitigation measures were developed through consultation with the U. S. Fish and Wildlife Service (USFWS), U. S. Army Corps of Engineers (Corps), National Marine Fisheries Service (NMFS), California Department of Fish and Game (CDFG), and the San Francisco Bay Regional Water Quality Control Board (Water Board) to minimize unavoidable project impacts. Permits and authorizations from these agencies included conditions that must be monitored by the Designated Biologist. The Biological Monitor will be available during all phases of construction to ensure compliance with the mitigation measures outlined in the *Biological Resources Mitigation Implementation and Monitoring Plan* (BRMIMP). The following report includes all MEC project activities monitored during July 2005.

MONITORED MITIGATION MEASURES

Mitigation measures were developed through consultation with USFWS, NMFS, CDFG, Water Board, Corps, and California Energy Commission (CEC) for the MEC project. Compliance with any conditions of the Corps, Water Board, and CDFG permits will be included when permits are received and used on the project.

Conditions of Certification (COC) BIO-1 through BIO-13 were in compliance during July 2005.

The following conditions described in the USFWS Biological Opinion (BO) remained pertinent to the July monitoring efforts:

- Garbage must be removed from the site.
- Activity must be limited to the minimum necessary.
- The boundaries of the site will be clearly marked.
- All equipment, personnel, and access shall be confined to designated work areas and connecting roadways.
- Refueling will occur at least 50 feet away from aquatic habitats.
- Weekly California red-legged frog surveys will be conducted in work areas.
- Bullfrogs found during amphibian surveys, including adult, subadult, and larval bullfrogs, shall be captured and killed.
- The Biological Monitor will inspect the erosion control features during rain events or other water releases.
- Concrete trucks must be washed within a designated area with a surrounding berm.

The Biological Monitor was available throughout the month to respond to biological issues as needed. July activities are described in the following section.

SUMMARY OF ACTIVITIES

This report provides a summary of July project activities and associated biological monitoring. A cumulative wildlife species list is included in Appendix A. WEAT sign-in sheets are included in Appendix B. Wildlife Observation Forms are included in Appendix C. Representative Photographs are included in Appendix D. The Biological Monitor completed daily logs summarizing activities, personal interactions, and observations. These logs are available on request.

Site Construction

July site activities generally focused on installation of aboveground infrastructure including architectural treatments and other facility equipment. Monthly activities also included continued restoration of the laydown yards and personnel parking lot, and installation of riparian plantings on the east and south sides of Fisher Creek. Most of these activities will continue until project completion (expected in September 2005).

Monitoring visits were conducted bi-monthly (or as needed), as all site activities were limited to previously disturbed areas and primarily consisted of installation of above-ground infrastructure and site restoration. Monitoring visits focused on continued compliance with CEC biological COCs and helped determine future monitoring needs. All construction activities remained outside the Fisher Creek riparian corridor.

Aboveground Infrastructure

Equipment continued to be transported from the north laydown yard to the main site, where it is being installed on the power block site. The south laydown yard is no longer in use. These activities will continue to diminish as the site nears completion.

During the next month project activities will begin to include landscaping along the MEC main access road and around administrative facilities.

Temporary Disturbance Areas

Restoration activities continued this month in the laydown yards and parking lot. These activities included use of heavy machinery to remove ground armoring materials (e.g. rock aggregate and geo-textile fabric). In addition, field office trailers were dismantled and removed from the project site. These temporary use areas will be restored to pre-existing land uses (e.g. agricultural fields). Restoration will likely continue next month.

Fisher Creek Riparian Corridor Enhancement

This month, native riparian vegetation (e.g. California sycamore, coyote brush, valley oak, elderberry, etc.) was installed along the east and south sides (areas 3 & 4) of Fisher Creek completing enhancement plantings of the Fisher Creek Riparian Corridor. In addition, a drip irrigation system, mulch, and wire mesh were installed around trees and shrubs (see Representative Photographs, Appendix D). The initial enhancement plantings began in March 2003 with areas 1 and 2.

The landscaping contactor accessed the east side of Fisher Creek using the main site access roads near the cooling towers. Hand tools were used to dig planting holes and install the above-ground irrigation system. Foot traffic was kept to a minimum to avoid disturbance to existing riparian vegetation within the corridor. Irrigation water on the east bank of Fisher Creek is provided by the MEC potable water line. The irrigation system will likely be completed next month.

During the next month, the Biological Monitor will inspect enhancement areas 3 and 4 to ensure that the required number of riparian plantings have been installed as prescribed by the project's Tree Mitigation and Enhancement Plan.

WORKER ENVIRONMENTAL AWARENESS TRAINING

The WEAT program was developed exclusively for the MEC project. Program materials include a handbook, video, and poster. As required by COC BIO-6 from the CEC *Commission Decision*, all new employees must attend the WEAT program.

Four personnel received WEAT training in July for a total of 2854 employees trained at MEC since the project began. A Calpine Site Safety Officer administered the WEAT training. A list of July WEAT attendees is included in Appendix B. Signed affidavits are kept on file by Calpine's Compliance Manager.

GENERAL NOTES AND OBSERVATIONS

Calpine personnel continued to perform periodic SWPPP compliance inspections of project BMPs. The Biological Monitor will continue to aid the Environmental Compliance Manager as necessary in site preparation for rain events and ensure BMPs are in good repair and are functioning properly.

Nesting Birds

On July 18th, personnel discovered an active house finch (*Carpodacus mexicanus*) nest with nestlings inside a storage tent that was being dismantled in the north laydown yard. The work was discontinued and the Biological Monitor was contacted for further direction. The area was physically identified for avoidance until it was determined that the nest was no longer active (Appendix D).

On July 18th, during a routine site visit, the Biological Monitor removed a partially built house finch nest that was observed in the north laydown yard prior to disturbance.

On July 22nd, the Biological Monitor conducted a pre-construction survey of topsoil stockpile located in the south laydown yard. The survey focused on identifying nesting birds in the overgrown ruderal vegetation that now covers the stockpile. This soil will soon be

redistributed over the temporary disturbance areas. No active bird nests or other biological issues were observed or identified during the survey. Bird nesting within the project site will likely diminish over the coming weeks as the nesting season (February to July/August) comes to an end.

APPENDIX A

Cumulative Wildlife Species Observed In or Near the Project Area

Cumulative Wildlife Species Observed In or Near the Metcalf Energy Center Project and Linear Facilities Area (May 2001 to July 31, 2005)

Common Name	Scientific Name	Location
INSECTS		
Bay checkerspot butterfly	*Euphydras editha* spp. *Bayensis*	TH
Cabbage white butterfly	*Pieris rapae*	EC, GP
Anise swallowtail butterfly	*Papillio zelicaon*	TH
Lorquin's admiral	*Limenitis lorquini*	GP
Buckeye butterfly	*Precis coenia*	TH
Painted lady butterfly	*Vanessa cardui*	EC
Opler's longhorn moth	*Adela oplerella*	TH
Tarantula	*Eurypelma californicum*	TH, EC
AMPHIBIANS AND REPTILES		
American bullfrog	*Rana catesbeiana*	CC
Pacific tree frog	*Hyla regilla*	TH, FC, EC
Arboreal salamander	*Aneides lugubris*	TH, EC
Western fence lizard	*Sceloporus occidentalis*	EC, TH, LA, FC, GP
Side-blotched lizard	*Uta stansburiana*	EC
Southern alligator lizard	*Elgaria multicarinata*	EC, TH, GP
Western skink	*Eumeces skiltonianus*	TH
Gopher snake	*Pituophis melanoleucus*	EC, LA, FC, PWL
FISH		
Largemouth bass	*Micropterus salmoides*	CC
Sunfish	*Lepomis* spp.	CC
Common carp	*Cyprinus carpio*	CC
BIRDS		
Pied-billed grebe	*Podilymbus podiceps*	FC, CC, GP
American white pelican	*Pelecanus erythrorhynchos*	EC*
Double-crested cormorant	*Phalacrocorax auritus*	CC*
Canada goose	*Branta Canadensis*	EC*, CC
Mallard	*Anas platyrhynchos*	FC, CC
Gadwall	*Anas strepera*	FC
Wood duck	*Aix sponsa*	FC, CC
Common merganser	*Mergus merganser*	FC
Hooded merganser	*Lophodytes cucullatus*	FC
American coot	*Fulica Americana*	FC, CC

Location:

EC = Coyote Creek Riparian Corridor
CR = Coyote Ridge
EC = Metcalf Energy Center Plant Site
FC = Fisher Creek Riparian Corridor
GP = Gas Pipe Line Corridor
TH = Tulare Hill Ecological Preserve
TL = Transmission Line Corridor
PWL = Potable Water Line Corridor
LEA = Laydown expansion area
LA = Laydown Area
CTP = Construction Trade Parking Lot
SAR = Secondary Access Road Corridor
SS = Sanitary Sewer Pipeline

Notes:

* Flyover or otherwise not utilizing area resources.
** Non-active signs (i.e. carcass, feather, nest, track)

Species in **bold** were recorded for the first time this month.

