

DOCKETED

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Memorandum

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

Date: March 10, 2021

From: California Energy Commission
1516 Ninth Street
Sacramento, CA 95814-5512

Leonidas Payne
Project Manager
(916) 838-2124

**Subject: STATUS REPORT #3 FOR THE LAFAYETTE BACKUP GENERATING FACILITY
SMALL POWER PLANT EXEMPTION (20-SPPE-02)**

In its December 23, 2020 order directing parties to file Monthly Status Reports, the Committee ordered the parties to file and serve a Status Report on or before the 10th of each month.

Staff continues to wait for the filing by the applicant of any project changes as a result of the December 12, 2020, letter from the Bay Area Air Quality Management District relating to Best Available Control Technology (BACT) for emergency backup generators. Staff has also not received responses to Data Request Set 3, which was docketed October 6, 2020, and included questions in the technical areas of Air Quality, Transportation, and Utilities and Service Systems.

Staff continues to make progress on the Initial Study in those areas unaffected by the project's conversion to Tier 4. However, given anticipated changes to the project description and outstanding substantive data requests, staff is concerned that it will be unable to publish the environmental document "[n]o later than 30 days after receipt of the last data request response from Applicant" as noted in the October 26, 2020 Committee Scheduling Order. Staff suggests the following language to be inserted in the same place in the scheduling table: "No later than 60 days following staff acknowledgement in a status report that it has no further data requests." Should staff determine that an Environmental Impact Report is the more appropriate environmental document, staff would propose further changes to the publication schedule.