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Alviso In Action Tanager Bess comment part 2

Additional submitted attachment is included below.

Limited checks of the current map returned outside its qualifying tracts and buffers at the tested Alviso and Los Esteros points. The tract is also absent from the District's 2021 qualifying-tract list. These checks do not establish the status of entire parcels or Tanager's footprint (BAAQMD, n.d.-a; 2021e; Attachment B).

h) Both agencies: Please map the actual Tanager footprint, each source requiring a permit, affected Alviso residences, and school boundaries against the applicable tract and buffer layers. Identify permit applications, HRA triggers, notice obligations, and applicable risk limits. Explain whether the six-per-million cancer-risk limit or ten-per-million exception for essential public services applies, and distinguish routine-source permitting requirements from the accidental-fire assessment (BAAQMD, 2022c, pp. 1–2).
i) Both agencies: What local evidence documents Alviso's pollution exposure, sensitive populations, socioeconomic conditions, and health-care access? Identify data periods, coverage, uncertainty, and gaps. Explain what additional monitoring, outreach, or pollution reductions are warranted even without a formal designation. The District's vulnerability framework alone does not establish Alviso's health-care conditions (BAAQMD, 2022c, p. 1; 2022a, pp. 2-8–2-10).

Survey uncertainty and missing indicators

OEHHA may exclude very unreliable American Community Survey estimates. Tract 06085504602 has missing linguistic-isolation values in 4.0 and a 5.0 percentile of 27.12. The 5.0 dictionary distinguishes unavailable or unreliable data from zeros. These records do not explain the older gap, prove resident nonresponse, or show that the composite score underestimates vulnerability (OEHHA, 2021; n.d., p. 18; 2026b; 2026c, pp. 6–7).

j) What explains the missing 4.0 linguistic-isolation value, and are other indicators unavailable or excluded? Please provide data periods, sample sizes, margins of error, and reliability information for the tracts used in this review.
k) How do missing indicators and uncertainty affect the scores and vulnerability findings? What local evidence and practical monitoring, pollution reductions, and outreach will CEC and partner agencies provide for Alviso even without AB 617 selection?

8: Make the public record accessible and explain withheld information

The public needs enough information to follow the health and safety findings. California law distinguishes public air-pollution emission data from qualifying trade-secret information used to calculate those data (California Government Code § 7924.510, n.d.).

a) Please provide a list of the studies, test reports, calculations, and staff reviews supporting the decision, with their public document numbers and dates. Identify what remains withheld, the reason, and the portions that can be released. If a requested record does not exist, state that clearly.
b) Explain how the August 7 disclosure decision and August 17 confidentiality decision relate to the remaining calculation records identified in the August 31 letter. Release public emission results and other nonconfidential portions, and provide an understandable explanation of how protected inputs support the findings (Márquez, 2026).

9: Provide an emergency plan for Alviso

Residents need to know who will notify them and what actions they should take if an incident occurs, such as an accidental fire. Please provide a public version of the emergency plan developed with the appropriate fire, emergency management, public health, and school officials.

We are concerned about the limited ways to leave Alviso during an emergency. We ask CEC to investigate how freeways, waterways, crossings, and other barriers affect practical access. Please identify the routes that would actually be available to residents and emergency responders.

a) Please provide a community evacuation and emergency-access map, prepared with the City's fire, transportation, and emergency management officials. Show usable public roads and crossings, bottlenecks, alternate routes, and the relationship of these routes to the project and possible smoke movement. Explain whether residents could leave safely while responders and emergency vehicles enter.
b) What happens if a key route or crossing is closed by smoke, a crash, construction, flooding, or the incident itself? Evaluate route capacity and the time needed to warn and move residents under reasonable emergency scenarios, including school dismissal or busy traffic periods. Explain what evidence supports the estimates and what would happen if evacuation could not be completed safely.
c) Please overlay the emergency routes with ABAG's FEMA flood and tsunami layers and the state's Santa Clara County tsunami map. The state map shows hazard areas along the South Bay shoreline and portions of the slough corridors near Alviso; it does not place all of Alviso in one hazard zone. Identify which homes, gathering places, roads, and crossings lie within each mapped area, and explain how a flood warning, earthquake, or tsunami warning would affect evacuation and responder access (Association of Bay Area Governments [ABAG], 2026; State of California, 2021).
d) How would officials choose between evacuation and sheltering indoors as conditions change? Address households without cars, schoolchildren, older adults, people with disabilities, and people whose homes do not provide effective protection from smoke. Explain transport assistance, safe destinations, and backup communication during power or cellular outages.
e) Who decides when to warn residents, keep people indoors, close schools, or evacuate? How will alerts reach people in English and Spanish, people with disabilities, and residents without internet access? Include renters, nearby workers, and people visiting parks or community spaces.
f) How will George Mayne Elementary School and other affected facilities receive timely warnings and coordinate protective actions? Explain evacuation routes, assistance for people with limited mobility, and how residents will be informed when it is safe to return or resume outdoor activities.
g) What air monitoring would be available during and after an incident, who would interpret it, and how quickly would results be shared? Identify responder staffing, training, equipment, and funding needs, along with coordination for an extended incident or concurrent emergency.