Cumulative Wildlife Species Observed In or Near the Metcalf Energy Center Project and Linear Facilities Area (May 2001 to July 31, 2005) (Continued)

Common Name	Scientific Name	Location
BIRDS (continued)		
Great blue heron	*Ardea heroides*	FC, GP
Green heron	*Butorides virescens*	FC, CC, GP
Great egret	*Casmerodius albus*	FC, GP
Snowy egret	*Egretta thula*	FC, GP
Killdeer	*Charadrius vociferous*	LA, LEA*,EC, GP
Turkey vulture	*Cathartes aura*	EC*, TH, LA, GP
White-tailed kite	*Elanus caeruleus*	FC, GP
Northern harrier	*Circus cyaneus*	FC, TH
Golden eagle	*Aquila chrysaetos*	TH
Osprey	*Pandion heliaetus*	CC*, TH, EC, FC
Sharp-shinned hawk	*Accipiter striatus*	FC, TH
Cooper's hawk	*Accipiter cooperii*	CC, EC*, FC
Red-shouldered hawk	*Buteo lineatus*	EC, FC, LA, CC, LEA, GP
Red-tailed hawk	*Buteo jamiacensis*	EC, FC, GP, TH, TL, CC
American kestrel	*Falco sparverius*	EC, TH, SS
Prairie falcon	*Falco mexicanus*	TH
Barn owl	*Tyto alba*	GP
California quail	*Callipepla californica*	CC, GP
Spotted sandpiper	*Actitis macularia*	FC
Mourning dove	*Zenaida macroura*	EC, FC, TH, TL, CC, GP
Rock dove	*Columba livia*	EC*, TH*, GP
Anna's hummingbird	*Calypte anna*	TH, CC
Hummingbird sp.		EC, TH, FC
Belted kingfisher	*Ceryle alcyon*	FC, EC*, CC, GP
Northern flicker	*Colaptes auratus*	EC, FC, TH
Nuttall's woodpecker	*Picoides nuttallii*	FC, FC**(nest),EC
Downy woodpecker	*Picoides pubescens*	EC, FC
Black phoebe	*Sayornis nigricans*	EC, EC** (nest), FC, TL, LEA, CC, GP
Say's phoebe	*Sayornis saya*	LEA
Western scrub-jay	*Aphelocoma californica*	EC, FC, LEA, CC, GP
Common raven	*Corvus corax*	EC, TH, FC, CC, GP
Horned lark	*Eremophila alpestris*	TH

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LEA = Laydown expansion area
LA = Laydown Area
CTP = Construction Trade Parking Lot
SAR = Secondary Access Road Corridor
SS = Sanitary Sewer Waterline

Notes:
* Flyover or otherwise not utilizing area resources
** Non-active sign (i.e. carcass, feather, nest, track)
Species in bold were recorded for the first time this month.

Cumulative Wildlife Species Observed In or Near the Metcalf Energy Center Project and Linear Facilities Area (May 2001 to July 31, 2005) (Continued)

Common Name	Scientific Name	Location
BIRDS (CONTINUED)		
Tree swallow	*Tachycineta bicolor*	FC**(nest)
Northern rough-winged swallow	*Stelgidopteryx serripennis*	EC
Cliff swallow	*Petrochelidon pyrrhonotta*	FC, FC**(nest), EC, TL
Barn swallow	*Hirundo rustica*	EC, LEA, GP
Oak titmouse	*Baeolophus inornatus*	FC, CC
Chestnut-backed chickadee	*Poecile rufescens*	FC, GP
Bushtit	*Psaltriparus minimus*	EC, FC, FC**(nest),GP, TL, CC
White-breasted nuthatch	*Sitta carolinensis*	FC
Bewick's wren	*Thryomanes bewickii*	FC, FC** (nest), TH, CC, GP
Rock wren	*Salpinctes obsoletus*	FC, TH, LA
Ruby-crowned kinglet	*Regulus calendula*	TH, FC, CC
Hermit thrush	*Catharus guttatus*	FC
Northern mockingbird	*Mimus polyglottos*	EC, FC, GP
Western bluebird	*Sialia mexicana*	FC, CC, EC, LEA
American robin	*Turdus migratorius*	LA, EC, CC
Loggerhead shrike	*Lanius ludovicianus*	TH, FC, EC, SAR
Western kingbird	*Tyrannus verticalis*	CC
European starling	*Strunus vulgaris*	LEA, FC, EC, GP
Rose-breasted grosbeak	*Pheucticus ludovicianus*	EC
Rufous-sided towhee	*Pipilo erythrophthalmus*	GP
California towhee	*Pipilo crissalis*	EC, TH, FC, CC, GP
Dark-eyed junco	*Junco hyemalis*	FC, TH, CC
White-crowned sparrow	*Zonotrichia leucophrys*	EC, FC, TH, CC
Song sparrow	*Melospiza melodia*	EC, LA, LEA, FC, GP
Yellow-rumped warbler	*Dendroica magnolia*	TH, FC, CC
Western meadowlark	*Sturnella neglecta*	EC, LA, TH
Red-winged blackbird	*Agelaius phoeniceus*	FC, SAR
Brewer's blackbird	*Euphagus cyanocephalus*	FC, EC, CC, SAR
Bullock's oriole	*Icterus bullockii*	FC, FC**(nest),CC
House finch	*Carpodacus mexicanus*	EC, LA**, CC, FC, LEA**(nest), GP
American goldfinch	*Carduelis tristis*	LEA

Location:

CC = Coyote Creek Riparian Corridor
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Notes:

* Flyover or otherwise not utilizing area resources.
** Non-active sign (i.e. carcass, feather, nest, track)

Species in bold were recorded for the first time this month.

Cumulative Wildlife Species Observed In or Near the Metcalf Energy Center Project and Linear Facilities Area (May 2001 to July 31, 2005) (Continued)

Common Name	Scientific Name	Location
MAMMALS		
Lesser goldfinch	*Carduelis psaltria*	EC, FC, CC, TH
House sparrow	*Passer domesticus*	EC, FC, CC, LEA**(nest)
Common raccoon	*Procyon lotor*	FC**(track)
Striped skunk	*Mephitus mephitus*	TH**(track), GP
Opossum	*Didelphis marsupialis*	EC
Domestic dog	*Canis familiaris*	EC
Coyote	*Canis latrans*	TH, SS
Feral cat	*Felis catus*	EC
Mountain lion	*Puma concolor*	GP**(tracks)
Bobcat	*Lynx rufus*	CC** (carcass), GP
California ground squirrel	*Spermophilus beechyi*	EC, FC, TH, TL, GP
Western gray squirrel	*Sciurus griseus*	FC
Valley pocket gopher	*Thomomys bottae*	LA**(carcass), SAR, GP
California vole	*Microtus californicus*	FC, EC
Deer mouse	*Peromyscus maniculatus*	TH, EC
Dusky-footed woodrat	*Neotoma fuscipes*	GP**(lodge)
Norway Rat	*Rattus norvegicus*	EC
Common muskrat	*Ondatra zibethicus*	FC, LY
Brush rabbit	*Sylvilagus bachmani*	GP
Black-tailed jackrabbit	*Lepus californicus*	EC, TH, CTP
Feral pig	*Sus scrofa*	CC**(carcass), GP**(scat)
Tule elk	*Cervus nannodes*	CR
Black-tailed deer	*Odocoileus hemionus*	FC, GP, CC

Location:

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Notes:

* Flyover or otherwise not utilizing area resources.
** Non-active sign (i.e. carcass, feather, nest, track)

Species in **bold** were recorded for the first time this month.

APPENDIX B

WEAT Sign-In Sheets

METCALF ENERGY CENTER
ENVIRONMENTAL TRAINING
SIGN-IN SHEET

(Biology, Archaeology, & Paleontology)

Date: 07.27.05

PLEASE NOTE:

By signing below, I acknowledge that I have attended the Worker Environmental Awareness Training Program for the Metcalf Energy Center Project, and I agree to comply with all the environmental requirements presented.

NAME (PRINT)	NAME (SIGNATURE)	COMPANY	FOR OFFICE USE ONLY			
			W OR D	EMP ID #	BADGE #	PARK PERMIT #
James Walters		Performance	W	01733		
Jorge D Martinez Jr		Performance	W	01734		

Instructor/s:

METCALF ENERGY CENTER
ENVIRONMENTAL TRAINING
SIGN-IN SHEET

(Biology, Archaeology, & Paleontology)

Date: 07.19.05

PLEASE NOTE:
By signing below, I acknowledge that I have attended the Worker Environmental Awareness Training Program for the Metcalf Energy Center Project, and I agree to comply with all the environmental requirements presented.

