

DOCKETED

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July 31, 2025

LBA RVI-Company I, LP
C/O Scott A. Galati
1720 Park Place Drive
Carmichael, California 95608

Data Requests Set 1 for NorthTown Backup Generating Facility (25-SPPE-02)

Dear Scott A. Galati:

Pursuant to California Code of Regulations, title 14, section 15084(b) and title 20, section 1941, the California Energy Commission (CEC) staff is asking for the information specified in the enclosed Data Requests Set 1, which is necessary for a complete staff analysis of the NorthTown Backup Generating Facility (NTBGF), under the California Environmental Quality Act (CEQA).

Data Requests Set 1 seeks further information in the areas of Air Quality and Public Health, Greenhouse Gas Emissions, Biological Resources, Cultural and Tribal Cultural Resources, Executive Summary, Geologic Hazards and Resources, Minerals, Hydrology and Water Quality, Paleontology, Population and Housing, Project Description, and Transportation, based on the contents of the application submitted thus far. While CEC staff has made a concerted effort to capture all outstanding data needs in one comprehensive set of data requests, CEC staff may have additional requests for the areas of Hazards and Hazardous Materials and Wildfire. Subsequent sets of data requests are possible if following review of responses to Set 1, staff needs additional data to perform a complete analysis of the proposed project.

To assist CEC staff in timely completing its environmental review and to meet the requirements of CEQA (see Pub. Resources Code § 21160, subd. (a)), CEC staff is requesting responses to the data requests within 30 days. If you are unable to provide the information requested or need additional time, please send written notice to me within 10 days of receipt of this letter. If you have any questions, please email me at Ali.Jahani@energy.ca.gov.

_____/S/
Ali Jahani
Project Manager

Enclosure: Data Requests Set 1

AIR QUALITY AND PUBLIC HEALTH

Authors: Brewster Birdsall, Rachael Dal Porto

BACKGROUND: Air Quality Management District Application

The proposed project would require a permit from the Bay Area Air Quality Management District (BAAQMD). For purposes of inter-agency consistency, staff needs copies of all correspondence between the applicant and the BAAQMD in a timely manner to stay up to date on any issues that arise prior to completion of the environmental document.

SPPE Application supporting material (TN 264512) mentions Appendix C Generator Specification Sheets that would be “provided under separate cover,” and portions of this information are included with the SPPE Application Appendix E, Air Quality and Greenhouse Gas Assessment (pg. 16) when describing performance data for the proposed generators.

SPPE Application (TN 264500, pg. 78) and supporting material (TN 264512) mentions the use of natural gas for “Comfort heating,” and this carried into CalEEMod where results include CO₂e due to onsite natural gas use. BAAQMD CEQA guidelines for evaluation of GHG recommend excluding natural gas appliances and natural gas plumbing in both residential and nonresidential development.

DATA REQUESTS

DR AQ-1 Please provide copies of all substantive correspondence between the applicant and BAAQMD regarding the proposed project, including application and e-mails, within one week of submittal or receipt. This request is in effect until staff publishes the environmental document.

DR AQ-2 Please identify the current schedule for the BAAQMD permit application submittal. Please submit a copy of that application to the docket when it is submitted to BAAQMD.

DR AQ-3 Please confirm if SPPE Application Appendix C Generator Specification Sheets was submitted to the docket under a separate cover sheet, and provide the specific location, or if they are completely provided in Appendix AQ2 of SPPE Application Appendix E, Air Quality and Greenhouse Gas Assessment. If specification sheets were not completely submitted, please provide the complete Appendix C Generator Specification Sheets.

DR AQ-4 Please provide a list of all natural gas appliances and plumbing that would be included for onsite use and describe whether it would be feasible to exclude natural gas use onsite.

BACKGROUND: CalEEMod Construction and Operation Emission Calculations

The SPPE Application Appendix B (TN 264512), Air Quality and Greenhouse Gas Assessment, sub-Appendix AQ4, Construction and Miscellaneous Emissions Evaluation and Support Data, is used to document CalEEMod emissions calculations. The analysis uses a prior version of CalEEMod (2020) that does not include EMFAC2021 emission factors. Staff needs the input and output files of the CalEEMod emissions calculations to complete the review.

DATA REQUEST

DR AQ-5 Please re-run the CalEEMod analysis with the 2022 CalEEMod version and please provide the input and output files of the updated CalEEMod emissions calculations.

BACKGROUND: Enforceable Permit Conditions, Annual Operations

Air quality impact modeling assumes only a single engine operates for maintenance and readiness testing at any given time. Air quality impact modeling also presumes that readiness testing would be limited to occur within certain hours of the day (between the hours of 7 AM and 5 PM) (TN 264500, pg 89). Short-term impacts are shown on page 82, Table 4.3-12 of the SPPE Application emissions from one hour of testing of eight C175 engines in one day.

DATA REQUESTS

DR AQ-6 Please confirm that the applicant would request the BAAQMD to require an enforceable limit on concurrent testing of engines so that only a single engine operates for maintenance and readiness testing at any given time.

DR AQ-7 Please confirm that the applicant would request the BAAQMD to require an enforceable limit that would allow testing of standby engines only between the hours of 7 AM to 5 PM daily.

DR AQ-8 Please confirm that the applicant would request the BAAQMD to require an enforceable limit that would allow testing of no more than eight C175-16 engines per day.

BACKGROUND: Screening for Low-load Conditions and Warm-up Period

In the SPPE Application, the applicant states, “[t]he engines could be operated over a range of load conditions from one (1) to 100 percent (TN 264500, pg 89). Based on similar projects, the 100% load case always produces the maximum ground-based concentrations. Thus, an air quality screening analysis was not performed.” The applicant also states, “[t]he Applicant is not proposing a test schedule, i.e., hours versus load points. Testing will be done based upon the Applicants judgment, taking into account the manufacturers recommendations, staff availability, and need. Maintenance and readiness testing may occur at loads ranging from 10 to 100% load. For purposes of this application, emissions were assumed to occur at 100% load.” However, in past projects, modelling has shown higher modeled operational concentrations at lower loads (75%, 50%, 25%, and 10%) for both PM10 and PM2.5. Staff needs to verify whether the Health Risk Assessment (HRA) results for these lower load cases exceed those for the 100% load case. Staff also needs to ensure that the health risks of the proposed project during lower load cases would not exceed the BAAQMD Significance Thresholds.