10: Protect Alviso's biological resources and natural ecosystem from accidental fires releasing toxic air contaminants

Flooding groundwater and containment

Alviso's low elevation and groundwater deserve specific attention. A City park planning document describes Alviso as roughly 13 feet below sea level. The Alviso Master Plan identifies a high water table and potential saltwater intrusion. A high water table means groundwater is close to the ground surface. These community descriptions do not establish the elevation or groundwater depth at the Tanager site; those require current site measurements (City of San José, 2015, p. A-6; n.d.-a, "Landscaping Policies").

a) Please disclose surveyed elevations and the seasonal highest groundwater levels at the project. How would river flooding, high tides, rising sea levels, groundwater rise, drainage backups, or pump failure affect batteries, electrical equipment, containment, and emergency access? ABAG's flood guidance directs users to separate sea-level-rise resources and identifies elevated groundwater as a related concern. Please evaluate those conditions as well as current FEMA zones and explain the protection provided by levees, including the consequences of overtopping or failure (ABAG, n.d.).
b) The U.S. Army Corps of Engineers identifies coastal flood-risk reduction for Alviso and north San José as a purpose of the South San Francisco Bay Shoreline Project. Please identify completed and planned levee works, current protection and accreditation, and any assumptions about future construction. Explain whether project safety and emergency routes remain adequate during construction and under residual flood risk (U.S. Army Corps of Engineers, n.d.).

c) How would contaminated firefighting water, ash, and debris be contained, tested, removed, and paid for? Explain how pollutants could move through soil, shallow groundwater, drains, and surface water. Map actual drainage connections to Coyote Creek, the Guadalupe River, Alviso Slough, wetlands, and the Bay, and identify which pathways could be affected. Explain whether containment would remain effective during flooding or a power outage, and provide cleanup, monitoring, and restoration responsibilities.

Habitats and ecological effects

Alviso's South Bay setting is biologically important. The Don Edwards San Francisco Bay National Wildlife Refuge supports migrating birds along the Pacific Flyway and habitat for endangered species, including the salt marsh harvest mouse and Ridgway's rail. The wastewater facility's Bufferlands Conservation Easement provides important burrowing owl habitat; the 2024 management report also documents sensitive native vegetation (Menzel & Higgins, 2025; U.S. Fish and Wildlife Service, n.d.).

a) Please have qualified biologists map the affected area in case of an accidental fire, the burrowing owl conservation area, wetlands, and the Guadalupe River and Coyote Creek riparian corridors in relation to the project. Identify protected, rare, and locally restricted native species and plants, including Congdon's tarplant where present, using current surveys. Which habitats support nesting, feeding, wintering, or migration, and could effects extend beyond the project boundary?
b) What harm could fire, smoke, airborne pollution settling on land or water, contaminated runoff, noise, and emergency activity cause to wildlife, native plants, and the food sources they depend on? Evaluate damage to breeding colonies and the possible loss of local populations, including during migration or nesting seasons. Explain the evidence and uncertainty, recovery prospects, and prevention and restoration measures. Please provide an ecological assessment rather than relying only on human-health comparisons, and identify consultation with wildlife, habitat, and water agencies.