NAME (PRINT)	NAME (SIGNATURE)	COMPANY	FOR OFFICE USE ONLY			
			W OR D	EMP ID #	BADGE #	PARK PERMIT #
Joseph Selva	[signature]	Crown Skylight	W	01731		
Javier L. Ureno	Javier L. Ureno	Crown Skylights	W	01732		

Instructor/s: [signature]

APPENDIX C

Wildlife Observation Forms

Figure B-1. Wildlife Observation Form

WILDLIFE OBSERVATION FORM

To Record Animals Found In Metcalf Energy Center Project Areas

To be filled out by personnel who find active nest sites and burrows, dens, and dead or injured wildlife, or other biological resources during daily construction activities.

Name of employee:
Todd Ellwood

Date:
7/18/05

Location of observation:
NORTH LAYDOWN YARD

Condition of wildlife:
alive [X] dead [ ]

Species: HOUSE FINCH NESTLINGS

Possible cause of injury or death:
N/A

Where is the animal currently?
AT ABOVE LOCATION INSIDE STORAGE TENT

Is the resource in danger of project (or other) impacts?
NO, IMMEDIATE AREA CORDONED OFF

Comments:
NESTLINGS FLEDGED BY 7/22/05. INACTIVE NEST REMOVED BY BIOLOGICAL MONITOR AT THAT TIME.

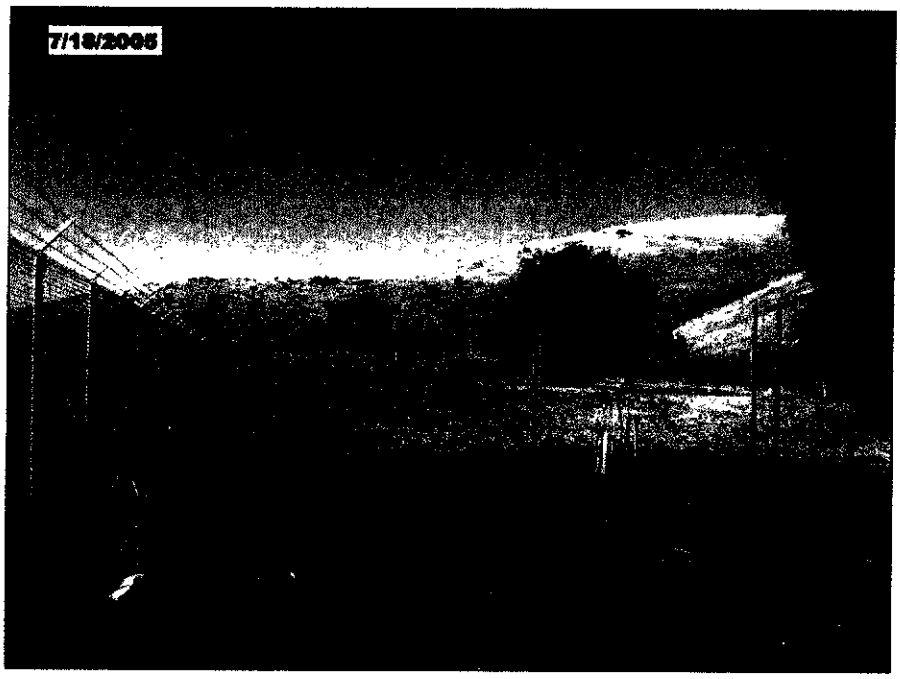
Please contact the Designated Biologist for questions and to report any wildlife, nest, or den in the project area that could be disturbed. The Designated Biologist will advise personnel on measures required by California Department of Fish and Game (CDFG) and United States Fish and Wildlife Service (USFWS) to protect fish, wildlife and vegetation from construction impacts.

DESIGNATED BIOLOGIST: Debra Crowe (916) 920-0212 ext. 385
BIOLOGICAL FIELD MONITOR: Todd Ellwood (408) 839-2402
COMPANY: CH2MH ADDRESS: 2485 Natomas Park Drive, St. 600

USFWS CONTACT: Cecilia Brown (916) 414-6625
CDFG CONTACT: John Norris (408) 591-5174

APPENDIX D

Photographs



Planting Area 1

Planting Area 2

COMPLIANCE MATRIX

METCALF ENERGY CENTER
MONTHLY COMPLIANCE REPORT

As of July 31, 2005

METCALF ENERGY CENTER - COMPLIANCE MATRIX							
START OF MOBILIZATION/ROUGH GRADING		1/14/2002					
START OF CONSTRUCTION		9/1/2002					
Condition No.	**Requirements & Task Summary**	**Action required**	**Event**	**Required Submittal Date**	**Date submitted to CPM/CBO**	**Date approved by CPM/CBO**	**Status/ Comments**
AQ-1	Minimize emissions of carbon monoxide (CO) and nitrogen oxides (NOx) from S-1and S-3 GTs; and S-2 and S-4 HRSGs.	In Monthly Compliance Report indicate how this condition is being implemented.	Monthly Compliance Report	4/15/05	6/14/05		
AQ-2	Tune combustors of S-1 & S-3 GTs and S-2 and S-4 HRSGs duct burners to minimize emissions of CO and NOx.	In Monthly Compliance Report indicate how this condition is being implemented.	Monthly Compliance Report	4/15/05	6/14/05		
AQ-3	Install, adjust, and operate A-1and A-2 SCR Systems to minimize emissions of CO and NOx from S-1 and S-3 GTs and S-2 and S-4 (HRSGs)	In Monthly Compliance Report indicate how this condition is being implemented.	Monthly Compliance Report	4/15/05	6/14/05		
AQ-4	With steady-state operation of A-1& A-2 SCR systems shall comply with NOx and CO emission limitations.	In Monthly Compliance Report indicate how this condition is being implemented.	Monthly Compliance Report	4/15/05	6/14/05		
AQ-5	Submit plan to DPSD and CPM describing procedures to be followed during commissioning of GTs, HRSGs, and STGs.	At least 28 days prior to first firing of the gas turbines, submit a complete commissioning plan	28 days prior to first fire of Gas Turbines	1/31/05	3/14/05	7/8/05	Complete
AQ-6	Demonstrate compliance with conditions 8-10 through the use of properly operated and maintained CEMS and data recorders.	In Monthly Compliance Report indicate how this condition is being implemented.	Monthly Compliance Report	4/15/05	6/14/05		
AQ-7	Install, calibrate, operate District approved CEMS monitors prior to first firing of GT's and HRSGs.	In Monthly Compliance Report indicate how this condition is being implemented.	Monthly Compliance Report	4/15/05	6/14/05		
AQ-8	Total no. of firing hours for S-1 GT and S-2 HRSG without abatement of A-1 SCR shall not exceed 300 hours during commissioning.	In the MCR indicate the cumulative number of firing without SCR. Submit a copy of the completion notice to CPM.	Monthly Compliance Report	4/15/05	6/14/05		
AQ-9	Total no. of firing hours for S-3 GT and S-4 HRSG without abatement of A-3 SCR shall not exceed 300 hrs during commissioning period.	In the MCR indicate the cumulative number of firing without SCR. Submit a copy of the completion notice to the CPM	Monthly Compliance Report	4/15/05	6/14/05		
AQ-10	Total mass emissions of NOx, CO, POC, PM10, and SO2 emitted by the GTs and HRSGs during the commissioning period shall accrue towards the consecutive 12-month emission limitations.	In the MCR indicate the cumulative number of firing without SCR. Submit a copy of the completion notice to the CPM.	Monthly Compliance Report	4/15/05	6/14/05		
AQ-11	Combined daily emissions from GTs and HRSGs shall not exceed the following during the commissioning period: Nox = 4805; CO = 11,498; POC = 495; PM10 = 468; SO2= 42.	In the monthly compliance report indicate any violations of the emission limits	Monthly Compliance Report	4/15/05	6/14/05		
AQ-12	Submit to District and CPM a detail source test plan and conduct District and CEC approved source test using external CEMS to determine compliance with Condition 21.	Source test results shall be submitted to the District and the CEC CPM within 30 days of the source testing date.	Within 30 days of source tests per AQ-12 complete	6/25/05			
AQ-12	Submit to District and CPM a detail source test plan and conduct District and CEC approved source test using external CEMS to determine compliance with Condition 21.	Notify the District and the CEC CPM.	Within seven (7) working days prior to the planned testing date	4/15/05	5/17/05		
AQ-13	GTs (S-1, S-3) and HRSG (S-2, S-4) shall be fired exclusively on natural gas. (BACT for SO2 and PM10)	As part of the semiannual Air Quality Reports, indicate the date, time, and duration of any violation of this condition.	Semiannual Air Quality Reports	1/15/06			
AQ-14	Combined heat input rate of each power train (S-1 & S-2, S-3 & S-4) shall not exceed 2,124 MMBtu/hr (3-hour rolling average) (PSD for NOx)	As part of the Air Quality monthly Reports, include information on the date and time when the hourly fuel consumption exceed this hourly limit.	Monthly Air Quality Reports	7/15/05			