The SPPE Application (TN 264500, pg 89) indicates that testing of the engines can occur over a range of load conditions. However, the analysis says that “an air quality screening analysis was not performed,” and “...the worst-case stack condition and the worst-case engine location could be determined from the screening analysis” (TN 264500, pg 8). Staff needs a detailed description of the types of testing and maintenance scenarios, the frequency of full-load tests and low-load tests, and confirmation of impacts at various standby engine load points to verify the assumptions used in the SPPE analysis.

The applicant assumed that the 100 percent load case would produce the maximum ground-based concentrations (TN 264500, pg 89). In calculating the nitrogen oxides (NOx) emissions for the 100 percent load case, the applicant assumed a warm-up period of 10 minutes. For lower load cases (e.g., 100, 75, 50, 25, and 10 percent load), it may take more time for the selective catalytic reduction (SCR) to warm up. Staff needs to confirm whether the NOx emissions during lower load cases would be lower than those estimated for the 100 percent load case. If a Tier 4 emission factor is assumed for part of the hour for these load cases, the applicant needs to provide documents/certificates from the SCR vendor to verify the warm-up period of the SCR to reach Tier 4 emission rates for these load cases.

In addition, lower exhaust temperatures and slower exhaust velocities at lower loads could result in higher ground-level concentrations, even if the mass emissions would be lower. Without modeling, staff would not be able to confirm

whether the ground-level impacts for the lower load cases would be lower than those for the 100 percent load case.

DATA REQUESTS

DR AQ-9 Please provide emission calculations for the uncontrolled and controlled load-specific emission rates covering the range of low-load points (i.e., 75, 50, 25, and 10 percent load).

DR AQ-10 Please provide NO_x emission calculations for the representative range of engine load points (e.g., 100, 75, 50, 25, and 10 percent load). If a Tier 4 emission rate is assumed for part of the hour for these load cases, please provide documents/certificates from the vendor to verify the warm-up period of the SCR to reach Tier 4 emission rates for these load cases.

DR AQ-11 Please provide a screening review of short-term (1-hour) ambient air quality impacts during testing for a representative range of engine load points (e.g., 100, 75, 50, 25, and 10 percent load) to confirm that full-load testing would produce the highest ground-level concentrations.

DR AQ-12 Please provide vendor documentation supporting SCR + diesel particulate filter (DPF) control effectiveness assumptions in achieving the Tier 4 emissions standards.

DR AQ-13 Please elaborate on whether the engines could potentially be tested from a cold start to full load (100%) during any hour, and if not, please explain what steps could be taken by the owner/operator to avoid this type of full load test.

GREENHOUSE GAS EMISSIONS

Authors: Brewster Birdsall, Rachael Dal Porto, Ivan O'Brien

BACKGROUND: Sulfur Hexafluoride Emissions

Staff needs to confirm how the use of SF₆ would comply with the phase out regulation (Cal. Code Regs., tit. 17, § 95352) and the applicable phase out date based on the proposed Gas-Insulated Equipment (GIE) characteristics.

DATA REQUEST

DR GHG-1 Please explain how the proposed project would comply with the current SF₆ phase out regulation (Cal. Code Regs., tit. 17, § 95352). If SF₆ would not be used, please provide information on the non-SF₆ alternative to be used in the breakers.

BACKGROUND: Carb Refrigerant Management Program

The California Air Resources Board (CARB) Refrigerant Management Program (RMP) requires facilities with refrigeration systems containing more than 50 pounds of high-global warming potential (GWP) refrigerant to conduct and report periodic leak inspections, promptly repair leaks; and keep service records on site. Stationary refrigeration facilities with more than 50 pounds of high-GWP refrigerant in the largest on-site refrigeration system must register with the RMP. Those with at least 200 pounds of high-GWP refrigerant in the largest system have annual reporting and additional duties. Given that there are approximately 19 tons of refrigerant being used in the proposed cooling units, staff needs to confirm how the proposed project would meet the RMP requirements.

DATA REQUEST

DR GHG-2 Please explain how the proposed project would meet the CARB RMP requirements.

BIOLOGICAL RESOURCES

Authors: Leane Dunn and Julie Woodruff

BACKGROUND: Nitrogen Deposition Modeling for Stationary Point Sources

The Biological Resources section of the SPPE Application (TN 263302) did not include a discussion of nitrogen deposition impacts for the proposed project's 42 diesel-fired backup generators. Although air emissions from mobile sources, including nitrogen oxides (NO_x), were discussed in relation to vehicle trips, no modeling or data were provided to evaluate nitrogen deposition resulting from the testing and maintenance of the diesel backup generators.

CEC staff evaluate nitrogen deposition impacts by considering sensitive habitat areas within a 6-mile radius of a project site. These include protected areas such as California Department of Fish and Wildlife (CDFW) sensitive natural communities and U.S. Fish and Wildlife (USFWS) designated critical habitat. Nitrogen-sensitive vegetation communities, such as serpentine habitat, should also be considered in the evaluation, including areas like the "Serpentine Fee Zones" identified in the Santa Clara Valley Habitat Plan. CEC staff have found that by the time the plume has traveled this distance, in-plume concentrations become indistinguishable from background concentrations.

Although the proposed project is a "covered project" under the Santa Clara Valley Habitat Plan (SCVHP), the mitigation fees for nitrogen deposition apply only to mobile emission sources. The SCVHP does not require or address

mitigation for nitrogen deposition from stationary point sources, such as the project's diesel backup generators. However, these stationary point sources may still result in impacts to sensitive habitat. Therefore, a supplemental evaluation is needed, as the backup generators are a stationary point source of NO_x emissions and nitrogen deposition. See California Code of Regulations, title 20, Division 2, Chapter 5, Appendix B (g) (13) (B) (ii), Appendix B (g) (13) (C) (ii), Appendix B (g) (E), and Appendix B (g) (15) (B) (ii).