Please address biological resources as a separate part of the environmental review. Human-health screening results do not establish whether wildlife or habitat would be protected.

c) Distinguish ongoing Los Esteros habitat-mitigation obligations from any new Tanager impacts, disclose current monitoring and compliance reports, and explain the baseline, impact conclusions, mitigation, and enforcement.
d) Identify the roles of CEC, the Air District, qualified biologists, and the wildlife and water agencies, including any unresolved requests for information.
e) What construction dust, truck traffic, road access, noise, lighting, and routine equipment effects could reach nearby residents? Identify proposed controls, operating restrictions, complaint procedures, and the agency responsible for enforcing them. Please explain how habitat and cultural resource concerns will be addressed with the appropriate specialists and communities.

f) Please evaluate the combined effects of Tanager and the other projects listed in Attachment A on the Bufferlands, the refuge, and nearby wetlands. These include the Microsoft data center, the proposed Prologis development on 159 acres of wastewater-facility land, and the Google project at 5087 Disk Drive. Please state whether any of these sites overlap or adjoin burrowing owl, wetland, or slough habitat. Identify the combined loss of nesting and foraging habitat and any added noise, night lighting, runoff, and traffic.

g) Please identify when construction would occur relative to nesting and migration seasons. What pre-construction surveys, work-timing limits, noise and night-lighting limits, and buffer zones would protect nesting birds, burrowing owls, and other sensitive species? Who verifies compliance, and what happens if a nest or burrow is found?

h) Please give residents a role in biological review: access to survey results, an opportunity to share local observations, and notice of monitoring reports in English and Spanish.

11: Hold a community meeting in Alviso and provide meaningful review time

We request a CEC-led public outreach meeting in Alviso before a final recommendation or Commission vote, at a time and location selected with community input. The meeting should include staff who can answer air-quality, health-risk, and fire-safety questions. An accessible online option, Spanish interpretation, translated key materials, and a recording would help more residents participate. Please explain how the outreach follows the Air District's CEQA environmental justice guidance and uses its 2025 implementation examples, as appropriate (BAAQMD, 2022a, pp. 2-7–2-8; 2025).

The outreach records offer a useful comparison. Tanager's February 12, 2025 notice summary, TN 261728, describes notice to property owners within 1,000 feet of the facility and 500 feet of related features such as utility lines, as well as agencies, mailing-list participants, and subscribers. Microsoft's San José Data Center used similar distance bands for owners and occupants; its final environmental review also describes outreach to institutions within six miles and contact with Organización de Comunidad de Alviso. Its mailing-list appendix includes Mark T. Espinoza of that organization and the Alviso Branch Library (California Energy Commission [CEC], 2022a, pp. 2-3, 4.21-5; 2022b, Appendix E, Tables E-3–E-4; 2025, p. 2).

The Microsoft record documents some Alviso representation, but a listed organization or library does not establish that all Alviso households received notice. Tanager's summary alone likewise does not establish which Alviso residents were reached.

a) Please disclose the actual outreach dates, methods, languages, geographic coverage, and recipient categories, along with a readable notice-area map. Did outreach include Alviso residents, renters, George Mayne Elementary School families, and Alviso in Action? Explain any gaps and how CEC will close them.

Please reach beyond immediately adjacent properties where potential effects or emergency routes extend farther. Coordinate direct notice with Alviso in Action and other local groups; include households using post-office boxes, renters, and people without reliable internet. Use mailed notices, translated flyers, school and library channels, and other community-selected methods, and report what was done. Please explain how this outreach compares with the broader community outreach documented for the Microsoft project.

Publish a short project summary, maps, the complete supporting environmental analysis, and instructions for commenting. We request at least 30 days to review the substantive public package before the final recommendation or Commission action, with more time if major new information is added.

b) Please confirm the actual deadlines, decision process, and whether a formal hearing is planned; our request for a community meeting is an additional outreach request.

12: Respond to the community in writing and identify enforceable protections

Please place this letter and a written response in Docket 03-AFC-02C. Organize the response by the numbered sections above and the agency-specific questions in section 7. Identify the documents supporting each answer and state what is complete, pending, or not being provided and why. For pending work, identify the responsible staff and expected date. Please coordinate with the Air District so residents can understand each agency's responsibilities and any issues referred to a separate process.

a) Which proposed safeguards would become enforceable conditions of approval? Please identify who checks compliance, what information residents can review, how complaints or incidents will be investigated, and what action would follow a violation. Provide a named contact for continuing communication with Alviso in Action.