METCALF ENERGY CENTER - COMPLIANCE MATRIX							
START OF MOBILIZATION/ROUGH GRADING		1/14/2002					
START OF CONSTRUCTION		9/1/2002					
Condition No.	**Requirements & Task Summary**	**Action required**	**Event**	**Required Submittal Date**	**Date submitted to CPM/CBO**	**Date approved by CPM/CBO**	**Status/ Comments**
AQ-15	Combined heat input rate of each power train (S-1 & S-2 and S-3 & S-4) shall not exceed 49,908 MMBtu/day (PSD for PM10)	As part of the Air Quality monthly Reports, include information on the date and time when the hourly fuel consumption exceed this daily limit.	Monthly Air Quality Reports	7/15/05			
AQ-16	Combined cumulative heat input rate of GTs (S-1, S-3) and HRSGs(S-2, S-4) shall not exceed 35,274,060 MMBtu/yr. (Offsets)	As part of the Air Quality annual Reports, include information on the date and time when the annual cumulative fuel consumption exceed this annual limit	Annual Air Quality Reports	7/15/05			
AQ-17	HRSGs (S-2, S-4) duct burners shall not be fired unless associated GTs (S-1, S-3) are in operation. (BACT for NOx)	As part of the Air Quality Reports, include information on the date, time, and duration of any violation of this permit condition.	Monthly Air Quality Reports	7/15/05			
AQ-18	GT/HRSG (S-1/S-2) shall be abated by the A-1 SCR system whenever fuel is combusted in these units and the A-1 catalyst bed has reached min. operating temperature.	As part of the semiannual Air Quality Reports, provide information on any major problem in the operation of the Oxidizing Catalyst and Selective Catalytic Reduction Systems for the Gas Turbines and HRSG's.	Semiannual Air Quality Reports	1/15/06			
AQ-19	GT/HRSG (S-3/S-4) shall be abated by the A-2 SCR system whenever fuel is combusted in these units and the A-2 catalyst bed has reached min. operating temperature.	As part of the semiannual Air Quality Reports, provide info. on any major problem in the operation of the Oxidizing Catalyst and Selective Catalytic Reduction Systems for the Gas Turbines and HRSGs.	Semiannual Air Quality Reports	1/15/06			
AQ-20(a)	Emission requirements: Emission Point P-1 NOx = 19.2 lbs/hr [0.00904 lbs/MMBtu (HHV) of nat. gas fired] ; Emission Point P-2 NOx = 19.2 lbs/hr [0.00904 lbs/MMBtu (HHV) of nat. gas fired] .	As part of the semiannual Air Quality Reports, 5ndicate the date, time, and duration of any violation. Include quantitative info. on the severity of the violation.	Semiannual Air Quality Reports	1/15/06			
AQ-20(b)	NOx Emission concentration = 2.5 ppmvd (corrected to 15% O2), 1-hr average (Emission Point P-1, P-2} (BACT for NOx).	Same as above	Semiannual Air Quality Reports	1/15/06			
AQ-20(c)	CO mass emission = 28.07 lbs/hr (at any 3-hour rolling avg.) (Emission Point P-1, P-2).	Same as above	Semiannual Air Quality Reports	1/15/06			
AQ-20(d)	When the heat input to a CT exceeds 1700 MMBTU/hr (HHV), the CO emission concentration shall not exceed 6.0 ppmvd on dry basis and the CO mass emission rate shall not exceed 0.0132 lb/MMBTU at any 3-hr rolling average.	Same as above	Semiannual Air Quality Reports	1/15/06			
AQ-20(e)	Ammonia (NH3) emission concentration shall not exceed 5 ppmvd on dry basis, at any 3-hour rolling avg. Ammonia injection rate to A-1, A-2 to be verified through continuous recording of rate.	Same as above	Semiannual Air Quality Reports	1/15/06			
AQ-20(f)	Precursor organic compounds (POC) mass emissions (as CH4) shall not exceed 2.7 lbs/hr or 0.00126 lbs/MMBTU of natural gas fired. (Emission points P-1, P-2).	Same as above	Semiannual Air Quality Reports	1/15/06			
AQ-20(g)	Sulfur dioxide (SO 2) mass emissions at P-1 ,P-2 each shall not exceed 1.28 pounds per hour or 0 .0006 lb /MM BTU of natural gas fired. (BACT)	Same as above	Semiannual Air Quality Reports	1/15/06			

METCALF ENERGY CENTER - COMPLIANCE MATRIX							
START OF MOBILIZATION/ROUGH GRADING		9/14/2002					
START OF CONSTRUCTION		9/1/2002					
Condition No.	**Requirements & Task Summary**	**Action required**	**Event**	**Required Submittal Date**	**Date submitted to CPM/CBO**	**Date approved by CPM/CBO**	**Status/ Comments**
AQ-20(h)	PM10 mass emission s at P-1 ,P-2 each shall not exceed 9 pounds per hour or 0.00452 lb PM10/MM BTU. Particulate matter (PM10) mass emissions at P-1 ,P-2 each shall not exceed 12 pounds per hour or 0.00565 lb PM10/MM BTU, when HRSG duct burners are in operation.	Same as above	Semiannual Air Quality Reports	1/15/06			
AQ-21	GT (S-1, S-3) Start-up and Shutdown emission rates.	Same as above	Semiannual Air Quality Reports	1/15/06			
AQ-22	Not more than one GT (S-1, S-2) shall be in start-up mode at any one time.	In the monthly compliance report indicate how this condition is being implemented.	Monthly Compliance Report	7/15/05			
AQ-23	HRSGs and ducting shall be designed such that an oxidation catalyst shall be readily installed if deemed necessary by APCO to insure compliance with CO emissions rates.	In the semiannual compliance report indicate how this condition is being implemented	Semiannual Air Quality Reports	1/15/06			
AQ-24	Total combined emissions in lbs/day, from GTs and HRSGs (S-1, S-2, S-3, S-4), including start-up and shutdown.	As part of the semiannual Air Quality Reports, indicate the date of any violation of this Condition including quantitative information on the severity of the violation.	Semiannual Air Quality Reports	1/15/06			
AQ-25	Cumulative combined emissions in tons/any consecutive 12-month period, from GTs and HRSGs shall not exceed Nox = 123.4 (offsets), CO=588, POC=28 (offsets), PM10=91.3 (offsets), SO2=10.6 (cumulative increase).	As part of the semiannual Air Quality Reports, indicate the date of any violation of this Condition including quantitative information on the severity of the violation.	Semiannual Air Quality Reports	1/15/06			
AQ-26	Maximum projected combined annual toxic air contaminant emissions from GTs and HRSGs (S-1, S-2, S-3, S-4). (a) formaldehyde = 3,796 lbs/yr (b) Benzene = 480 lbs/yr (c) PAHs=22.8 lbs/yr	As part of the annual Air Quality Reports, indicate the date, duration, and severity of any violation including quantitative information on the severity of the violation.	Annual Air Quality Reports				
AQ-26	Perform health risk assessment using emission rates per BAAQMD approved procedures and submit risk analysis to District and CPM.	As part of the annual Air Quality Reports, indicate the date of any violation of this Condition including quantitative information on the severity of the violation or submit risk analysis to District and CPM.	Within 60 days of source test date				
AQ-27 (a-d)	Demonstrate compliance with conditions 14-17, 20(a-d), 21, 22, 24(a), 24(b), 25(a), 25(b) by using continuous monitors during all operating hours for the following parameters.	As part of the annual Air Quality Reports, indicate the date of any violation of this Condition including quantitative information on the severity of the violation.	Annual Air Quality Reports				
AQ-27(e-f)	Use parameters in condition 27(a-d) and District approved methods to calculate the following. (e) Heat input rate for S-1 & S-2 combined, and S-3 & S-4 combined (f) Corrected NOx and CO concentrations and mass emissions at each exhaust point (P-1, P-2)	As part of the annual Air Quality Reports, indicate the date of any violation of this Condition including quantitative information on the severity of the violation.	Annual Air Quality Reports				
AQ-27(g-l)	For each source, source grouping, or exhaust point record parameters at least once every 15 minutes and calculate and record for the following. Refer to AQ-27 for further details.	As part of the annual Air Quality Reports, indicate the date of any violation of this Condition including quantitative information on the severity of the violation.	Annual Air Quality Reports				

