

**DOCKETED**

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**Before the Energy Resources Conservation and Development  
Commission of the State of California**

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*APPLICATION FOR A SMALL POWER PLANT  
EXEMPTION FOR THE:*

*MCLAREN BACKUP GENERATING  
FACILITY PROJECT*

**Docket No. 17-SPPE-01**

**ENERGY COMMISSION STAFF'S SUGGESTED ERRATA TO THE COMMITTEE'S  
PROPOSED DECISION**

On October 26, 2018, the McLaren Backup Generating Facility Committee issued its Proposed Decision for consideration by the Commission at the November 7, 2018 Business Meeting. Staff suggests the following minor changes to correct errors and improve clarity.

JURISDICTION, Page 7:

We now address the parties' contentions as to the calculation of generating capacity for the purpose of jurisdiction under ~~section California Code of Regulations, title 20~~ Public Resources Code, section 25541 (Section 25541).

Airport Impacts, Page 12:

The Comprehensive Land Use Plan for the Norman Y. Mineta San Jose International Airport identifies the project location as within the traffic pattern zone with certain development restrictions. The Hazards and Hazardous Materials section of Staff's Initial Study/Proposed Mitigated Negative Declaration (IS/PMND) incorrectly stated that the project site is outside of all airport safety zones. However, the applicability of this safety zone was analyzed in the Transportation and Traffic section of the IS/PMND (Ex. 200, pp. 5.16-5 – 5.16-6). In this section, Staff concludes that the project would not be hazardous to air traffic because the physical height of the project and the maximum height of the thermal plumes would be below the airport's maximum height restriction. In addition, the project site is located within an airport safety zone (traffic pattern zone) where the potential for aircraft accidents is relatively low and the need for land use restrictions is minimal. Therefore, staff recommends the following changes to the Proposed Decision.

The project would be located approximately 0.3-mile west of the Norman Y. Mineta San Jose International Airport. This location is within the airport influence area and subject to the Comprehensive Land Use Plan (CLUP) for the airport. The IS/PMND ~~City's~~

~~Environmental Documents~~ concluded that although the Data Center and Backup Project (including the backup generators then proposed) would be inside the traffic pattern zone outside of all of the airport safety zones identified in the CLUP, and the diesel exhaust stacks and thermal plumes would not pose a hazard to aviation nor violate the airport's maximum height restriction.<sup>59</sup> The IS/PMND also determined that noise from the Backup Project would not combine with the airport's noise to expose people to excessive noise levels.<sup>60</sup>

Page 12, Footnotes:

<sup>59</sup> Ex. 200, pp. ~~5.8-2 – 5.8-3~~ 5.16-5 – 5.16-6.

Air Quality, Operational Impacts, Pages 14-15:

We agree with Staff that the likelihood of the Backup Project being required to run is unlikely. However, unlikely operation does not equal speculative impacts. We note that the IS/PMND does contain an analysis of the emissions from the generators for testing and maintenance. ~~This analysis is~~ A public health analysis was also conducted based on all generators operating 50 hours per year – the limit imposed by the Bay Area Air Quality Management District's (BAAQMD) and the California Air Resources Board's Airborne Toxic Control measures – even though the record shows actual testing and maintenance will be closer to five hours per generator per year.<sup>78</sup> Given that the single instance of outage of the 60 kV system in the vicinity of the Data Center was 19 hours, we find it reasonable that the public health modeling adequately addresses the potential ~~air quality~~ impacts for both the number of actual testing hours and the hours of emergency operation. We thus now consider the results of the 50 hours of modeling.

Appendix A: Staff's Initial Study/Proposed Mitigated Negative Declaration, 5.8 Hazards and Hazardous Materials, Page 5.8-3:

LESS THAN SIGNIFICANT IMPACT. The project would be located approximately 0.3 mile west of the Norman Y. Mineta San Jose International Airport. The MGF would be within the airport influence area and subject to the Comprehensive Land Use Plan (CLUP) for the airport. ~~The city of Santa Clara Mitigated Negative Declaration (MND) Transportation and Traffic section concludes~~ and that although the project would be outside of all of the inside an airport safety zones identified in the CLUP, and the diesel exhaust stacks would not pose a hazard to aviation nor violate the airport's maximum height restriction. ~~The addition of 16 generators to the project would not change the conclusions of the MND and the project's impact would continue to be less than significant.~~