The Alviso community must understand the evidence, ask questions, and see how their concerns shape the decision. We ask CEC to complete and disclose the findings needed to evaluate community health and safety, respond to unresolved concerns, and meet with residents before deciding on the amendment. Thank you for considering this letter and for helping our community participate in the review.

Sincerely,
Marcos Espinoza Date 10/14/26

Marcos Espinoza
President, Alviso in Action
Marcosespinoza@alvisoinaction.org

669-377-5657

cc: John Heiser, Compliance Project Manager, California Energy Commission; docket@energy.ca.gov

CEC Public Advisor	publicadvisor@energy.ca.gov
Greg Nudd: Air District	gnudd@baaqmd.gov
Martina Davis: San José Planning	martina.davis@sanjoseca.gov
Melissa Venecek: CARB	melissa.venecek@arb.ca.gov
Erica Garaffo: City of San José	erica.garaffo@sanjoseca.gov
Councilmember David Cohen, District 4	david.cohen@sanjoseca.gov
SJFDPermitSpecialist@sanjoseca.gov	

Attachment A: Community Project Table
Attachment B: Screening Results and Map Checks
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Attachment A Community project table

Project or facility	Status and date checked	Location	Concern or connection to Tanager review	Source or document ID
Greenwaste Renewable Energy Digestion Facility	Existing; opened 2011; checked Oct. 14, 2026	685 Los Esteros Rd San Jose Ca 95134	odors, truck traffic, and air emissions from the energy equipment	(greenwaste.com/facilities/anaerobic-digester); CEQAnet SCH 2011042023, Notice of Determination for the solid waste facilities permit (ceqanet.lci.ca.gov/2011042023/2)
Greenwaste Zanker Resource Recovery Facility Site 2	Existing; checked Oct. 14, 2026	675 Los Esteros Rd San Jose Ca 95134	dust, truck traffic, and current air and water permit conditions	https://www.greenwaste.com/
Greenwaste Zanker Resource Recovery Facility Site 1	Existing; checked Oct. 14, 2026	705 Los Esteros Rd San Jose Ca 95134	dust, truck traffic, and cumulative effects with Site 2	https://www.greenwaste.com/
San Jose Santa Clara Regional Wastewater Facility	Existing; checked Oct. 14, 2026	700 Los Esteros Rd San Jose Ca 95134	current odor controls, biosolids hauling, legacy ponds, and Bufferlands habitat	City of San José, Regional Wastewater Facility page (sanjoseca.gov); City biosolids report (sanjoseca.gov/home/showpublisheddocument/92652/638054989304800000); Water Board Order R2-2019-0026 (waterboards.ca.gov/sanfranciscobay/board_decisions/adopted_orders/2019/R2-2019-0026.pdf)

Project or facility	Status and date checked	Location	Concern or connection to Tanager review	Source or document ID
Silicon Valley Advance Water Purification Center	Existing; opened July 2014; checked Oct. 14, 2026	4190 Zanker Rd San Jose Ca 95134	truck traffic, chemical deliveries, and any expansion plans	https://purewater4u.org/
Los Esteros Energy Center	Existing; operating since 2003	800 Thomas Foon Chew Way San Jose Ca 95134	existing emissions, cooling water, and continuing habitat-mitigation and compliance obligations	CEC project page (energy.ca.gov/powerplant/combined-cycle/los-esteros-critical-energy-facility); CEC Docket 03-AFC-02C, TN 261728
MicroSoft Data Center	Under construction; groundbreaking reported 2026; checked Oct. 14, 2026	1657 Alviso Milpitas Rd San Jose 95134	Maximum electrical load up to 99 MW; 224 renewable natural gas backup generators and two Tier 4 diesel generators; Zanker Road widening in the environmental record. Question: generator emissions and combined effect with Los Esteros	CEC project page, Docket 19-SPPE-04 (energy.ca.gov/powerplant/backup-generating-system/san-jose-data-center); KRON4/Bay City News (2026)
Second Harvest Warehouse	Approved amendment to permit PDA21-016-01; construction observed by AIA; checked Oct. 14, 2026	4553 and 4653 North First Street, San Jose, CA 95134	actual truck routes and timing near the school. Emissions from diesel trucks and back up generators	Second Harvest of Silicon Valley Support Site Project | City of San José
Google Warehouses and offices	Constructed PD13-039,PDC14-004,PD14-007 Check Oct. 10,2026	5093,5087,5079 Disk Dr San Jose CA 95134	Noise from truck and vehicle traffic, air pollution from diesel trucks	Midpoint@237 Office and Industrial Project | City of San José
Google Research and Development	Planned Development H26-005	5087 Disk Drive San Jose CA 95134	Noise from demolition, construction, operating R&D site. Air pollution from back up generators	https://permits.sanjoseca.gov/search/permit?folderRSN=2174705