DATA REQUESTS

DR BIO-1 Please perform nitrogen deposition modeling for the proposed project's 42 diesel-fired backup generators. The modeling should specify the amount of total annual nitrogen deposition in kilograms of nitrogen per hectare per year (kg N/ha/yr) in special status species habitats and vegetation types for wet and dry deposition. Please describe each habitat and species potentially affected. Include the complete citation for references used in determining deposition rates and location (including the source document for documents not readily available online) in determining deposition rates and location.

DR BIO-2 Please provide an aerial map of the isopleth graphic depicting modeled nitrogen deposition rates. The geographical extent of the nitrogen deposition map(s) should include the entire plume and a radius of 6 (six) miles from the source, specifically identifying acres of sensitive habitat(s) within each isopleth. Please provide modeling parameters and files.

DR BIO-3 Provide a discussion of sensitive species habitat impacts from air emissions (i.e., nitrogen deposition) including direct, indirect, and cumulative.

BACKGROUND: Arborist Report

The Arborist Report (TN 264512, Appendix F, dated 2022) provides data for trees in the 10-acre industrial lot on the southwest corner of W Trimble Rd and Orchard Pkwy, which is identified as "DC North" in the CUP and PD Permit Context Plan P2.0 (TN 264499). Appendix A of the Application, Part IV of IV (TN 264503) Tree Removal and Mitigation Plan Arborist Report (L7.0) incorporates the Arborist Report and identifies trees that would be protected/preserved and trees that would be removed.

Appendix B of the Application, Part V of V (TN 264504) Tree Removal and Mitigation Plan (L7.0) and Arborist Report (L7.1) identifies trees to be removed in the area identified as "DC West". However, the Application did not include an arborist report for the DC West portion of the proposed project.

DATA REQUEST

DR BIO-4 Please provide the arborist report associated with the NorthTown Data Center DC West Arborist Report CUP Design (L7.1) provided in Appendix B of the Application, Part V of V (TN 264504).

BACKGROUND: Special-Status Species and Habitat Mapping

California Code of Regulations, title 20, Division 2, Chapter 5, Appendix B (g) (13) (B), requires applicants provide a list of species and habitat(s) actually observed or those with a potential to occur within 1 mile of the proposed project site and 1,000 feet from the outer edge of linear facility corridors. The SPPE application includes a land cover map within 250 feet of the proposed project (Figure 4-1) and provides a map of the riparian setback and burrowing owl (*Athene cunicularia*) mitigation agreement covered area in the immediate vicinity of the proposed project (Figure 4-2) (TN 264500). The Biological Resources Report, Appendix G, provides mapped CNDDB records of special status species within 10 miles of the site (TN 264512). Staff acknowledges that the surrounding area is highly urbanized, however, both the Guadalupe River and the burrowing owl mitigation agreement covered area extend beyond the immediate vicinity of the proposed project site.

The Biological Resources Report states that the proposed project site was surveyed, and areas within 250 feet of the proposed project site were surveyed for specific resources. However, the Land Cover Map (Figure 3) was omitted from the Biological Resources Report. Although the applicant included Figure 4-1 (Land Cover Map) in the SPPE application, no map was provided showing the actual survey areas or biological resources detected. Although Section 2.2 mentions that burrowing owl surveys were conducted in the immediate vicinity and incorporated into the results, no supporting documentation or mapping was provided.

DATA REQUEST

DRBIO-5 Please provide a survey results map that shows the location of special-status species and sensitive habitat(s) observed and those with a potential to occur within one mile of the proposed project site. The map(s) should include aerial photographs that show the proposed project and related facilities and biological resources within one mile of the proposed project site. Biological resources should include jurisdictional aquatic features (including state and federal wetlands and waters out to 250 feet), California Natural Diversity Database (CNDDB) records, sensitive habitats, and any other sensitive biological resources known or discovered during database review or biological surveys.

Maps should indicate the overall biological survey area as well as focused survey areas, including burrowing owl, raptors, tricolored blackbird (*Agelaius tricolor*), bat roosting, and northwestern pond turtle (*Actinemys marmorata*). The survey area for Crotch's bumble bee (*Bombus crotchii*) should also be delineated separately. In addition, maps should show the limits of riparian canopy. If publicly available, records of burrowing owl surveys on adjacent properties, should be included in the figure(s). Please provide all mapped for biological resources data in Geographic Information System (GIS) data format (shape and/or geodatabase file that is georeferenced).

BACKGROUND: Database Searches and Survey Results

California Code of Regulations, title 20, Division 2, Chapter 5, Appendix B (g) (13) (D) requires submittal of copies of CNDDDB records and field survey forms completed by the applicant's biologist(s) using appropriate field survey protocols. The Biological Resources Report provides mapped CNDDDB records of special status species, and stated a background review was conducted of the CNDDDB and California Native Plant Society (CNPS). The database searches for CNDDDB and CNPS were referenced in Section 2.1 and Section 5, but the database results lists were not included in the report. In addition, a background review of the USFWS Information for Planning and Consultation (IPaC) was not conducted; and review of iNaturalist data was only mentioned once for Crotch's bumble bee.

DATA REQUESTS

DR BIO-6 Please provide copies of the results of all database searches. At a minimum, the database searches should include U. S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC) federal resource list, CNDDDB RareFind 5 Data, and CNPS Rare Plant Inventory species list. Please confirm whether iNaturalist was used to assist in the evaluation of species with potential to occur at the proposed project site.

DR BIO-7 Please provide details of the focused surveys conducted, including burrowing owl, raptors, tricolored blackbird, bat roosting, northwestern pond turtle, Crotch's bumble bee, riparian habitat, and other jurisdictional aquatic features. Include the survey locations, field survey protocols, survey result, and copies of any completed field survey forms.

BACKGROUND: Special-Status Plant Species

The Biological Resources Report states that "the CNPS and CNDDDB identify 67 special-status plant species as potentially occurring in at least one of the nine USGS 7.5-minute quadrangles containing or surrounding the proposed project site" and that "all but one were determined to be absent from the proposed

project site.” Table 1 provides animal species and their potential occurrence on the proposed project site. A table for plant species and their potential occurrence on the proposed project site is not provided.

DATA REQUEST

DRBIO-8 Please provide a table that lists the 67 special-status plant species as potentially occurring in at least one of the nine USGS 7.5-minute quadrangles containing or surrounding the proposed project site. The table should include each species’ status, habitat, and potential for occurrence on the proposed project site.

