DOCKETED	
Docket Number:	25-SPPE-02
Project Title:	NorthTown Backup Generating Facility (NTBGF)
TN #:	272073
Document Title:	Center for Biological Diversity's Comments on the Notice of Preparation for the NorthTown Backup Generating Facility
Description:	N/A
Filer:	Harrison Beck
Organization:	Center for Biological Diversity
Submitter Role:	Public
Submission Date:	8/20/2026 11:41:20 AM
Docketed Date:	8/20/2026

CENTER for BIOLOGICAL DIVERSITY Because life is good.

August 20, 2026

Sent via email and online portal

Elizabeth Huber
Dian Vorters
Eric Veerkamp
California Energy Commission
715 P Street
Sacramento, CA 95814
Email: STEPinfo@energy.ca.gov

Re: NorthTown Backup Generating Facility Notice of Preparation

Dear Ms. Huber, Ms. Vorters, Mr. Veerkamp,

This comment letter is submitted on behalf of the Center for Biological Diversity ("Center") regarding the Notice of Preparation ("NOP") for the NorthTown Backup Generating Facility Project ("Project"). The Center is concerned that the Project will have significant impacts on the region's energy demand, greenhouse gas emissions, air quality, noise, water supply, and biological resources. And it appears that the Project's applicant – GIC San Jose LLC ("Applicant") – is not planning to mitigate such impacts to the maximum extent practicable. In preparing the Draft Environmental Impact Report ("DEIR") for the Project, the California Energy Commission ("CEC") must thoroughly analyze these issues and evaluate and mandate mitigation measures to avoid or minimize such impacts.

I. The CEC Must Meaningfully Analyze the Project's Likely Significant Air Quality Impacts.

In preparing the DEIR, the CEC must thoroughly evaluate the air quality impacts associated with Project-related diesel backup generators and consider mandating stringent mitigation measures to reduce the likely significant impacts of their operation. The Project would be located in an area that is already in nonattainment with the National Ambient Air Quality Standards ("NAAQS") for ozone and particulate matter (and the California equivalent of such standards), meaning that the air in the region is already considered unsafe to breathe by both federal and state regulators. (NOP at 5.) And the diesel backup generators associated with the Project would result in significant amounts of ozone precursors (nitrogen oxides and reactive organic gases) and diesel particular matter, a toxic air contaminant. (*Id*.) In addition, the Project is proposed to be located at the southwest corner of the intersection of West Trimble Road and Orchard Parkway in San José, California. This area is already overburdened by pollution, scoring at almost the 90th percentile for pollution burden and at the 92nd percentile for diesel particulate matter under CalEnviroScreen 5.0. It is therefore critical for the CEC to meaningfully and thoroughly evaluate the likely emissions associated with the Applicant's operation of the proposed backup generator array and to minimize such emissions and cumulative impacts to the

maximum extent possible. (Pub. Res. Code §§ 21002.1(b); 21081(a)(1); CEQA Guidelines § 15021(a).)

The CEC cannot rely on the Applicant's word that such generators would be operated only during "emergencies" when grid interconnection is unavailable. In its application for a Small Power Plant Exemption ("SPPE"), the Applicant states that it only plans to operate its generators "when there is an interruption of utility service to the site and not for demand response or other grid-related purposes[.]" (NorthTown Backup Generating Facility SPPE Application at 5.) And it limited the air quality analysis in its SPPE application based on that promise, only considering the emissions that would result if Project-related generators were operated for 100 hours per year. (*Id*. at 79.) The CEC must do more when preparing the DEIR. Either it must mandate, through a condition of approval or mitigation measure, that the Applicant cannot operate its backup generators except during "emergencies" when utility services are interrupted or it must presume that the Applicant will operate its generators during other times, including to participate in demand response programs. (*California Clean Energy Committee v. City of Woodland* (2014) 225 Cal.App.4th 173, 186-199; CEQA Guidelines § 15126.4.) It is common for data center operators to run their backup generators during times when grid interconnection is available, including to participate in demand-response programs. (*See, e.g*., Bay Area Air District, personal communication, January 4, 2021 (compiling data regarding the use of data center's backup generators in the San Jose area); Chen et al., 2015; Tong & Zhang, 2015; Zhang & Zhang, 2015.) In fact, PJM, the largest regional interconnection organization in the country, recently sought and obtained federal approval to push data centers within its jurisdiction onto their backup generators for an extended period of time to help compensate for the expected increased electricity demand attendant to an anticipated heat wave. (Condon, 2026.) California's demand response programs allow participants to run their backup generators for longer than 100 hours per year, so it is possible, if not likely, that the Applicant would do so unless prohibited by the CEC. ("Demand Response Programs for Businesses," n.d.; Notice of Determination for San Jose Data Center (SCH No. 2021020002) at 1 (allowing for a data center's backup generators to be operated for up to 459 hours per year to participate in local demand-response programs).)