METCALF ENERGY CENTER - COMPLIANCE MATRIX							
START OF MOBILIZATION/ROUGH GRADING		1/14/2002					
START OF CONSTRUCTION		9/1/2002					
Condition No.	**Requirements & Task Summary**	**Action required**	**Event**	**Required Submittal Date**	**Date submitted to CPM/CBO**	**Date approved by CPM/CBO**	**Status/ Comments**
AQ-28(a-b)	Demonstrate compliance with conditions 20, 21, 24, 25 by calculating and recording on a daily basis POC, PM10, and SO2 mass emissions fine PM10 and SO2 from each power train.	As part of the monthly Air Quality Reports, the owner/operator shall indicate the date of any violation including quantitative information on the severity of the violation.	Monthly Air Quality Reports	7/15/05			
AQ-29	Calculate and record on annual basis the max. projected annual emissions of formaldehyde, benzene, Specified Poly-Aromatic Hydrocarbons (PAH's).	As part of the annual Air Quality Reports, indicate the date of any violation of this Condition including quantitative information on the severity of the violation.	Annual Air Quality Reports				
AQ-30	Conduct a District-approved source test on exhaust points P-1 or P-2 to determine the corrected ammonia concentration to determine compliance with condition 20(e).	Conduct test within 60 days of startup	Within 60 days of startup	8/1/05			
AQ-30	Conduct a District-approved source test on exhaust points P-1 or P-2 to determine the corrected ammonia concentration to determine compliance with condition 20(e).	Submit source test results to the District and to the CEC CPM.	Within 30 days of the tests	9/1/05			
AQ-30	Conduct a District-approved source test on exhaust points P-1 or P-2 to determine the corrected ammonia concentration to determine compliance with condition 20(e).	Notify the District and the CEC CPM.	Within seven working days before the execution of the source tests.				
AQ-31	Conduct a District-approved source test on exhaust points P-1and P-2 while each GT and HRSG are operating at max load.	Conduct test within 60 days of startup and on annual basis thereafter.	Within 60 days startup	8/1/05			
AQ-31	Conduct a District-approved source test on exhaust points P-1and P-2 while each GT and HRSG are operating at max load.	Notify the District and the CEC CPM.	Within seven (7) working days before the execution of the source tests	4/15/05	5/17/05	7/8/05	Complete
AQ-31	Conduct a District-approved source test on exhaust points P-1and P-2 while each GT and HRSG are operating at max load.	Submit source test results to the District and to the CEC CPM.	Within 30 days of the date of the tests	9/1/05			
AQ-32	Obtain approval for all source test procedures from District Source Test Section and CPM prior to conducting tests.	Notify the District's Source Test Section and the CEC CPM in writing of the Source Test Protocols and projected test dates at least 7 days prior to the testing date(s).	7 days prior to testing date(s)	4/15/05	5/17/05	7/8/05	Complete
AQ-33	Conduct a District-approved source test within 60 days of startup on each exhaust point (P-1, P-2). Also test the GTs at minimum load.	Notify the District and the CEC CPM at least 7 working days before the owner/operator plans to conduct source testing as required by this condition.	Execution of the Source Tests within 60 days of startup	8/1/05			
AQ-33	Conduct a District-approved source test within 60 days of startup on each exhaust point (P-1, P-2). Also test the GTs at minimum load.	Conduct test.	Within 60 days of startup and on biennial basis thereafter	8/1/05			
AQ-33	Conduct a District-approved source test within 60 days of startup on each exhaust point (P-1, P-2). Also test the GTs at minimum load.	Source test results shall be submitted to the District and the CEC CPM.	Within thirty (30) days of conducting the test	9/1/05			
AQ-34	Submit all reports as required by District Rules or Regulations and in accordance with all procedures and time limits.	Submit a copy of test protocols at least 90 days before startup.	90 days before startup	3/1/05	1/17/05	7/8/05	Complete
AQ-35	Maintain records and reports on site for a minimum of 5 years.	During site inspection, make all records and reports available to the District, California Air Resources Board, and CEC staffs.	AQ Inspection per AQ-35				

METCALF ENERGY CENTER - COMPLIANCE MATRIX							
START OF MOBILIZATION/ROUGH GRADING		1/14/2002					
START OF CONSTRUCTION		9/1/2002					
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AQ-36	Notify District and CPM of any violations of these permit conditions.	Submittal of these notifications as required by this condition is the verification of these permit conditions.	Violation of Permit Conditions				
AQ-38	Provide adequate stack sampling ports and platforms to enable the performance of source testing.	Within 60 days of receipt of the plan, the BAAQMD will advise the Owner/Operator and the CPM of the acceptability of the plan.	Approval by BAAQMD and CPM after submittal				
AQ-42	Submit an application to the BAAQMD for a major facility review permit within 12 months of the issuance of the PSD permit for the MEC.	Submit to the CPM a copy of the Federal (Title V) Operating Permit.	30 days after permit issued				Expect to receive permit in Spring 2005.
AQ-44	Comply with the continuous emission monitoring requirements of 40 CFR Part 75.	Submit to the CPM a plan on how the measurements and recordings required by this condition will be performed.	60 days before initial Operation	4/1/05	6/21/04	7/12/04	Complete
AQ-45	Take monthly samples of natural gas combusted at MEC and analyze these samples for sulfur content using District-approved lab methods.	Maintain on site the records of all the guarantees received from its natural gas suppliers indicating that the fuel delivered to MEC complies with the 40 CFR Part 60,Subpart GG.	On-site Compliance Inspections				
AQ-47a	Perform visual inspection of cooling tower drift eliminators once per calendar year and repair or replace any drift eliminators which are broken or missing.	As part of the monthly Air Quality Reports, indicate the date of any violation of this Condition.	Monthly Air Quality Reports				
AQ-47b	Have cooling tower representative inspect the cooling tower drift eliminators and certify installation was performed in a satisfactory manner.	Have cooling tower representative inspect the cooling tower drift eliminators and certify installation.	Initial Operation	4/1/05	5/5/05	7/8/05	Complete
AQ-47c	Perform an initial performance source test to determine the PM10 emission rate from the cooling tower to verify compliance with the vendor-guaranteed drift rate.	As part of the monthly Air Quality Reports, indicate the date of any violation of this Condition.	Within 60 days of initial operation of the cooling tower	8/1/05			
AQ-48	Implement a CPM approved Fugitive Dust Control Plan during construction.	Maintain daily records to document the specific actions taken pursuant to the plan. Summary of activities in MCR.	Monthly Compliance Report				On-going
AQ-49	During construction owner shall: 1. Prevent or remove within 1-hour the track-out of bulk material onto public paved roads 2. Install and use a track-out control device 3. Minimize fugitive particulate emission. Daily inspections of conditions mandated.	The project owner shall maintain a daily log during the construction phase of the project. The logs shall be made available to the CEC CPM upon request.	Start of Construction				On-going
AQ-50	Identify the source of the fugitive dust and implement one or more of the appropriate control measures specified in Table 3.	Maintain a daily log recording the dates and times that measures have been implemented and make them available to the CEC CPM upon request.	Start of Construction				On-going
AQ-52	The project owner shall mitigate, to the extent practical, construction related emission impacts from off-road, diesel fired construction equip. Details of Plans shown in Condition AQ-52.	Submit Report of Change to the CPM no later than 10 working days after use of equipment on site.	10 days after use of equipment on site				On-going

METCALF ENERGY CENTER - COMPLIANCE MATRIX							
START OF MOBILIZATION/ROUGH GRADING		1/14/2002					
START OF CONSTRUCTION		9/1/2002					
Condition No.	**Requirements & Task Summary**	**Action required**	**Event**	**Required Submittal Date**	**Date submitted to CPM/CBO**	**Date approved by CPM/CBO**	**Status/ Comments**
AQ-53	The heat input to the fire pump diesel engine shall not exceed 211 MM BTU totaled over any consecutive twelve month period.	As part of the monthly Air Quality Reports, indicate the date of any violation of this Condition including quantitative information on the severity of the violation.	Monthly Air Quality Reports	7/15/05			
AQ-54	The total hours of operation of the emergency generator shall not exceed 200 hours per calendar year, plus an additional 100 hours per calendar year for the purposes of maintenance and testing.	As part of the monthly Air Quality Reports, indicate the date of any violation of this Condition including quantitative information on the severity of the violation.	Monthly Air Quality Reports	7/15/05			
AQ-56	Cold Start-up hours shall not exceed 30 hours per calendar year for each Gas Turbine.	Provide dates and durations of any violation of this Condition to the CPM.	Annual Compliance Report	1/15/06			
AQ-57	Record start time, end time, and duration of Gas Turbine Cold Startup and Combustor Tuning Periods.	Make all records available to Agencies during inspection.	Ongoing				
Public Health-1	Perform a visual inspection of the cooling tower drift eliminators once per calendar year. Prior to initial operation of the project, have the cooling tower vendor's field representative inspect the cooling tower drift eliminator and certify that the installation was performed in a satisfactory manner.	Prior to initial operation of the project, have the cooling tower vendor's field representative inspect the cooling tower drift eliminator and certify that the installation was performed in a satisfactory manner.	Prior to initial operation	4/1/05	5/5/05	7/8/05	Complete
Public Health-1	Perform a visual inspection of the cooling tower drift eliminators once per calendar year. Prior to initial operation of the project, have the cooling tower vendor's field representative inspect the cooling tower drift eliminator and certify that the installation was performed in a satisfactory manner.	The project owner shall include the results of the annual inspection of the cooling tower drift eliminators and a description of any repairs performed in the next required compliance report.	Annual Compliance Report				
WORKER SAFETY 2	Project Operation Safety and Health Plan containing the following: Operation Injury and Illness Prevention Plan. Emergency Action Plan. Operation Fire Protection Plan. Personal Protective Equipment Program.	Submit to the CPM a copy of the final version of the Project Operation Safety & Health Program with a copy of the cover letter to Cal/OSHA's Consultation Service, and San Jose Fire Department comments stating that they have reviewed and accepted the specified elements of the Plan.	30 days prior to start of operation	5/1/05	3/28/05	7/8/05	Complete
TLSN-2	Identify and correct any complaints of interference w/ radio and TV signals from operation of line and facilities.	All reports of line-related complaints shall be summarized and included for 5 years in the Annual Compliance Report to the CPM	Annual Compliance Report				
TLSN-3	Engage a qualified consultant to measure the strengths of the line electric and magnetic fields in the project owner's 240-foot section before and after the 230 kV line is energized.	File copies of the pre-and post energization measurements with CPM. These measurements shall be completed within 6 months of the start of the operations.	60 days after completion of measurements	12/1/05	6/13/05		
TLSN-4	Ensure that the transmission line right-of-way is kept free of combustible material.	Provide a summary of inspection results and any fire prevention activities carried out along the ROW in the annual compliance report.	Annual Compliance Report	1/15/06			