BACKGROUND: Congdon’s Tarplant Surveys

The Biological Resources Report states the proposed project provides suitable habitat for Congdon’s tarplant (*Centromadia parryi* ssp. *congdonii*). However, the survey performed in February 2025 was too early in the year to detect this species. No information on future surveys is provided. Impacts to Congdon’s tarplant were not analyzed nor was a schedule for floristic botanical surveys included.

DATA REQUESTS

DRBIO-9 Please provide the timeline for completion of protocol-level rare plant surveys for Congdon’s tarplant on the proposed project site. Botanical surveys should be conducted according to the most recent CDFW survey protocols (CDFW, 2018a), be floristic in nature, and include surveys of reference populations. Please provide a schedule for submittal of the survey results and submit a survey report upon completion.

DRBIO-10 Please include an impacts discussion of all impacts (direct, indirect, and cumulative) to Congdon’s tarplant from proposed project site preparation, construction activities, operation, and maintenance, as applicable. Evaluate the significance of those impacts under CEQA, and identify measures proposed to avoid and/or reduce adverse impacts.

BACKGROUND: Night Work – Construction

The SPPE Application provides the schedule for construction, which is anticipated to begin in January 2026 and run through December 2028, for approximately 36 months. The SPPE Application discusses night lighting impacts for operation, but does not discuss night lighting impacts for construction, or if night work is proposed.

DATA REQUEST

DRBIO-11 Please clarify whether night work and night lighting are proposed during construction of the proposed project. If night work and night lighting are proposed, please provide the types of lighting proposed, the anticipated impacts on special-status wildlife species, the significance of those impacts under CEQA, and measures proposed to avoid and/or reduce adverse impacts.

CULTURAL AND TRIBAL CULTURAL RESOURCES

Authors: Patrick Riordan and Myoung-Ae Jones

BACKGROUND: Results of Literature Search

To identify previously recorded cultural resources in the vicinity of the proposed project, on January 25, 2025, staff at Chronicle Heritage requested a records search of the California Historical Resources Information System (CHRIS) at the Northwest Information Center (NWIC). The results of the records search are provided in Attachment A to the applicant's confidential cultural resources technical report (Goldman et al. 2025).

The CEC's information requirements related to the results of literature searches conducted to identify cultural and tribal cultural resources are detailed in California Code of Regulations, title 20, Division 2, Chapter 5, Appendix B (g)(2)(B). SPPE applications shall include copies of California Department of Parks and Recreation (DPR) 523 series for all cultural and tribal cultural resources identified in the literature search. The results of the NWIC literature search identified the resource P-43-003283 within 1 mile of the proposed project area, however DPR 523 forms for P-43-003283 are not included in the application documents.

The informational requirements also provide that a copy of a USGS 7.5-minute quadrangle map of the literature search area delineating the areas of all past surveys and noting the CHRIS identifying numbers be included in SPPE applications. A map of the literature search area of showing past surveys with their CHRIS numbers is not included in the applicant's documents.

Also pertaining to the results of the cultural resources literature search presented in the cultural resources technical report, the SPPE application informational requirements (Appendix B(g)(2)(C)(iv)) stipulate that the cultural resources technical report include a USGS topographic quadrangle map at a scale of 1:24,000 depicting the locations of all previously known cultural and tribal cultural resources compiled through the research. The cultural resources technical report submitted under confidential cover (Goldman et al. 2025) does

not include a map of all previously identified cultural and tribal cultural resources in the study area.

The CEC's information requirements related to the results of literature searches conducted to identify cultural and tribal cultural resources (Appendix B(g)(2)(B)) also require SPPE applications to include copies of technical reports in the literature search area. The applicant's confidential cultural resources technical report (Goldman et al. 2025, p. 19) indicates that the records search identified 145 cultural resource studies previously conducted within the search area, twenty-nine of which directly intersect the proposed project area. However, the Record Search Results provided in Attachment A to the technical report provide only Report Details of these investigations and not copies of the actual cultural resources reports. The provided DPR forms show that eight Native American cultural deposits (six of which are buried Native American cultural deposits containing Native American human remains) were identified within the study area. Because of the depositional environment and the prevalence of buried archaeological resources in the area surrounding the proposed Project Area, it is critical that CEC staff have access to these reports (especially excavation reports) to develop an understanding of the recorded archaeology in the vicinity of the proposed project area.

DATA REQUESTS

DR CUL/TRI-1 Please provide DPR 523 forms for P-43-003283 or indicate if DPR 523 forms for this resource are not available from the NWIC.

DR CUL/TRI-2 Provide a copy of a USGS 7.5-minute quadrangle map of the literature search area delineating the areas of all past surveys and noting the California Historical Resources Information System (CHRIS) identifying numbers.

DR CUL/TRI-3 Provide a map (USGS topographic quadrangle) at a scale of 1:24,000 depicting the locations of all previously known cultural and tribal cultural resources compiled through your research.

DR CUL/TRI-4 Provide copies of all technical reports whose survey coverage is wholly or partly within 0.25 mile of the area surveyed for the proposed project, or which report on any archaeological excavations or architectural surveys within the literature search area.

BACKGROUND: Native American Correspondence

Informational requirements related to Native American outreach are stipulated in California Code of Regulations, title 20, Division 2, Chapter 5, Appendix B (g)(2)(D)(i-iii) of the CEC siting regulations, and require (among other things)

that an application include a copy of the applicant's request to the Native American Heritage Commission (NAHC), copies of all responses received from Native American contacts, and a written summary of any oral responses from Native American contacts.

A copy of Chronicle Heritage's January 25, 2025, NAHC request for information on Native American sacred sites and Native American contacts list is not included in the proposed project application documents.

Further, from the information provided it is not clear what, if any, of the responses received from the Native American contacts were oral or written responses.

DATA REQUESTS

DR CUL/TRI-5 Please provide a copy of Chronicle Heritage's January 25, 2025, request to the NAHC.

DR CUL/TRI-6 Provide copies of all correspondence received from the Native American contacts.

DR CUL/TRI-7 Clarify what, if any, responses received from the Native American contacts, and summarized on the Consultation Log, were oral responses.