The CEC should also consider requiring the Applicant to utilize battery energy storage systems in lieu of diesel generators, as doing so would minimize the air quality impacts associated with the proposed generator array. (Pub. Res. Code §§ 21002.1(b); 21081(a)(1); CEQA Guidelines § 15021(a).) Such systems are increasingly being deployed at scale and could be done so here. Google, for instance, installed 2.75 megawatts ("MW") of battery backup power at a data center in Belgium. (Judge, 2022.) And the Navy is developing a data center facility at the Lemoore Naval Air Station that would be completely powered by onsite solar and would utilize battery electricity storage systems to cover its backup generation needs. (U.S. Navy, Final Supplemental Environmental Assessment for the Proposed Construction, Operation, and Decommissioning of a Solar Photovoltaic System, Other Resilient Energy Systems, and a Data Center at Naval Air Station Lemoore, California (EA-007-17-USN-1705219201) at 2.) Likewise, Meta installed a 1,200 megawatt-hour ("MWh") battery energy storage system to power a 300 MW data center for four hours and Google announced plans to install 30 gigawatt-hours of Form Energy iron-air batteries to supply up to 100 hours of power to a 300 MW data center in Pine Island, Minnesota. (Casomar & Bangsund, 2026.)

In evaluating the Project's likely air quality impacts, the CEC should also evaluate the likely significant cumulative impacts of the Project in conjunction with other like facilities in the area. There are at least 42 other data center facilities already operating in San Jose (and over 100 in Santa Clara County). (Santa Clara Valley Water District, 2025.) And several others have either been approved (but are not operational) or are in the permitting process, in addition to the Project, including the Great Oaks Project and Microsoft's San Jose Data Center project. (City of San Jose, 2026.) Each of those facilities relies (or will rely) on diesel backup generators. The CEC must therefore evaluate the potential impacts that would occur if all of those backup generators were operated continuously and simultaneously for a prolonged period during an "emergency" when grid interconnection was not available or during a situation where operators switch to backup power as part of demand-response initiatives. (CEQA Guidelines § 15130.)

II. The CEC Must Also Thoroughly Evaluate the Project's Likely Significant Greenhouse Gas Impacts.

The CEC, at least based on the NOP, does not appear poised to adequately analyze the greenhouse gas ("GHG") emissions associated with the Project. According to the NOP, the Project "could result in potentially significant … GHG[] emissions from [only] three categories of activities: direct emissions from construction, direct emissions from the testing and maintenance of the backup diesel generators, and emissions from the data center's miscellaneous operations, both direct and indirect." (NOP at 7.) And according to the NOP, neither the GHG emissions associated with the Project's construction or its utilization of backup diesel generators are likely to be significant. (*Id*.) As explained below, this reasoning ignores several likely sources of GHG emissions and underestimates the likely significance of the GHG emissions associated with the Project's backup generator array.