Project or facility	Status and date checked	Location	Concern or connection to Tanager review	Source or document ID
Topgolf	Constructed PD 16-013 Check Oct.9,2026	10 Top Golf Drive San Jose CA 95002	Noise from traffic, loud speakers, Air pollution from cars, impacted on migratory birds due to high nets	Topgolf @ Terra Project | City of San José
Terra Data Center	Announced	4701 N 1st Street San Jose CA 95002	Impacts of noise, air. Fuel cell impacts and what chemicals can be released in fire	Terra Super Intelligence (SI) Infrastructure Lab

For each project, identify the relevant source of concern, such as combustion equipment, construction, truck activity, noise, or hazardous materials. A large electricity demand alone does not establish local air-pollution emissions. CEC should verify which sources can affect the same locations and explain its screening decisions.Attachment B Screening results and map checks

Confirmed on October 4, 2026. These results describe census tract 06085504602, not all of Alviso. Agencies should verify the tract boundaries against the homes, school, project, and other affected locations. Values are rounded to two decimals.

Overall screening percentiles by version

Measure	4.0 percentile	5.0 percentile
Overall CalEnviroScreen	66.97	70.71
Pollution burden	82.46	86.47

Source: OEHHA (2021, 2026b). Updated geography, methods, and data periods limit direct comparisons; the difference is not a measured trend. The Air District's published rule uses the 4.0 overall percentile, not the pollution-burden percentile.

Selected indicators from final CalEnviroScreen results

Indicator	Statewide percentile
Traffic impacts	95.22
Cleanup sites	99.80
Groundwater threats	95.57
Hazardous waste	97.93
Impaired water bodies	96.52
Solid waste sites and facilities	99.89
Fine particulate matter PM2.5	35.55
Diesel particulate matter	34.44
Asthma	59.54
Diabetes	73.70
Educational attainment	72.41

Indicator	Statewide percentile
Linguistic isolation	27.12
Poverty	46.43
Unemployment	41.92
Housing burden for low-income households	67.20

Source: OEHHA (2026b). These ranks compare indicators across California tracts. A groundwater-threat rank does not prove contaminated groundwater at Tanager; health-indicator ranks are not the percentages of Alviso residents with those conditions. The PM2.5 and diesel ranks do not establish that local exposures are harmless. Please verify the underlying sources, dates, and local conditions.

Limited checks of the current Air District map

The following point checks of the public Overburdened Communities map returned outside both its qualifying-tract and 1,000-foot buffer layers. These are address or vicinity points, not surveyed parcels. They do not establish that the full project, school grounds, or community falls outside the map.

Tested location	Latitude	Longitude
Alviso Branch Library address point	37.424740	-121.969100
George Mayne Elementary address point	37.424642	-121.966988
Los Esteros address point	37.424317	-121.931880
Los Esteros plant vicinity point	37.433000	-121.934000
Alviso village vicinity point	37.426000	-121.975000

Source and method: BAAQMD (n.d.-a), current public map, checked October 4, 2026. The test queried the tract and buffer layers used by the map's point lookup. A West Oakland comparison point returned a qualifying polygon, confirming that the lookup could return an inside result. Request an official determination for the full Tanager footprint and each regulated source.

Designation and data limits: A query of the official 2026 SB 535 tract layer found no record for 06085504602. This does not determine other Alviso tracts or household funding eligibility. The 4.0 record has missing linguistic-isolation values; 5.0 supplies a value. Request the reason, sample and reliability information, and local supplemental evidence (CalEPA, 2026b; OEHHA, 2021, 2026b, 2026c).