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CONFIDENTIAL AND PRIVILEGED ATTORNEY-CLIENT COMMUNICATION

MEMORANDUM

| | |
|---------------------------|-------------|
| DOCKET 05-AFC-1 | |
| DATE | JUL 11 2006 |
| RECD. | JUL 12 2006 |

TO: SUSAN GEFTER

FROM: JEFF HARRIS, KERRY WILLIS

RE: PUBLIC HEALTH-1: PASTORIA ENERGY FACILITY EXPANSION
PROJECT (05-AFC-1)

DATE: JULY 11, 2006

Staff and Applicant agree to the Public Health-1 Condition language as presented in the FSA, as follows:

Public Health-1 The project owner shall develop and implement a Cooling Water Management Plan to ensure that the potential for bacterial growth in cooling water is kept to a minimum. The Plan shall be consistent with either staff's "Cooling Water Management Program Guidelines" or with the Cooling Technology Institute's "Best Practices for Control of Legionella" guidelines but in either case, the Plan must include sampling and testing for the presence of Legionella bacteria at least every six months. After two years of power plant operations, the project owner may ask the CPM to re-evaluate and revise the Legionella bacteria testing requirement.

Verification: At least 60 days prior to the commencement of cooling tower operations, the Cooling Water Management Plan shall be provided to the CPM for review and approval.

STATE OF CALIFORNIA

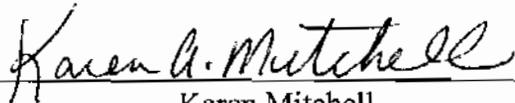
Energy Resources Conservation
and Development Commission

In the Matter of:)
) Docket No. 05-AFC-1
Application for Certification for the Pastoria Energy)
Facility (PEF) 160 MW Expansion by Calpine)
Corporation)
_____)

PROOF OF SERVICE

I, Karen Mitchell, declare that on July 11, 2006, I deposited copies of the attached Memo regarding Public Health-1 in the United States mail in Sacramento, California, with first-class postage thereon fully prepaid and addressed to all parties on the attached service list.

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



Karen Mitchell

SERVICE LIST

05-AFC-1

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