METCALF ENERGY CENTER - COMPLIANCE MATRIX							
START OF MOBILIZATION/ROUGH GRADING		1/14/2002					
START OF CONSTRUCTION		9/1/2002					
Condition No.	**Requirements & Task Summary**	**Action required**	**Event**	**Required Submittal Date**	**Date submitted to CPM/CBO**	**Date approved by CPM/CBO**	**Status/ Comments**
HAZ-1	Do not use any hazardous material in reportable quantities, not listed in Attachment 1 or in greater quantities or strengths than those identified unless approved in advance by Santa Clara County and the CPM.	Provide to the CPM and Santa Clara County, in the Annual Compliance Report, a list of hazardous materials contained at the facility in reportable quantities.	Annual Compliance Report	1/15/06			
HAZ-4	The aqueous ammonia storage facility shall be designed to either the ASME Pressure Vessel Code and ANSI K61.6 or to API 620.	Submit final design drawings and specifications for the ammonia storage tank and secondary containment basin to the County of Santa Clara and the City of San Jose for review and comment, and to the CPM for review and approval.	60 days prior to delivery of Aqueous Ammonia	1/1/05	11/29/04	7/8/05	Complete
HAZ-5	Provide a covered secondary containment basin to passively contain any spill during the delivery of aqueous ammonia to the storage facility.	Provide detailed design drawings and specifications for the secondary containment basin to the County of Santa Clara and the City of San Jose for review and comment, and to the CPM for review and approval.	60 days prior to construction of ammonia secondary containment		11/29/04	7/8/05	Complete
HAZ-6	The project owner shall require that the gas pipeline undergo a complete design review and detailed inspection every 30 years and each 5 years thereafter.	Provide a detailed plan to accomplish a full and comprehensive pipeline design review in the future to the CPM for review and approval.	30 days prior to initial gas flow in pipeline	11/30/04	11/14/04	7/8/05	Complete
HAZ-7	Prepare and implement a pipeline maintenance plan.	Provide a detailed plan to accomplish a full and comprehensive pipeline inspection in the event of an earthquake to the CPM for review and approval.	30 days prior to initial gas flow in pipeline	11/30/04	11/29/04	7/8/05	Complete
HAZ-8	The project owner shall direct all vendors delivering any hazardous material to the site to use only the route approved by the CPM.	At least sixty (60) days prior to receipt of any hazardous materials on site, the project owner shall submit copies of the required transportation route limitation to the County of Santa Clara and City of San Jose for review and comment, and to the CPM for review and approval	60 days prior to delivery of hazardous materials	12/1/04	12/20/04	7/8/05	Complete
HAZ-11	The project owner shall direct all vendors delivering aqueous ammonia to the site to use only transport vehicles which meet or exceed the specifications of the DOT MC-307 tanker trucks.	Submit copies of the notification letter to supply vendors indicating the transport vehicle specifications to the CPM for review and approval.	60 days prior to receipt of aqueous ammonia on site	1/1/05	12/20/04	7/8/05	Complete
HAZ-12	Design, construct, and operate the project in conformance with all applicable laws, ordinances, regulations, and standards pertaining to the transport, storage, and handling of hazardous materials.	Submit final design drawings and specifications for all hazardous material storage areas and equipment to Santa Clara County and the City of San Jose for review and comment, and to the CPM for review and approval.	60 days prior to delivery of Hazardous Materials	12/1/04	11/29/04	7/8/05	Complete
WASTE-1	The project owner shall obtain a Hazardous Waste Generator Identification Number from the Department of Toxic Substances Control prior to generating any hazardous waste. (Operation).	Keep copies of the ID number and permit on file and notify the CPM via the monthly compliance report of their receipt - (operation)	Notify via Monthly Compliance Report	6/15/05	6/13/05	7/8/05	Complete
WASTE-2	Upon becoming aware of any impending waste management-related enforcement action, notify the CPM of any such enforcement action.	Notify the CPM in writing within 10 days of becoming aware of an impending enforcement action.	Within 10 days of becoming aware of an impending enforcement action				

METCALF ENERGY CENTER - COMPLIANCE MATRIX							
START OF MOBILIZATION/ROUGH GRADING		1/14/2002					
START OF CONSTRUCTION		9/1/2002					
Condition No.	**Requirements & Task Summary**	**Action required**	**Event**	**Required Submittal Date**	**Date submitted to CPM/CBO**	**Date approved by CPM/CBO**	**Status/ Comments**
WASTE-3	Prepare and submit to the CPM a waste management plan for all wastes generated during construction and operation of the facility.	The operation waste management plan shall be submitted no less than 60 days prior to the start of project operation.	60 days prior to start of operation	4/1/05	4/4/05	7/8/05	Complete
WASTE-3	Prepare and submit to the CPM a waste management plan for all wastes generated during construction and operation of the facility.	The project owner shall submit any required revisions within 30 days of notification by the CPM (or mutually agreed upon date).	Revise within 30 days of notification by CPM				
WASTE-3	Prepare and submit to the CPM a waste management plan for all wastes generated during construction and operation of the facility.	In the Annual Compliance Reports, document the actual waste management methods used during the year compared to planned management methods.	Annual Compliance Report	1/15/06			
WASTE-5	If potentially contaminated soil is unearthed during excavation the environmental professional shall inspect the site.	Notify the CPM in writing within 5 days of any reports filed by the environmental professional	Within 5 days of filing reports	1/23/04	1/23/2004, 2/25/2004		Submitted
LAND-1	At such time as a connection to a trail network can be made, install and maintain the portion of the planned trail that would cross the site.	In the Monthly Compliance Reports provide updates on trail developments in the area around the site.	Monthly Compliance Report				
LAND-1	At such time as a connection to a trail network can be made, install and maintain the portion of the planned trail that would cross the site.	Submit to the City of San Jose Departments of Planning and Public Works for review of the trail design and maintenance plan.	Start of Construction of Trail				
LAND-1	At such time as a connection to a trail network can be made, install and maintain the portion of the planned trail that would cross the site.	Prior to the start of a trail that the MEC trail could be connected to, submit designs and the maintenance plan to the CPM.	180 days prior to start of construction of trail				
LAND-1	At such time as a connection to a trail network can be made, install and maintain the portion of the planned trail that would cross the site.	Notify the CPM that the trail segment has been completed and is ready for inspection.	Within 7 days after completion of trail segment				
LAND-1	At such time as a connection to a trail network can be made, install and maintain the portion of the planned trail that would cross the site.	In the Annual Compliance Reports provide updates on trail developments in the area around the site.	Annual Compliance Report				
LAND-2	The project owner shall landscape the parking area consistent with the "Orchard Planting" Guidelines of the North Coyote Valley Campus Industrial Area Master Development Plan.	Notify the CPM that the work has been completed and is ready for inspection.	7 days after completion of landscaping				
LAND-3	The project owner shall design and construct the project to satisfy the setback requirements	Notify the CPM that the facilities and structures are completed and are ready for inspection.	7 days after completion of specified facilities and structures				
LAND-4	Ensure that any project directional signs, identity signs, and gatehouses comply with the "Entry Identification" guidelines.	Submit to the CPM for approval a site plan that demonstrates that the project complies with the "Entry Identification" guidelines.	90 days prior to commercial operation	3/1/05			
LAND-4	Ensure that any project directional signs, identity signs, and gatehouses comply with the "Entry Identification" guidelines.	Submit to the City of San Jose for review and comment a site plan.	90 days prior to commercial operation	3/1/05			
LAND-4	Ensure that any project directional signs, identity signs, and gatehouses comply with the "Entry Identification" guidelines.	Notify the CPM that these requirements have been satisfied and are ready for inspection.	Commercial Operation	6/1/05			
LAND-5	Acquire from the property owners (Passantino) immediately south of the MEC site a restrictive covenant agreement.	Submit a landscape plan to the CPM for review and approval and the City of San Jose for review and comment.	Within sixty (60) days of sale of the Passantino property				

