

DOCKETED

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Project Title:	McLaren Backup Generating Facility
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Document Title:	Memo - Updated Scheduling Information Regarding the McLaren Backup Generation Facility - Response to Applicant's Statement
Description:	Updated scheduling information regarding the McLaren Backup Generation Facility SPPE application review; Response to Applicant's Statement
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Memorandum

To: Karen Douglas, Commissioner and Presiding Member
Janea A. Scott, Commissioner and Associate Member
Susan Cochran, Hearing Officer

Date: August 2, 2018

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Subject: **Updated scheduling information regarding the McLaren Backup Generation Facility SPPE application review; Response to Applicant's Statement**

I. Scheduling

On July 23, 2018, the Committee overseeing the McLaren Backup Generation Facility Small Power Plant Exemption (SPPE) issued a scheduling order which included an August 3, 2018, due date to publish a Final Initial Study and proposed Mitigated Negative Declaration.

On July 24, 2018, two public comments were received covering primarily air quality issues related to emergency operations of the backup diesel generators. In order to provide detailed responses to the comments, staff is obtaining additional information and consulting with the Bay Area Air Quality Management District and the California Air Resources Board. Staff intends to publish its detailed response to comments as part of its opening testimony on August 13, 2018.

Because the Commission's process already includes an evidentiary hearing, opening and rebuttal testimony, committee recommended decision, and final adoption hearing, staff proposes to not publish the Final Initial Study and proposed Mitigated Negative Declaration. Such documents are not required under the California Environmental Quality Act or the Commission's regulations set forth in Title 20.

In lieu of a Final Initial Study and proposed Mitigated Negative Declaration, staff believes the response to comments will assist the public in understanding the issues and conclusions in the Initial Study and assist the Committee in reaching a decision on the SPPE. As set forth in the Commission's regulations under Title 20, California Code of Regulations, section 1943, the Committee can utilize staff's filed testimony in conjunction with other filed information to reach a decision on the SPPE application.

II. Response to Applicant's Statement

On July 13, 2018, in response to an inquiry by the Committee as to whether Vantage Data Centers (Applicant) agrees with staff's recommendation in its Initial Study for additional cultural mitigation, Applicant expressed that they did agree. The Applicant said that the modified and new cultural resources mitigation measures would be implemented by the City of Santa Clara after the Commission makes a decision on whether to grant or approve the SPPE.

McLaren Committee

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Staff agrees with the Applicant that any additional mitigation recommended by staff in the Initial Study or recommended by the Committee in its proposed decision is not in effect until the Commission approves the SPPE and the order is filed.