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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: November 19, 2021

From: **California Energy Commission**
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**Subject: STATUS REPORT #2 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" for the purposes of "inform[ing] the Committee whether or not the case is progressing satisfactorily and bring potential delays and other relevant matters to the Committee's attention." Staff filed its Status Report Number 1 on October 20, 2021.

On October 26, 2021, staff met with the applicant to discuss the potential impacts of the building modifications initiated by the fire department on certain issue areas, particularly air quality, visual resources, noise, and transportation, in addition to other on-site issues, specifically the final number of parking spaces, overall building height, and landscaping trees.

On October 28, 2021, staff received the applicant's responses to Data Request Set 4, including revised drawings, a revised project description, and a revised confidential cultural resources document. The documents addressed staff's concerns with a couple exceptions. Staff asked for a memorandum addressing potential changes to the air emissions resulting from the building modifications as well as supplemental air modeling files. Staff also requested a memo addressing potential noise increases and other site issues, including the final number of parking spaces (including electric vehicle and clean air spaces) and final building height.

On November 15, 2021, the applicant submitted the informational memorandums staff had requested. Technical staff has confirmed that the information contained in the memos, along with the supplemental air modeling files, satisfies staff's remaining outstanding data needs. Therefore, in accordance with the scheduling order, staff is notifying the Committee that it has received satisfactory responses to all data requests and will publish the Draft EIR no later than 60 days from the date of this status report, targeting a publication date in the third week of January 2022.

Staff is aware that the applicant presented revised project materials to the city of Santa Clara Project Clearance Committee on November 2, 2021. The application was deemed incomplete; the applicant and the city will continue to broker solutions to any remaining issues until the city's requirements are satisfied.

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