The Project, for example, proposes to utilize several refrigerants to support its "hybrid" cooling system. (*See, e.g*., NorthTown Backup Generating Facility SPPE Application at 78.) Such chemicals are potent GHGs. The warming impact of several of the refrigerants the Project would use is 466 to 675 times that of carbon dioxide. (*Id*.) Given that the Applicant anticipates using significant quantities of such refrigerants, the CEC should meaningfully analyze such emissions when evaluating Project-related GHG impacts and impose mitigation measures to minimize such emissions to the maximum extent practicable. Though the Applicant currently plans to utilize some refrigerants with particularly low warming impact, unless required to minimize the warming impact of its refrigerant use through the imposition of a condition of approval or mitigation measure to that effect, that could change as time goes on, and the Project may turn to other technologies to cool the data centers with even more significant warming effects. (NorthTown Backup Generating Facility SPPE Application at 78.) The CEC should therefore consider requiring the Applicant to operate its system to reduce the warming potential of its cooling system to the maximum extent practicable.

Likewise, and as acknowledged in the NOP, the operation of the proposed diesel generator array is likely to result in a substantial amount of GHG emissions. And even though the Applicant claims that it will only operate such generators during "emergency" situations when grid interconnection is not available, that may change once operations commence.

(NorthTown Backup Generating Facility SPPE Application at 5.) As explained *supra*, it is common for data center operators to utilize their backup generators often and during situations where grid interconnection is available. The CEC should therefore either require that the Applicant only utilize its generators during such circumstances or expand the scope of its analysis to presume that the Applicant will utilize its generators more often and during situations where utility interconnection is not interrupted.

Further, producing the amount of power required to meet the Project's electricity demand would normally result in the emission of a significant amount of GHG emissions. (NorthTown Backup Generating Facility SPPE Application at 85.) The NOP suggests that such emissions need not be meaningfully evaluated or mitigated, however, because the Applicant plans to participate in the in the San Jose Clean Energy program at the "Total Green" level, meaning that the power purchased for the facility from the local utility would be produced through renewable means. (NOP at 7-8.) That reasoning misses two key points. First, it ignores the likely significant energy impact attendant to bringing that much electricity demand onto the market (as discussed in section three below). And second, if the CEC plans to rely on the Applicant's promise to utilize only the "Total Green" level of the San Jose Clean Energy program to avoid reviewing the GHG emissions associated with producing the energy the Project would require, it must mandate that the Applicant utilize only such power for the life of the Project as a mitigation measure or condition of approval. *California Clean Energy Committee,* 225 Cal.App.4th at 186-199; CEQA Guidelines § 15126.4.) Given the Applicant's current plan to do so, it is clear that such a measure would be feasible for the Applicant. (CEQA Guidelines § 15126.4.)

III. The CEC Must Likewise Consider the Project's Cumulative Energy Impacts.

The Project would demand a massive amount of energy to power the data centers and would join an ever-expanding fleet of data centers in San Jose and in Santa Clara County writ large. And even if the Applicant is committed to relying only on renewably sourced power to supply the Project, adding that much power demand to the grid, especially when considered cumulatively with other existing and proposed projects, is likely to incentivize local electricity generators to invest in new fossil fuel powered infrastructure to meet demand. (*See, e.g*., Cantu, 2025; Liu et al., 2025; Specht & Yang, 2026; Taft, 2026.) By 2030, data centers could consume the equivalent amount of energy as one would expect from adding another city the size of Los Angeles to the state's power grid. (Cantu, 2025.) To meet that demand, given the increased lag time to bring renewable power generation online and interconnect it with the grid, it is likely that providers will need to invest in additional fossil fuel infrastructure. (*See, e.g*., Cantu, 2025; Liu et al., 2025; Specht & Yang, 2026; Taft, 2026.) In filings to the California Public Utilities Commission, for example, PG&E recently argued that "[t]he volume of data center load was previously not considered" when setting climate goals, and that PG&E should therefore be permitted to emit more GHGs than it otherwise would have been allowed. (Cantu, 2025.) The CEC cannot ignore this impact when preparing the DEIR, even if it imposes a mitigation measure or condition of approval requiring the Applicant to utilize the San Jose Clean Energy program at the "Total Green" level throughout the life of the Project, as the energy implications of the Project, especially in conjunction with other data centers being developed, will remain significant regardless of that commitment.

