

DOCKETED

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M e m o r a n d u m

To: Commissioner Karen Douglas, Presiding Member
Chair David Hochschild, Associate Member

Date: December 10, 2020

From: California Energy Commission
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Subject: STATUS REPORT #4 FOR THE GREAT OAKS SOUTH BACKUP GENERATING FACILITY SMALL POWER PLANT EXEMPTION (20-SPPE-01)

In the *Committee Conference and Related Orders* filed on September 23, 2020, the Committee ordered "the parties to file a status report no later than the 10th of each month, beginning on September 10, 2020."

Staff hosted a public scoping meeting on November 17, 2020 to solicit comments on the content and scope of the environmental areas in the Environmental Impact Report (EIR). The meeting was well attended with representatives from Bay Area Air Quality Management District (BAAQMD), California Air Resources Board (CARB), San Joaquin Valley Air Pollution Quality Control District (SJVAPCD), City of San Jose, and Councilmember Sergio Jimenez, as well as the public. Discussions for the technical areas of Geology and Soils (paleontology), Cultural and Tribal Resources, Biological Resources, and Air Quality occurred. Discussions for Air Quality could not be finished, and Greenhouse Gases and Alternatives were not able to be discussed as time ran out for the meeting. Staff will be hosting a continuation of the public scoping meeting on December 11, 2020 at 11:00 a.m. via Zoom. A notice of the continued meeting was posted to the project's docket on December 1, 2020 with the Zoom login information.

As previously detailed in Staff's Status Report #2 on October 9, 2020, staff is waiting on responses associated with Data Request Set #2. Specifically, staff anticipates receiving a City of San Jose Public Works-approved final Transportation Analysis report including a detailed vehicle miles traveled analysis, a Transportation Demand Management Plan, and a Local Transportation Analysis from the applicant.

Staff continues to work on the EIR and is reviewing the comments received in response to the Notice of Preparation. During the December 11, 2020 continuation of the public scoping meeting, staff will continue taking questions and comments on the content and

scope of the environmental areas in the EIR. Staff has extended the comment period on the content and scope until 5:00 p.m. on December 18, 2020.

Summary of 11/17/20 GOS Public Scoping Meeting – Air Quality Discussions

The Air Quality discussion included participation from CEC staff, the applicant, BAAQMD (Jakub Zielkiewicz and Dennis Jang), CARB (Courtney Graham and Thomas Andrews), and SJVAPCD (Leland Villalvazo).

The following is a summary of the Air Quality discussion from the meeting¹:

Modeling Readiness Testing – California Ambient Air Quality Standards 1-hour NO₂ Impact

The first part of the discussion participants discussed approaches for modeling readiness testing: maximum modeled project impacts plus maximum background (CARB's suggested approach) and temporal pairing of project impacts with background (CEC staff's suggested approach).

CARB staff agreed with CEC staff and others at the workshop that temporal pairing of project impacts with appropriate nitrogen dioxide (NO₂) background was a possible additional acceptable modeling approach. CARB agreed to speak with their management regarding the evaluation/approval of these possible additional modeling approaches. Possible additional modeling approaches may include some of the modeling tiers listed in the California Air Pollution Control Officers Association's tiered-guidance for modeling compliance with the federal 1-hour NO₂ standard. CARB explained that it was likely that CARB would need to develop a modeling guideline to address this issue. However, developing a CARB guideline is likely to take an extended period of time. To reduce the time necessary for addressing this issue, CEC staff requested that perhaps CARB could issue a memo evaluating these modeling options. CARB staff responded that they would discuss this approach with management but made no commitment on whether or not this approach would work.

Modeling Emergency Operations

Next, participants discussed CEC staff's approach/options for modeling emergency operations: modeling assumptions, including number of generators, their loads, run duration, background air quality conditions, meteorological conditions, receptor location (i.e., at fence line or at sensitive receptors), and significance threshold (concentration, duration, frequency, and probability of occurrence).

CARB continues to assert that at least some quantitative assessment (i.e., modeling) should be done. Staff has asked the applicant to provide reasonable worst-case scenarios

¹ CEC staff used notes from the meeting to develop this summary and provided CARB an opportunity to ensure the statements accurately reflect the agency's current position. This summary reflects CARB's clarifying edits.

in which the engines would run during emergencies. For example, the engines would only run at loads that would not void their warranties. Additionally, not all engines would likely run, and reserve engines providing redundancy would either not operate, or operate at zero-load. This type of information is essential to help staff frame realistic modeling assumptions.

CARB suggests presenting the modeled impacts during emergency operation to disclose the information, and then applying probability data and explaining the likelihood of it occurring. Staff believes a significance threshold should be established prior to performing the modeling to ensure that the determination of significance is not subjectively applied in furtherance of a desired result. When asked a question regarding whether ambient air quality standard should be used as significance thresholds, CARB staff responded that since there is no legal exemption from complying with ambient air quality standards during emergency operation, the ambient air quality standards should be included as part of this evaluation.

Items Remaining for Discussion

The meeting ran out of time and ended before getting to discussions of nitrogen oxides offsets, greenhouse gas emissions, significance thresholds and mitigations (routine maintenance and testing, electricity use, and emergency operations), and alternatives. These topics will be the subject of the continued public scoping meeting on December 11, 2020.