

| DOCKETED | |
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| Project Title: | CA3 Backup Generating Facility-Vantage |
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M e m o r a n d u m

To: Commissioner Karen Douglas, Presiding Member
Vice Chair Siva Gunda, Associate Member

Date: October 20, 2021

From: California Energy Commission
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**Subject: STATUS REPORT #1 FOR THE CA3 BACKUP GENERATING FACILITY (CA3BGF)
SMALL POWER PLANT EXEMPTION (21-SPPE-01)**

The Committee Scheduling Order and Related Orders (Scheduling Order) filed on October 6, 2021, orders "the parties to file a status report no later than the 20th of each month" [presumably beginning on October 20th]. In the selfsame Scheduling Order, the Committee ordered staff to "inform the Committee whether or not the case is progressing satisfactorily and bring potential delays and other relevant matters to the Committee's attention."

After the "Issues Identification Report, Status Report, and Proposed Schedule" was docketed on August 2, 2021, staff has continued to progress satisfactorily in our efforts to gather necessary data from the applicant. Staff and the applicant agreed there was no need to conduct an EIR scoping meeting for CA3; therefore, none is planned. Staff has coordinated and will continue to coordinate with local and regional agencies, including the City of Santa Clara and Silicon Valley Power, to gather data and perform analyses.

On July 15, 2021, CEC staff published a notice of receipt (NOR). The NOR was published in English, Spanish, Vietnamese, and Chinese. On August 10, 2021, the Committee Conference was held via remote technology; staff, the applicant, and the applicant's representatives were present. On August 20, 2021, staff published a combined notice of preparation (NOP)/agency request for participation. The State Clearinghouse review period for the NOP closed on September 22, 2021. Comments received during this comment period were provided by the Bay Area Air Quality Management District and the Native American Heritage Commission.

The applicant provided timely responses to Data Request Sets 1, 2, and 3 (with one exception, see below). Staff is still awaiting responses to Data Request Set 4, docketed on October 16, 2021. Outstanding information includes a corrected landscape plan and a tree inventory, including location of trees to be removed and those to be preserved, to match

the revised General Arrangement and Site Layout to allow completion of the Biological Resources section of the EIR. Staff has also requested a complete Cultural Resources Assessment document, still incomplete from the original submittal as part of responses to Data Request 1 (request 3), dated June 7, 2021.

The owner's representative notified staff on October 18, 2021, that the administrative (office) portion of the building is being modified to accommodate comments received from the city of Santa Clara and the city Fire Department as part of the city of Santa Clara Project Clearance Committee (PCC) process (design review). The owner's representative is anticipating filing revised materials to the CEC in advance of a future PCC review.

The applicant's representative and consultant will be meeting with staff soon, in part, to assess the impact of the office reconfiguration on the air quality modeling. Another question related to air modeling (background concentrations), and the potential need for additional data, raised on October 6, 2021, will also be evaluated during the meeting. Potential impacts of the office reconfiguration on remaining technical areas, including Aesthetics and Transportation, will be discussed also. The applicant has notified CEC staff that minor changes to the project description as well as other minor revisions may also be submitted for consistency.

Staff will continue to work on the EIR and will continue to provide regular updates to the Committee and otherwise comply with the directives of the October 6, 2021 Scheduling Order.