BACKGROUND: Project Description and Ground Disturbance

Assessment of potential impacts on cultural and tribal cultural resources hinges in part on knowing the extent and character of ground-disturbing activities associated with a project. The application provides little information about the depth of excavation required to demolish existing improvements on the proposed project site and to build the proposed project, indicating that "cut and fill will generally be limited to approximately four feet, excluding excavations for utilities and deep foundation systems", and that, "[t]he precise depth of excavation is not yet defined, but is presumed to extend to groundwater." (DayZenLLC 2025b, p. 27). Review of the DPR 523 forms provided by the applicant indicates that eight previously identified Native American cultural deposits are documented within a 1-mile radius of the proposed project site. From the data available in the provided DPR 523 forms, two Native American cultural deposits have been identified as visible on the ground surface and six others are recorded as cultural deposits buried 35 centimeters (1.14 feet) to 250 centimeters (8.2 feet) below the ground surface.

Section 1.1 of the confidential cultural resources report indicates that the

proposed project site consists of 28.5 acres located on two parcels, Accessor's Parcel Numbers (APNs) 101-020-018 and 101-02-021, totaling around 45.8 acres (Goldman et al. 2025, p. 1).

Project Staging and laydown areas are not identified in the proposed project description, and it is not clear if staging and laydown areas are located on the proposed project site or elsewhere, or if those areas have been included in the applicant's cultural resources identification efforts and analysis.

DATA REQUESTS

DR CUL/TRI-8 Please identify where proposed project staging and laydown areas are to be located and indicate if these areas are included in the cultural resources survey efforts reported in the application for the proposed project. If the areas have not been included in the applicant's cultural resources analysis, conduct cultural resources identification efforts, and submit a report on the findings and recommendations.

DR CUL/TRI-9 Please provide a detailed description of the depth of excavations and all other ground disturbances, including:

- a. Demolition of existing improvements
- b. Site grading
- c. Installation of emergency generators
- d. Construction of data center buildings
- e. Landscaping
- f. Stormwater treatment features
- g. Utility interconnects (domestic water, recycled water, sewer)
- h. Electrical substation and switching yard
- i. Surface parking
- j. Right-of-Way improvements
- k. Intersection improvements
- l. Staging and laydown areas

BACKGROUND: Regional Summary and Field Methods

California Code of Regulations, title 20, Division 2, Chapter 5, Appendix B(g)(2)(A) requires that the information from the regional summary, together with the literature search results, must inform the field methods employed for identifying cultural and tribal cultural resources in the proposed project. The

proposed project application (DayZenLLC 2025b) and the confidential cultural resources technical report (Goldman et al. 2025) provides summaries of the ethnology, prehistory, and history of the region and addresses the potential for buried cultural resources and tribal cultural resources to occur in the proposed project area. The applicant (DayZenLLC 2025b, p. 149) concludes that the proposed project site has moderate to high potential for buried cultural deposits due to its location adjacent to the Guadalupe River (a perennial freshwater source), proximity to other identified resources, and because it is situated atop especially young alluvium in a highly depositional environment.

Eight Native American cultural deposits have been identified within 1 mile of the proposed project area, including P-43-000296, which appears to have been recorded directly adjacent to (if not extending into) the proposed project area. Six of the previously recorded Native American cultural resources are noted to contain buried cultural deposits from 35 cm (1.14 feet) to 250 cm (8.2 feet) below surface. Five of the buried deposits are reported to contain Native American burials, two of which are noted as “sacred place[s] to the current Ohlone population” (Carter 1979a, 1979b).

The character of the archaeological sites in the study area, as well as the immediate depositional environment, demonstrate a high likelihood for buried archaeological resources in the proposed project area. Yet, the archaeological field methods do not take into consideration this information and relies solely on visual examination of the ground surface to identify archaeological resources in the proposed project area. Further, the confidential cultural resources report indicates that ground visibility in areas across the proposed project area during the archaeological pedestrian survey was limited to around 25 percent with some sections less than 10 percent because of vegetation (Goldman et al. 2025, p. 40). The applicant’s cultural resources consultant does not indicate what portion of the proposed project area’s surface was inaccessible to visual inspection because of existing development such as pavement or hardscaping.

DATA REQUEST

DR CUL/TRI-10 Please develop, implement, and provide field methods and results for the identification of archaeological resources that are informed by the existing depositional environment and tailored for the identification of buried archaeological resources within the proposed project area.

BACKGROUND: Pedestrian Survey and Field Methods Employed

The cultural and tribal cultural resources identification efforts for the proposed project include the deployment of a pedestrian archaeological survey conducted on April 2, 2025, by the applicant’s cultural resources consultant, Chronicle

Heritage. California Code of Regulations, title 20, Division 2, Chapter 5, Appendix B (g)(2)(C) requires that pedestrian archaeological surveys shall be conducted inclusive of the proposed project site and to no less than 200 feet around the proposed project site, substations, and staging areas. However, Section 5.1 of the confidential cultural resources report (Goldman et al. 2025, p. 39) indicates that the intensive archaeological pedestrian survey for the proposed project was limited to the 45.8-acre Project Area.

From the information provided, it appears that the no less than 200-foot buffer around the proposed project site and all project elements, including road and intersection improvements, was not subject to an archaeological pedestrian survey.

DATA REQUEST

DR CUL/TRI-11 Please include the no less than 200-foot buffer around the proposed project site and all project elements in your intensive archaeological pedestrian survey and report on your results, or explain why Chronicle Heritage did not employ a 200-foot archaeological survey buffer.