METCALF ENERGY CENTER - COMPLIANCE MATRIX							
START OF MOBILIZATION/ROUGH GRADING		1/14/2002					
START OF CONSTRUCTION		9/1/2002					
Condition No.	**Requirements & Task Summary**	**Action required**	**Event**	**Required Submittal Date**	**Date submitted to CPM/CBO**	**Date approved by CPM/CBO**	**Status/ Comments**
LAND-5	Acquire from the property owners (Passantino) immediately south of the MEC site a restrictive covenant agreement.	Notify the CPM that the landscaping has been completed and is ready for inspection.	7 days after completion of landscaping				
LAND-6	Ensure the protection of soil while using agricultural land as a construction laydown and parking area.	Notify the CPM that the agricultural field used as the laydown area has been tilled and shall submit photographs of the tilled field.	30 days prior to commercial operation	9/30/05			
TRANS-1	Comply with Caltrans and Santa Clara County limitation on vehicle sizes and weights.	Provide the number of any oversize and overweight transportation permits received during that reporting period.	Monthly Compliance Report				On-going
TRANS-3	Ensure that all federal and state regulations for the transport of hazardous materials are observed.	Copies of all permits and licenses acquired concerning the transport of hazardous substances.	Monthly Compliance Report				
TRANS-6	Following completion of construction of the power plant and all related facilities, the project owner shall repair roadways to original or as near original condition as possible.	Meet with the CPM, Santa Clara County, the City of San Jose and Caltrans to determine actions necessary for repair of roadways.	30 days after completion of project construction	7/1/05			
TRANS-8	Prior to the start of commercial operation of MEC, the project owner shall complete a two-lane secondary access connection.	Notify the City and CPM that the portion of the Santa Teresa Boulevard connection constructed by MEC is ready for inspection.	60 days prior to commercial operation	3/31/05	4/22/05	7/8/05	Complete
NOISE-1	Notify all residents and business entities within one mile of the site of the start of construction and operation of the project.	A statement signed attesting that notification was send to all residents within a 1-mile radius of the project.	15 days prior to the commencement of steam blow activity	1/15/05	1/15/05	7/8/05	Complete
NOISE-1	Notify all residents and business entities within one mile of the site of the start of construction and operation of the project.	Transmit a statement signed by the project manager attesting that a notification was send to all residents within a one-mile radius of the project.	Monthly Construction Report Following the Steam Blow activity	3/15/05	3/15/05	7/8/05	Complete
NOISE-2	Throughout the construction and operation, document, investigate, evaluate and attempt to resolve all project related noise complaints.	File a copy of the Noise Complaint Resolution Form with City of San Jose and with the CPM documenting the resolution of the complaint.	30 days after receiving a noise complaint				
NOISE-5	Conduct a 25-hour Community Noise Survey when first achieving an output of 80 percent of rated capacity.	Submit a summary report of the survey to City of San Jose and the CPM.	Within 30 days after completing survey	5/1/05	7/18/05		
NOISE-5	Conduct a 25-hour Community Noise Survey when first achieving an output of 80 percent of rated capacity.	Submit to the CPM a summary report of a new noise survey.	Within 30 days of completion of installation of these measures	5/1/05			
NOISE-6	The project owner shall conduct an occupational noise survey to identify the noise hazardous areas in the facility.	The survey shall be conducted within thirty (30) days after the facility is operating at an output of 80% of rated capacity or greater	Thirty days after the facility is operating at an output of 80%	5/1/05	7/18/05		
NOISE-6	The project owner shall conduct an occupational noise survey to identify the noise hazardous areas in the facility.	Submit the noise survey report to the CPM. The project owner shall also submit the report to OSHA upon request.	Within 30 days after completing the survey	6/1/05	7/18/05		
VIS-1	Treat the project structures, buildings, and tanks visible to the public in a non-reflective color.	Notify the CPM that all structures treated during manufacture and all structures treated in the field are ready for inspection.	Not less than thirty (30) days prior to the start of commercial operation	5/1/05	4/22/05	7/8/05	Complete
VIS-1	Treat the project structures, buildings, and tanks visible to the public in a non-reflective color.	The project owner shall provide a status report regarding treatment maintenance in the Annual Compliance Report.	Annual Compliance Report	1/16/06			

METCALF ENERGY CENTER - COMPLIANCE MATRIX							
START OF MOBILIZATION/ROUGH GRADING		1/14/2002					
START OF CONSTRUCTION		9/1/2002					
Condition No.	**Requirements & Task Summary**	**Action required**	**Event**	**Required Submittal Date**	**Date submitted to CPM/CBO**	**Date approved by CPM/CBO**	**Status/ Comments**
VIS-2	Any fencing for the project shall be non-reflective.	Notify the CPM that the fencing is ready for inspection.	Within 7 days after completing installation of the fencing		12/21/04	7/8/05	Complete
VIS-3	Design and install all lighting such that light bulbs and reflectors are not visible from public viewing areas.	If the CPM notifies the project owner that any revisions of the plan are needed, shall submit to the CPM a revised plan.	Within 30 days of receiving notification	6/30/03	6/24/03	7/8/05	Complete
VIS-3	Design and install all lighting such that light bulbs and reflectors are not visible from public viewing areas.	Notify the CPM that the lighting is ready for inspection.	Within seven (7) days of completing exterior lighting installation				
VIS-4	Restore any and all areas that are disturbed during the construction or operation of any portions of the proposed underground utilities.	Notify the CPM after completing the surface restoration that it is ready for inspection.	Within seven days after completing the surface restoration				
Temporary Aesthetic Screen							
VIS-5	Immediately upon completion of construction of the project, the temporary aesthetic screening shall be removed and the construction laydown area shall be revegetated and restored to its original condition.	Submit proposed plans to the City of San Jose for review and comment and CPM for review and approval.	At least ninety (90) days before intended removal of the temporary aesthetic screen				
VIS-5	Immediately upon completion of construction of the project, the temporary aesthetic screening shall be removed and the construction laydown area shall be revegetated and restored to its original condition.	Submit any required revisions within 30 days of notification by the CPM.	Within 30 days of notification				
VIS-5	Immediately upon completion of construction of the project, the temporary aesthetic screening shall be removed and the construction laydown area shall be revegetated and restored to its original condition.	Notify the CPM that the temporary aesthetic screening removal is ready for inspection.	Within seven days after implementing the proposed plan				
VIS-8	The gas metering station east of Highway 101 shall be designed in a manner that helps visually screen it from views from Highway 101 and integrate it with its surroundings.	Notify the CPM that the aesthetic treatment and landscape screening installation is ready for inspection.	Within seven (7) days after implementing the proposed plan				
VIS-9	The power plant shall be designed in a manner that reduces its appearance as an industrial facility and helps visually integrate it with its surroundings.	Notify the CPM in writing that all structures are ready for inspection.	Thirty (30) days prior to the start of commercial operation	5/1/05			
VIS-11	Trail development along the Fisher Creek corridor adjacent to the power plant site.	The project owner shall submit to the City of San Jose and the County of Santa Clara Parks and Recreation Department for review and comment a specific plan.	Start of construction of the trail between Blanchard Road and railroad tracks				
VIS-11	Trail development along the Fisher Creek corridor adjacent to the power plant site.	Submit to the CPM for review and approval a specific plan describing its landscape plan.	Start of construction of the trail between Blanchard Road and railroad tracks				
VIS-11	Trail development along the Fisher Creek corridor adjacent to the power plant site.	Submit any required revisions.	Within 30 days of notification by the CPM.				
VIS-11	Trail development along the Fisher Creek corridor adjacent to the power plant site.	Notify the CPM, City of San Jose and County of Santa Clara Parks and Recreation Department that the planting installation is ready for inspection.	7 days after completion of planting installation				