Accordingly, the CEC should consider requiring the Applicant to fund the development of *new*, *additional* renewable power generation to help ensure that the added demand attendant to its facility will not incentivize the development of additional fossil-powered generation. Other developers are committing to do so in the state and elsewhere. (*See, e.g*., Google, 2026 (noting that Google would be funding the development additional, new renewable generation to cover the power demand associated with a new data center in Texas); U.S. Navy, Final Supplemental Environmental Assessment for the Proposed Construction, Operation, and Decommissioning of a Solar Photovoltaic System, Other Resilient Energy Systems, and a Data Center at Naval Air Station Lemoore, California (EA-007-17-USN-1705219201) at 2 (developing a data center at the Lemoore Naval Air Station that would be co-located with a new solar system that would cover the entire data center's power demand).)

IV. The CEC Must Evaluate the Project's Impacts on Nearby Wildlife and Other Biological Resources.

The Project site is located adjacent to the Guadalupe River and the Guadalupe Trail and provides habitat for several protected species, including monarch butterfly, Crotch's bumblebee, northwestern pond turtle, white-tailed kite, and burrowing owl. (NOP at 2-6; NorthTown Backup Generating Facility SPPE Application at 119-121.) In preparing the DEIR, the CEC must therefore meaningfully analyze the Project's likely impacts on each of those species. And given that the Project will result in significant light and noise pollution, the CEC must also meaningfully evaluate not only the impacts of the Project on these species, but also the "edge" effects the development would have on wildlife in the surrounding area, including in and along the Guadalupe River. (*See, e.g*., Bunkley & Barber, 2015; Crooks, 2002; Cushman, 2006; Delaney et al., 2010; Gray, 2017; Kociolek et al., 2011; McClure et al., 2013, 2013; Riley et al., 2006; Shannon et al., 2016; Slabbekoorn & Ripmeester, 2008; Vickers et al., 2015; Wang et al., 2017.)

V. The CEC Must Comprehensively Consider the Project's Impact on Regional Water Supply.

The NOP does not mention that the Project will require a massive amount of water to cool the data centers. This is concerning given that data center projects utilize an inordinate amount of water for cooling. (*See, e.g*., Yañez-Barnuevo, 2025.) To its credit, the Applicant has proposed using only recycled water to cool the Project. (NorthTown Backup Generating Facility SPPE Application at 281.) But it will require 320 million gallons per year to meet Project needs, enough to satisfy the annual needs of a small town. (*Id*.) The CEC must analyze the implications of the Project using that much water, including cumulatively with other data centers in the area and around the state. And the CEC should, as a condition of approval or mitigation measure, either cap the Applicant's annual water use at that level and require the Applicant to only utilize recycled water or mandate that the Applicant redesign its cooling system to rely solely on air cooling systems. Doing so would be feasible, as Google is developing a facility in Texas, for example, that would not utilize any water to cool its system. (Google, 2026.) Unless the CEC includes such a requirement, it should not take the Applicant at its word and should presume that the Applicant may need more water than it anticipates to cool Project-related data centers. And it

should analyze the implications of that demand, including in conjunction with other data center facilities in the area and around the state.

VI. The CEC Must Also Analyze Project-Related Noise Impacts.

The NOP acknowledges that noise levels associated with the Project could be substantial but suggests that noise-related impacts would be insignificant because the nearest sensitive receptor is quite far away (over 3,200 feet from the Project site). (NOP at 9.) That ignores the impacts Project-related noise will have on nearby wildlife. Data centers produce significant, unique, and problematic noise pollution; and some data centers have even been sued primarily because of their noise pollution. (*See, e.g.*, Cramer, 2026; Mogg, 2026; Yañez-Barnuevo, 2025.) And as noted, noise pollution can have devastating impacts on nearby wildlife. The CEC must therefore account for that impact (and mitigate for it) when preparing its DEIR for the Project.

VII. Conclusion.

Thank you for the opportunity to submit comments on the NOP for the Project. Please include the Center on your notice list for all future updates regarding the Project and do not hesitate to contact the Center with any questions at the email address listed below.