REFERENCES CITED

- Carter 1979a – Robert Carter, National Register of Historical Places Inventory – Nomination Form for CA-SCL-300 (P-43-000308). Confidential document on file, Northwest Information Center, Rohnert Park, CA. Prepared by Archaeological Resource Management, February 20, 1979.
- Carter 1979b – Robert Carter, National Register of Historical Places Inventory – Nomination Form for CA-SCL-302 (P-43-000310). Confidential document on file, Northwest Information Center, Rohnert Park, CA. Prepared by Archaeological Resource Management, February 20, 1979.
- Chronical Heritage 2025 – PaleoWest, LLC dba Chronicle Heritage. Draft Cultural Resources Technical Report for the North Town Data Center Project, 350-370 West Trimble Road, San Jose, California. Prepared for David J. Powers & Associates, Inc., Oakland, CA. Submitted under confidential cover.
- DayZenLLC 2025b – DayZenLLC (TN 264500). NorthTown Backup Generating Facility SPPE Application - Main Application. Docketed June 30, 2025. Accessed online at:
<https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=25-SPPE-02>
- Goldman et al. 2025 – Hannah Goldman, Ashley Garrett, Allen Estes, and Kayla Weatherbee (TN 264768). *Draft Cultural Resources Technical Report for the North Town Data Center Project, 350–370 West Trimble Road, San*

José, California. Confidential Report Prepared for David J. Powers & Associates, Inc., Oakland, CA. PaleoWest, LLC dba Chronicle Heritage, Sacramento, CA. June 13, 2025.

EXECUTIVE SUMMARY

Author: Ali Jahani

BACKGROUND: Executive Summary, Photographic Reproductions

To thoroughly depict and present the proposed project site and surroundings, staff needs several illustrations depicting current conditions.

DATA REQUEST

DR EXEC SUMM-1 Staff requests a full-page color photographic reproduction depicting the visual appearance of the site prior to construction, and a full-page color simulation or artist's rendering of the site and all project components at the site, after construction.

BACKGROUND: Executive Summary, Project Parcel Identification Information

For proper identification of the parcel(s) for siting of the proposed project, staff requires precise location information.

DATA REQUEST

DR EXEC SUMM-2 Please provide identification information for all involved proposed project parcels by section, township, range, and county, as well as assessor's parcel numbers in Section 1.1 Executive Summary and Section 2 Project Information (TN 264500).

BACKGROUND: Executive Summary, Property Owner's Mailing List, Map

Staff needs a map of parcels to accompany the list of parcel numbers, the map shall be for parcels within 1,000 feet of the site proper and parcels within 500 feet of linear project components (T-Line, water line, gas line, etc.). For parcels contiguous to the proposed project site and linear features, direct mailing addresses for owners and occupants shall be provided.

DATA REQUEST

DR EXEC SUMM-3 Please provide a list of current assessor's parcel numbers and owners' names and addresses for all parcels within 500 feet of the proposed transmission line and other linear facilities, and within 1000 feet of the proposed

power plant and related facilities. Provide the direct mailing addresses for the owners and occupants of properties contiguous to the proposed power plant, related facilities, transmission lines, or other linear facilities as shown on the latest equalized assessment roll. Provide a map showing the parcels in the notice area.

BACKGROUND: Executive Summary, Construction Schedule

Staff needs details of construction schedules for workload staffing, peaks, maximum number of workers, time of year, etc. The SPPE Application indicates a full construction schedule is provided in Section 3.3.9.3; however, Section 3.3.9.3 is "Recycled Water" (TN 264500).

DATA REQUEST

DR EXEC SUMM-4 Please provide a comprehensive construction schedule and construction/operation narrative.

BACKGROUND: Executive Summary, Ownership

Staff needs ownership information to know who will be operating and have responsibility for the proposed project generating facility and the transmission line.

DATA REQUEST

DR EXEC SUMM-5 Please provide a list of all owners and operators and their legal relationships for the proposed owners of the power plant facilities and the transmission lines.

BACKGROUND: Executive Summary, Responsible Agencies

Staff needs to facilitate and allow responsible agencies the ability to utilize a final exemption document.

DATA REQUEST

DR EXEC SUMM-6 Please identify each agency with jurisdiction to issue applicable permits, leases, and approvals, and adopted local, regional, state and federal land use plans, and agencies which would have permit approval or enforcement authority, should the Commission exempt the proposed project from its exclusive authority to certify sites and related facilities. Please provide detailed contact information (name, phone, email) for officials at relevant agencies that are involved in the proposed project.

If no agencies with relevant jurisdictions exist, please state so.

BACKGROUND: Executive Summary, Comprehensive General Description

Staff needs a summary description of the proposed project including transmission facilities, fuel and water supply, pollution control details and other general characteristics of the proposed project rather than referring to the sections for details in Section 1.1 of the SPPE Application (TN 264500).

DATA REQUEST

DR EXEC SUMM-7 Please provide a comprehensive general description of the proposed site and related facilities, including the transmission facilities, fuel characteristics, fuel supply routes and facilities, water supply routes and facilities, pollution control systems, and other general characteristics.

BACKGROUND: Executive Summary, Corresponding Sections

Staff requires a summary description in Section 1.1 of the SPPE Application (TN 264500) that includes accurate references to the sections where detailed information is provided to conduct a complete assessment.

DATA REQUEST

DR EXEC SUMM-8 In Section 1.1 of the SPPE Application (TN 264500), the applicant refers to subsequent sections for additional details; however, Sections 5 through 9 do not align with the referenced content. Please revise the Executive Summary to ensure that section numbers accurately correspond to the relevant sections cited in the text.

BACKGROUND: Project Description

The discrepancies identified across multiple sections of the SPPE Application (TN 264500) — such as incorrect sheet references and mislabeling of plans and appendices — significantly compromise the clarity and reliability of the submission. Accurate referencing within the main application is essential for staff to efficiently access the relevant data and ensure a smooth, informed review process.

In Section 3.2.2 of the SPPE Application (TN 264500), the applicant refers to Sheet Index A 1.0 in Appendix A for the location of the generation yard adjacent to DC North while Index A 1.0 in Appendix A part IV shows Level 01 Plan.

In section 3.2.2 of the SPPE Application (TN 264500), the applicant refers to Sheet Index A 1.0 in Appendix B for the location of the generation yard adjacent to DC West while Sheet Index A 1.0 in Appendix B part IV shows Level 01 Plan.

In section 3.2.5 of the SPPE Application (TN 264500), the applicant refers to the generators that will be constructed in a generator yard immediately adjacent to the building it serves as shown in Sheet Index A 1.0 in Appendix A for DC North and Sheet Index A 1.0 in Appendix B for DC West, while both sheets show Level 01 Plan for DC North and West.

In section 3.2.11 of the SPPE Application (TN 264500), the applicant refers to the Section 3.3.9.3 Site Grading, Demolition, Excavation, and Construction for more detail but Section 3.3.9.3 is Recycled Water.