METCALF ENERGY CENTER - COMPLIANCE MATRIX							
START OF MOBILIZATION/ROUGH GRADING		1/14/2002					
START OF CONSTRUCTION		9/1/2002					
Condition No.	**Requirements & Task Summary**	**Action required**	**Event**	**Required Submittal Date**	**Date submitted to CPM/CBO**	**Date approved by CPM/CBO**	**Status/ Comments**
VIS-12	Contact the owners of property along Blanchard Road and develop, a plan to screen views of the project from each property if so desired by a property owner.	Notify the CPM when any measures are ready for inspection.	Measures are ready for inspection				
CUL-5	WEAT to all project managers, all construction supervisors, and those workers who operate ground disturbing equipment.	Provide the CPM with documentation that WEAT was administered.	Monthly Compliance Report				In progress
CUL-6	CRS or monitor shall have the authority to halt or redirect construction if previously unknown cultural resource sites or materials are encountered.	For any cultural resource encountered, the project owner shall notify the CPM within 24 hours.	Within 24 hours of cultural resource discovery				Ongoing
CUL-7	Provide the designated cultural resource specialist with a current schedule of anticipated project activity in the following month and a map.	Provide the CPM with a copy of each weekly schedule of the construction activities.	Monthly Compliance Report				In progress
CUL-8	CRS/monitor keep a daily log of any resource finds and the progress or status of the resource monitoring, mitigation, preparation, identification, and analytical work being conducted for the project.	Copies of the weekly summary reports shall be submitted to the CPM in the Monthly Compliance Report.	Monthly Compliance Report				In progress
CUL-9	Except in the areas specified in CUL-3(f), the designated cultural resource specialist or delegated monitor(s) shall be present at times the specialist deems appropriate.	Copies of the weekly summary reports prepared by the designated cultural resource specialist regarding project-related cultural resource monitoring.	Monthly Compliance Report				In progress
CUL-10	Obtain ground disturbance or cultural resource excavation permits from Caltrans and/or the U.S. Army Corps of Engineers.	Provide written documentation to the permitting agency of compliance with any mitigation measures.	Completion of mitigation activity				
CUL-11	Ensure that the CRS performs the recovery, etc. of all cultural resource materials encountered and collected.	Maintain in its compliance files, copies of signed contracts or agreements with the museum(s), university (ies), or other appropriate research specialists.	Periodic Audit by the CPM				
CUL-12	Prepare a scope of work for Cultural Resources Report following completion of data recovery and site mitigation work.	Submit it to the CPM for review and written approval.	7 days after completion of the proposed scope of work,		3/14/05		
CUL-12	Prepare a scope of work for Cultural Resources Report following completion of data recovery and site mitigation work.	Ensure that the designated cultural resources specialist prepares the proposed scope of work	Completion of Data Recovery per CUL-12				
CUL-13	Prepare a Cultural Resources Report as described in CUL-13. Submit the report to the CPM for review and written approval.	Ensure that the designated cultural resource specialist completes the Cultural Resources Report.	Within 90 days following completion of the data recovery and site mitigation work				
CUL-13	Prepare a Cultural Resources Report as described in CUL-13.	Submit the Cultural Resources Report to the CPM for review and written approval.	Within seven (7) days after completion of the report				

METCALF ENERGY CENTER - COMPLIANCE MATRIX							
START OF MOBILIZATION/ROUGH GRADING		1/14/2002					
START OF CONSTRUCTION		9/1/2002					
Condition No.	**Requirements & Task Summary**	**Action required**	**Event**	**Required Submittal Date**	**Date submitted to CPM/CBO**	**Date approved by CPM/CBO**	**Status/ Comments**
CUL-14	Submit an original, an original-quality copy, and a computer disc copy, of the CPM-approved Cultural Resource Report to the public repository to receive the recovered data and materials for curation, with copies to the State Historic Preservation Officer (SHPO), the appropriate regional archaeological information center(s), and a person employed by the City of San Jose who is authorized to receive confidential cultural resources information.	Provide to the CPM documentation that the report has been sent to the public repository receiving the recovered data and materials for curation, the SHPO and the appropriate archaeological information center(s), and the City of San Jose, to a person authorized to receive confidential cultural resources information.	Within thirty (30) days after receiving approval of the Cultural Resources Report				
CUL-15	Ensure that all cultural resource materials, maps, and data collected during data recovery and mitigation for the project are delivered to a public repository.	Ensure that all recovered cultural resource materials are delivered for curation. For the life of the project, maintain copies of signed contracts or agreements with the public repository.	Within thirty (30) days after providing the CPM-approved Cultural Resource Report to the entities				
SOCIO-1	The project owner and its contractors and subcontractors shall recruit employees and procure materials and supplies within the City of San Jose and Santa Clara County.	Notify the CPM the reasons for any planned procurement of materials or hiring outside the local regional area that will occur during the next two months.	Monthly Compliance Report				In progress
BIO-2	The CPM approved Designated Biologist shall perform the following during project construction and operation: see BIO-2 for detailed tasks.	Biologist shall maintain written records of the tasks described.	Monthly Compliance Report				In progress
BIO-2	The CPM approved Designated Biologist shall perform the following during project construction and operation: see BIO-2 for detailed tasks.	Submit record summaries in the Annual Compliance Report.	Annual Compliance Report				
BIO-3	Act on the advice of the Designated Biologist to ensure conformance with the Biological Resources Conditions of Certification and shall halt all construction activities, if necessary.	Notify the CPM by telephone of the circumstances and actions being taken to resolve the problem or the non-compliance with a condition.	Within 2 working days of notification of non-compliance				
BIO-4	Submit to the CPM for review and approval a copy of the final BRMIMP and shall implement the measures identified in the plan.	Provide to the CPM for review and approval, a written report identifying which items of the BRMIMP have been completed.	30 days after construction complete	7/1/05			
BIO-6	Develop WEAT for biological resources.	State in the Monthly Compliance Report the number of persons who have completed the training in the prior month.	Monthly Compliance Report				In progress
BIO-12	Incorporate into closure plan measures that address the local biological resources and incorporate into the BRMIMP.	Address all biological resource-related issues associated with facility closure.	12 months prior to facility closure				
SOIL & WATER-1	Disinfected, tertiary-treated, recycled water will be used at the Metcalf Energy Center for cooling purposes and other appropriate non-potable uses.	Provide CPM with a copy of a valid Recycled Water use permit from the City of San Jose.	Construction complete	3/1/05			
SOIL & WATER-1	Potable water may be used for cooling purposes only in the event that SBWR recycled water service is interrupted.	Provide a record of water consumption for the MEC.	Monthly Compliance Report				In progress for construction
SOIL & WATER-1	Potable water may be used for cooling purposes only in the event that SBWR recycled water service is interrupted.	Provide a record of water consumption for the MEC.	Annual Compliance Report				

METCALF ENERGY CENTER - COMPLIANCE MATRIX							
START OF MOBILIZATION/ROUGH GRADING		1/14/2002					
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Condition No.	**Requirements & Task Summary**	**Action required**	**Event**	**Required Submittal Date**	**Date submitted to CPM/CBO**	**Date approved by CPM/CBO**	**Status/ Comments**
GEN-6	Assign qualified and certified special inspector(s).	Replacement of special inspectors	Replacement of Special Inspector				Ongoing
GEN-6	Assign qualified and certified special inspector(s).	Notify the CPM of the CBO's approval of the newly assigned inspector.	Within 5 days of CBO approval				Ongoing
GEN-7	Keep the CBO informed regarding the status of engineering and construction.	Submit monthly construction progress reports to the CBO and CPM.	Monthly Construction Progress Report				In progress
GEN-7	Keep the CBO informed regarding the status of engineering and construction.	Document the discrepancy and recommend the corrective action required.	Discrepancy in Design or Construction				See CBO Matrix
GEN-7	Keep the CBO informed regarding the status of engineering and construction.	Transmit a copy of the CBO 's approval or disapproval of any corrective action taken to resolve a discrepancy to the CPM.	Within 15 days of CBO Approval or Disapproval of Discrepancy				See CBO Matrix
GEN-7	Keep the CBO informed regarding the status of engineering and construction.	If disapproved, advise the CPM, the reason for disapproval, and the revised corrective action to obtain CBO 's approval.	Within 5 days of CBO Approval or Disapproval of Discrepancy				See CBO Matrix
GEN-8	Obtain the CBO's final approval of all completed work.	Submit to the CBO, with a copy to the CPM, a written notice that the completed work is ready for final inspection, and a signed statement that the work conforms to the final approved plans.	Within 15 days of the completion of any work		3/28/05		
TSE-3	Be responsible for the inspection of the transmission facilities during and after project construction and any subsequent CPM approved changes.	Transmit to the CPM "as built" engineering description(s) and one-line drawings of the as-built facilities signed and sealed by a registered electrical engineer in responsible charge.	Within 60 days after synchronization of the project	6/15/05			
TSE-3	Be responsible for the inspection of the transmission facilities during and after project construction and any subsequent CPM approved changes.	Transmit to the CPM an "as built" engineering description of the mechanical, structural, and civil portion of the transmission facilities signed and sealed by the registered engineer.	Within 60 days after synchronization of the project				
TSE-3	Be responsible for the inspection of the transmission facilities during and after project construction and any subsequent CPM approved changes.	Transmit to the CPM a summary of inspections of the completed transmission facilities, and identification of any nonconforming work and corrective actions taken, signed and sealed by the registered engineer.	Within 60 days after synchronization of the project				
Compliance matrix	A compliance matrix shall be submitted by along with each monthly and annual compliance report.	Submit compliance matrix to CPM	Monthly Compliance Report	11/15/01	11/15/01		On-going