Sincerely,

Harrison Beck
Staff Attorney
Center for Biological Diversity
2100 Franklin St., Suite 375
Oakland, CA 94612

References

Bunkley, J. P., & Barber, J. R. (2015). Noise Reduces Foraging Efficiency in Pallid Bats (*Antrozous pallidus*). *Ethology*, *121*(11), 1116–1121. https://doi.org/10.1111/eth.12428

Cantu, A. (2025, October 1). The Insatiable Energy Demands of Data Centers Could Increase Fossil Fuel Emissions in California. *Capital and Main*. https://capitalandmain.com/the-insatiable-energy-demands-of-data-centers-could-increase-fossil-fuel-emissions-in-california

Casomar, C., & Bangsund, J. (2026). *Diesel Generators at Data Centers*. Better Data Center Project. https://betterdatacenterproject.com/wp-content/uploads/2026/03/Diesel-Generators-at-Data-Centers-Status-Impacts-and-Protective-Practices.pdf

Chen, N., Ren, S., Ren, X., & Wierman, A. (2015). Greening Multi-Tenant Data Center Demand Response. *Performance Evaluation*, *91*, 225–254. https://doi.org/https://doi.org/10.1016/j.peva.2015.06.014

City of San Jose. (2026, July 13). *Data Center and other Large Energy-Use Projects*. https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/data-center-and-other-large-energy-use-projects?utm_source=chatgpt.com

Condon, C. (2026, June 30). PJM gets green light to push data centers onto back-up power during heat wave. *Maryland Matters*. https://marylandmatters.org/2026/06/30/pjm-gets-green-light-to-push-data-centers-onto-back-up-power-during-heat-wave/

Cramer, J. (2026, July 28). This viral clip reveals what a data center sounds like. People are comparing it to torture. *Fast Company*. https://www.fastcompany.com/91580200/viral-clip-reveals-what-data-center-sounds-like-people-are-comparing-it-to-torture-ai

Crooks, K. R. (2002). Relative Sensitivities of Mammalian Carnivores to Habitat Fragmentation. *Conservation Biology*, *16*(2), 488–502. https://doi.org/10.1046/j.1523-1739.2002.00386.x

Cushman, S. A. (2006). Effects of habitat loss and fragmentation on amphibians: A review and prospectus. *Biological Conservation*, *128*(2), 231–240. https://doi.org/10.1016/j.biocon.2005.09.031

Delaney, K. S., Riley, S. P. D., & Fisher, R. N. (2010). A Rapid, Strong, and Convergent Genetic Response to Urban Habitat Fragmentation in Four Divergent and Widespread Vertebrates. *PLoS ONE*, *5*(9), e12767. https://doi.org/10.1371/journal.pone.0012767

Demand response programs for businesses. (n.d.). *PG&E*. Retrieved https://www.pge.com/en/save-energy-and-money/energy-saving-programs/demand-response-programs/business-programs.html?utm_source=chatgpt.com#accordion-b2e15ef020-item-2a00bf5cc4

Google. (2026, June 4). *Google and Intersect Deepen Texan Roots with New Data Center and Energy Investments in Gray and Roberts Counties*. https://storage.googleapis.com/gweb-uniblog-publish-prod/documents/Google_Intersect_Texas_Announcement_-_June_2026.pdf

Gray, M. (2017). *The influence of land use and habitat fragmentation on landscape connectivity*. University of California Berkeley.

Judge, P. (2022, April 21). Google picks Fluence for 2.75MW grid-supporting battery system in Belgium. *Data Center Dynamics*. https://www.datacenterdynamics.com/en/news/google-picks-fluence-for-275mw-grid-supporting-battery-system-in-belgium/

Kociolek, A. V., Clevenger, A. P., St. Clair, C. C., & Proppe, D. S. (2011). Effects of Road Networks on Bird Populations: Effects of Roads on Birds. *Conservation Biology*, no-no. https://doi.org/10.1111/j.1523-1739.2010.01635.x

Liu, R., Wu, Z., & Ren, S. (2025). *An Assessment of California Data Centers' Environmental and Public Health Impacts*. UC Riverside. https://www.next10.org/sites/default/files/2025-11/ai-environmental-public-health-costs.pdf

McClure, C. J. W., Ware, H. E., Carlisle, J., Kaltenecker, G., & Barber, J. R. (2013). An experimental investigation into the effects of traffic noise on distributions of birds: Avoiding the phantom road. *Proceedings of the Royal Society B: Biological Sciences*, *280*(1773), 20132290.