In section 3.3.6 (TN 264500), the applicant refers to the landscaping plan which is provided in Sheet Index L 2.0 in Appendix A for DC North, but there is no Sheet Index L 2.0 in Appendix A.

DATA REQUEST

DR EXEC SUMM-9 Please revise the SPPE Application (TN 264500) to ensure accurate referencing throughout. Specifically, please revise the following sections:

Section 3.2.2

Section 3.2.5

Section 3.2.11

And Section 3.3.6

GEOLOGIC HAZARDS AND RESOURCES, MINERALS

Author: Kevin DeLano

BACKGROUND: Geologic Map and Description of Geology Within Two (2) Miles of the Proposed Project Site

California Code of Regulations, title 20 § 1704 (a) (3) (A) requires a description of all significant assumptions, methodologies, and computational methods used in arriving at conclusions in the document. California Code of Regulations, title 20, Division 2, Chapter 5, Appendix B (g) (17) (B) requires a map at a scale of 1:24,000 and description of all recognized stratigraphic units, geologic structures, and geomorphic features within two (2) miles of the proposed project site and along proposed facilities.

In Appendix H: Geotechnical Report, Figure 3 identifies faults within two miles of the proposed project and the greater region. Figure 5 identifies liquefaction risk. The figures do not identify geologic units and features within two (2) miles of the proposed project.

DATA REQUEST

DR GEO-1 Please expand subsection 4.7.1.2 Existing Conditions with a map, at 1:24,000 scale that shows, and description of, recognized stratigraphic units, geologic structures, and geomorphic features within two (2) miles of the proposed project site.

BACKGROUND: Information Regarding Geologic Resources of Recreational, Commercial, or Scientific Value, Including Mineral Resources

California Code of Regulations, title 20 § 1704 (a) (3) (B) requires descriptions, including methodologies and findings, of all major studies or research efforts undertaken and relied upon to provide information in the application. California Code of Regulations, title 20 § 1704, (a) (3) (C) requires a list of all literature relied upon or referenced in the documents, along with brief discussions of the relevance of each reference. California Code of Regulations, title 20, Division 2, Chapter 5, Appendix B (g) (17) (C) requires a map along with a description and discussion of techniques used to identify and evaluate geologic resources of value.

DATA REQUEST

DR GEO-2 Please expand subsection 4.7.1.2 Existing Conditions with a map and description of potential geologic resources of recreational, commercial, or scientific value that the proposed project may impact. Please discuss techniques used to identify and evaluate these potential resources.

BACKGROUND: Information on State and Local Laws, Ordinances, Regulations, and Standards

California Code of Regulations, title 20, Division 2, Chapter 5, Appendix B (g) (1) requires references to local general plans. In subsection 4.7.1.1 Regulatory Framework, the Local subsection describes laws, ordinances, regulations, and standards for the City of San Jose. The subsection does not include a description of applicable laws, ordinances, regulations, and standards for the County of Santa Clara.

DATA REQUEST

DR GEO-3 Please expand subsection 4.7.1.1 Regulatory Framework to include all applicable laws, ordinances, regulations, and standards for the County of Santa Clara. For example, please describe applicable general plan elements and municipal codes.

HYDROLOGY AND WATER QUALITY

Author: Nick Kehrlein

BACKGROUND: Discrepancy In Irrigation Water Quantity and Source Between Water Supply Assessment and the Application

California Code of Regulations, title 20, Division 2, Chapter 5, Appendix B subsection (g)(14)(C) (iii) requires the water demand and discharge for the construction and operation phases of the proposed project. In Table 3.3.10.2 of the SPPE Application, the proposed potable water demand includes 1.22 acre-ft per year (AFY) for landscaping; however, the Water Supply Assessment (Appendix O) lists the landscape irrigation under "recycled water" demand and at a rate of 15.7 AFY.

DATA REQUEST

DR HYD-1 Please explain the discrepancy between the Water Supply Assessment (Appendix O) and the SPPE Application regarding the quantity and source of landscape irrigation water.

PALEONTOLOGY

Author: Kevin DeLano

BACKGROUND: Description of Existing Conditions for Paleontological Resources

California Code of Regulations, title 20 § 1704, (a) (3) (A) requires descriptions of all significant assumptions, methodologies, and computational methods used in arriving at conclusions in the application.

California Code of Regulations, title 20 § 1704, (a) (3) (B) requires descriptions, including methodologies and findings, of all major studies or research efforts undertaken and relied upon to provide information for the application, including a description of ongoing research of significance to the project.

California Code of Regulations, title 20 § 1704, (a) (3) (C) requires a list of all literature relied upon or referenced in the documents, along with brief discussions of the relevance of each such reference.

California Code of Regulations, title 20, Division 2, Chapter 5, Appendix B (g) (16) (C) requires a summary of all local museums, literature searches and field surveys used to provide information about paleontological resources in the project area.

California Code of Regulations, title 20, Division 2, Chapter 5, Appendix B (g) (16) (D) requires information for known paleontological resource sites within a one (1) mile of the project, including survey reports, locality records, and 1:24,000 scale maps.

In subsection 4.7.1.2 Existing Conditions of the application, the Paleontological Resources subsection provides limited information on the potential paleontological resources that occur at the surface of, or underground at, the proposed project site. More information is required to evaluate potential paleontological resources.

DATA REQUESTS

DR PAL-1 Please expand the discussion of information relied upon, assumptions, and methods used to evaluate paleontological resources at the proposed project site and within one (1) mile of the proposed project.

DR PAL-2 Please provide information on known paleontological resource sites at, and within one (1) mile of the proposed project, such as known paleontological resources, survey reports, and locality records. Please provide a 1:24,000 scale map(s) showing fossil finds within 1-mile of the proposed project. Please submit this information confidentially to the proposed project docket.

BACKGROUND: Description of Regulatory Framework for Paleontological Resources

California Code of Regulations, title 20, Division 2, Chapter 5, Appendix B (i) (1) (A) requires a discussion of the applicable laws, regulations, ordinances, standards, adopted local, regional and stated land use plans, leases, and permits that are applicable to the proposed project. California Code of Regulations, title 20, Division 2, Chapter 5, Appendix B (g) (1) requires applicant to include any reference materials used such as adopted local, regional, and statewide plans.

