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State of California
State Energy Resources Conservation and
Development Commission
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APPLICATION FOR SMALL POWER PLANT
EXEMPTION FOR THE:

**GREAT OAKS SOUTH BACKUP
GENERATING FACILITY**

Docket No. 20-SPPE-01

ERRATA TO THE COMMITTEE PROPOSED DECISION

After reviewing the comments submitted by the parties, we incorporate the following changes¹ into the November 24, 2021 Committee Proposed Decision² (Proposed Decision) for the Great Oaks South Small Power Plant Exemption:

1. On Page 10, revise the first paragraph to read as follows:

Staff released the Draft EIR for public review on May 21, 2021.⁸⁷ Notice of Availability of the Draft EIR was sent to the State Clearinghouse on May 21, 2021; this Notice of Availability began a 45-day public review and comment period that ended on July 6, 2021.⁸⁸ It was also sent to responsible and trustee agencies and to the County of Santa Clara County Clerk, and was mailed to owners and occupants of property near the Project site.⁸⁹ When the public review and comment period⁹⁰ on the Draft EIR ended, comments had been received from Claire A. Warshaw,⁹¹ BAAQMD,⁹² and the Applicant.⁹³ After the end of the comment period, the CEC also received written comments from the City of San Jose⁹⁴ and Enchanted Rock.⁹⁵ **The City of San Jose filed comments on July 13, 2021 after requesting an extension from Staff.**⁹⁵

Fn. 94. ~~Ex. 200, p. 7-1; TN 238822.~~ **TN 238873.**

Fn. 95. ~~TN 238873.~~ **Ex. 200, p. 7-1; TN 238822; TN 238769.**

¹ Where text is revised, additions are shown in **bold underline**, and deletions are shown in strikeout.

² TN 240715. Relevant documents are available on the [Great Oaks South SPPE web page](#) for the Great Oaks South Backup Generating Facility proceeding found at: <https://www.energy.ca.gov/powerplant/reciprocating-engine/great-oaks-south-generating-facility>.

2. On Page 29, immediately before the subheading, “(B) Routine Operation Combined with the Last Phase of Construction,” revise the first paragraph to read as follows:

The Final EIR concludes that, **with NOx emissions fully offset through the permitting process with BAAQMD,** criteria pollutant emissions from routine operation of the Project would not exceed any BAAQMD Threshold, cause a cumulatively considerable net increase of any criteria pollutant, conflict with or obstruct any applicable air quality plan, or expose sensitive receptors to substantial pollutant concentrations, and would thus be less than significant.¹⁹⁰ Finding no contrary evidence in the record, we concur with the Final EIR’s conclusions that criteria pollutant emissions from the Project’s routine operation would be less than significant.

3. On page 65, in the last sentence of the first incomplete paragraph, revise the sentence to read as follows:

Based on the evidence in the Final EIR,⁵¹³ we conclude that the Final EIR adequately analyzes a reasonable range of alternatives to allow us to make an informed decision about whether to approve the ~~Project~~ **Application.**

Dated: December 8, 2021

APPROVED BY:

Karen Douglas
Commissioner and Presiding Member
Great Oaks South Backup Generating Facility SPPE Committee

Dated: December 8, 2021

APPROVED BY:

David Hochschild
Chair and Associate Member
Great Oaks South Backup Generating Facility SPPE Committee