Mogg, T. (2026, August 12). *Residents In Michigan Are Suing A Data Center Over Noise Pollution Read More: Https://www.bgr.com/2231410/residents-in-michigan-are-suing-data-center-over-noise-pollution/*. https://www.bgr.com/2231410/residents-in-michigan-are-suing-data-center-over-noise-pollution/

Riley, S. P. D., Pollinger, J. P., Sauvajot, R. M., York, E. C., Bromley, C., Fuller, T. K., & Wayne, R. K. (2006). A southern California freeway is a physical and social barrier to gene flow in carnivores. *Molecular Ecology*, *15*, 1733–1741.

Santa Clara Valley Water District. (2025, April 22). *Committee Agenda Memorandum Joint RWPAC with Cities of San Jose/Santa Clara* [Online post]. https://scvwd.legistar.com/LegislationDetail.aspx?FullText=1&GUID=9DDD4486-D46A-462F-9025-96C2E72A67E9&ID=7405457&utm_

Shannon, G., McKenna, M. F., Angeloni, L. M., Crooks, K. R., Fristrup, K. M., Brown, E., Warner, K. A., Nelson, M. D., White, C., Briggs, J., McFarland, S., & Wittemyer, G. (2016). A synthesis of two decades of research documenting the effects of noise on wildlife. *Biological Reviews*, *91*(4), 982–1005. https://doi.org/10.1111/brv.12207

Slabbekoorn, H., & Ripmeester, E. A. P. (2008). Birdsong and anthropogenic noise: Implications and applications for conservation. *Molecular Ecology*, *17*(1), 72–83. https://doi.org/10.1111/j.1365-294X.2007.03487.x

Specht, M., & Yang, V. (2026). *Data Centers in California: Protecting Electricity Ratepayers, Clean Energy Progress, and Grid Reliability from the Data Center Build-Out*. Union of Concerned Scientists. https://www.ucs.org/resources/data-centers-california

Taft, M. (2026, August 6). Two Fossil Fuel Companies Are Driving the Data Center Boom. *Wired*. https://www.wired.com/story/chevron-williams-driving-data-center-boom/

Tong, Z., & Zhang, M. (2015). The near-source impacts of diesel backup generators in urban environments. *Atmospheric Environment*, *109*, 262–271. https://doi.org/https://doi.org/10.1016/j.atmosenv.2015.03.020

Vickers, T. W., Sanchez, J. N., Johnson, C. K., Morrison, S. A., Botta, R., Smith, T., Cohen, B. S., Huber, P. R., Ernest, H. B., & Boyce, W. M. (2015). Survival and Mortality of Pumas (Puma concolor) in a Fragmented, Urbanizing Landscape. *PLOS ONE*, *10*(7), e0131490. https://doi.org/10.1371/journal.pone.0131490

Wang, Y., Smith, J. A., & Wilmers, C. C. (2017). Residential development alters behavior, movement, and energetics in an apex predator, the puma. *PLOS ONE*, *12*(10), e0184687. https://doi.org/10.1371/journal.pone.0184687

Yañez-Barnuevo, M. (2025, June 25). *Data Centers and Water Consumption* [Environmental and Energy Study Institute]. https://www.eesi.org/articles/view/data-centers-and-water-consumption

Zhang, X., & Zhang, M. (2015). Demand Response, Behind-the-Meter Generation and Air Quality. *Environmental Science & Technology*, *49*(3), 1260–1267. https://doi.org/https://doi.org/10.1021/es505007m

PDFs of the references provided herein available at: NorthTown NOP References.