In subsection 4.7.1.1 Regulatory Framework, the Local subsection does not describe applicable laws, ordinances, regulations, and standards for the County of Santa Clara nor the City of San Jose.

DATA REQUEST

DR PAL-3 Please expand subsection 4.7.1.1 Regulatory Framework with a description of applicable laws, ordinances, regulations, and standards for the County of Santa Clara and the City of San Jose. For example, please describe applicable general plan elements and municipal codes.

BACKGROUND: Discussion of Paleontological Sensitivity

California Code of Regulations, title 20, Division 2, Chapter 5, Appendix B (g) (16) (B) requires a discussion on the paleontological sensitivity of geologic units at the proposed project site and each geologic unit within one (1) mile of the proposed project. Appendix B also requires a description of any known paleontological localities or resources within, or adjacent, to the proposed project.

In subsection 4.7.1.2 Existing Conditions, the Paleontological Resources subsection provides does not explain how paleontological sensitivities were determined for geologic units at the project site. A discussion of the paleontological sensitivity of geologic units within one (1) mile of the proposed project was not provided.

DATA REQUEST

DR PAL-4 Please discuss the paleontological sensitivity of each geologic unit that is at, or within one (1) mile, of the proposed project site, as mapped on the 1:24,000 scale geologic map requested in **DR GEO-1**.

POPULATION AND HOUSING

Author: Ellen LeFevre

BACKGROUND: Project Construction

Staff needs to know more about the construction workforce for the NorthTown Backup Generating Facility (NTBGF). Page 18 of the SPPE Application (TN 264500) states "Construction personnel for the NTBGF are estimated to range from 10 to 15 workers including one crane operator." On page 27 of the SPPE Application, it states "Construction will total approximately 36 months. The peak construction workforce will be approximately 600 workers per month with an average of approximately 300 workers per month."

DATA REQUESTS

DR POP HOUSING-1 Please provide the estimated number of construction workers during peak activities and the average number of construction workers for the project.

DR POP HOUSING-2 Please provide a table with the number of construction workers per month for the duration of the construction period.

BACKGROUND: Project Construction and Operation Workforce

Staff needs to know about the assumptions used for the construction and operation workforces for the project. No assumptions were discussed in the SPPE Application.

DATA REQUEST

DR POP HOUSING-3 Please provide the percentage of the construction and operation workforces that are estimated to be local and non-local. Please provide the geographic area or commuting distance the applicant is using to define the local workforce.

PROJECT DESCRIPTION

Author: Laiping Ng

BACKGROUND: Project Description

The NorthTown Backup Generating Facility (NTBGF) includes an onsite substation with two 115 kV electrical supply lines proposed to be connected to the to be permitted PG&E switching station. This switching station would be expanded to accommodate the NTBGF. Staff requires a complete description of the NTBGF interconnection to the PG&E transmission grid and the reliability of the PG&E grid in order to understand the potential operation of the back-up generators.

DATA REQUESTS

DR PROJECT DESCRIP-1 Please provide a detailed expanded PG&E switching station one-line diagram with the proposed project interconnection. Show all equipment ratings including bay arrangement of the breakers, disconnect switches, buses, underground cable tie-line, line rating, and other equipment.

DR PROJECT DESCRIP-2 Please provide the underground cable name, type, current carrying capacity, length, and the underground cable size for the two 115 kV transmission lines which would connect the project substation to the PG&E switching station.

DR PROJECT DESCRIPT-3 Please provide configurations showing trench requirement and conduit spacing.

DR PROJECT DESCRIPT-4 Please provide overhead take off structure configuration and measurement that would support the 115 kV line.

DR PROJECT DESCRIPT-5 Please provide information that reviews the

frequency and duration of historic outages or service interruptions on the 115 kV systems that would serve the proposed project and related facilities that would likely trigger the loss of electric service to the proposed onsite substation and could lead to the emergency operations of the diesel-powered generators. This response should identify the reliability of service historically provided by PG&E to similar customers in this part of its service territory.

DR PROJECT DESCRIPT-6 Please explain whether adding the NTBGF would cause any overloads to the PG&E transmission system which would require upgrades to the existing transmission or distribution networks.

TRANSPORTATION

Author: Jing Yang

BACKGROUND: Construction Activities and Worker Vehicle Trips

The San Jose Transportation Handbook, Section 4.19 Construction, states "To the extent possible the operational analysis should include information about the project construction such as duration, hours of operations, any required grading, potential haul routes, traffic control plans, closure or relocation of bus stops, street closures and construction entrances."

Staff reviewed the SPPE Application and the Supplemental Transportation Analysis in Appendix N and found brief discussions of construction activities for the NorthTown Data Center (NTDC) and the NorthTown Backup Generating Facility (NTBGF) in Section 3.2.11 NTBGF Project Construction and Section 3.3.9.3 Site Grading, Demolition, Excavation, and Construction of the SPPE Application. However, there are not enough details to thoroughly describe the potential construction activities. To adequately respond to the Transportation question in Appendix G, Section XVII(b) of the CEQA Guidelines, the applicant must provide more details related to the construction of the proposed project. For instance, staff could not locate a discussion regarding the construction parking and laydown areas, or details on construction worker vehicle trips required for the project's construction.

DATA REQUESTS

DR TRANS-1 Please provide a map showing the construction worker parking and laydown areas. If these areas are off-site, include the route(s) to be used to access the proposed project site. If they are on-site, please include access and internal circulation routes.

DR TRANS-2 Please provide any further details regarding the construction schedule in addition to the NTDC construction anticipated to begin in January

2026 and run through December 2028 and specify the expected start and end dates and expected six months for generator placement. For example, will the construction schedule be divided into phases, and when is the placement of the generators expected to occur?

DR TRANS-3 Please provide a 'Construction Trip Generation' table that includes information on trip types (e.g., delivery and haul trucks), AM and PM peak hour trips, and a discussion of how construction workers will arrive at the proposed project site. If the construction activities occur in phases, please provide trip generation information for each phase.

DR TRANS-4 Please provide the approximate timeframe construction would take to complete the bicycle facility improvements along W Trimble Road. Please confirm whether improvements would take place during project construction. If so, please confirm during which phase of construction the improvements would take place.