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STATE OF CALIFORNIA

Energy Resources
Conservation and Development Commission

In the Matter of:

Application For Small Power Plant
Exemption for the
CA3 BACKUP GENERATING FACILITY


DOCKET NO. 21-SPPE-01

**DECLARATION OF SHARI BETH
LIBICKI**

I, Shari Beth Libicki, declare as follows:

1. I am presently employed as a Director of Ramboll's Sustainability and Air Quality Service Lines.
2. A copy of my professional qualifications and experience was included with my previously filed Opening Testimony, TN 242672 and is incorporated by reference in this Declaration.
3. I prepared the attached testimony relating to Air Quality and Public Health for the Application for Small Power Plant Exemption for the CA3 Backup Generating Facility (California Energy Commission Docket Number 21-SPPE-01).
4. It is my professional opinion that the attached prepared testimony is valid and accurate with respect to issues that it addresses.
5. I am personally familiar with the facts and conclusions related in the attached prepared testimony and if called as a witness could testify competently thereto.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct to the best of my knowledge and that this declaration was executed at San Francisco, California on May 26, 2022.



Shari Beth Libicki

STATE OF CALIFORNIA

Energy Resources
Conservation and Development Commission

In the Matter of:

Application For Small Power Plant
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CA3 BACKUP GENERATING FACILITY

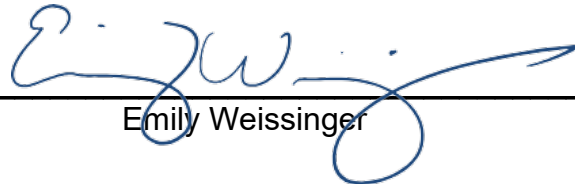
DOCKET NO. 21-SPPE-01

**DECLARATION OF EMILY
WEISSINGER**

I, Emily Weissinger, declare as follows:

1. I am presently employed as Senior Managing Consultant with Ramboll.
2. A copy of my professional qualifications and experience was included with our previously filed Rebuttal Testimony, TN 242755 and is incorporated by reference in this Declaration.
3. I prepared the attached Supplemental Testimony relating to Air Quality and Public Health for the Application for Small Power Plant Exemption for the CA3 Backup Generating Facility (California Energy Commission Docket Number 21-SPPE-01).
4. It is my professional opinion that the attached prepared testimony is valid and accurate with respect to issues that it addresses.
5. I am personally familiar with the facts and conclusions related in the attached prepared testimony and if called as a witness could testify competently thereto.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct to the best of my knowledge and that this declaration was executed at Raleigh, North Carolina on May 26, 2022.


Emily Weissinger

**VANTAGE DATA CENTERS
CA3 BACKUP GENERATING FACILITY
21-SPPE-01
AIR QUALITY AND PUBLIC HEALTH
SUPPLEMENTAL TESTIMONY**

I. Name: Shari Beth Libicki
Emily Weissinger

II. Purpose:

Our testimony addresses the Additional Committee Questions contained in the Orders Regarding Additional Committee Questions dated May 25, 2022 (TN243300) relating to the health risk assessment performed for the CA3 Backup Generating Facility (21-SPPE-01)

III. Qualifications:

Shari Beth Libicki: I am presently employed as a Director in Ramboll's Sustainability and Air Quality Service Lines and I have been at Ramboll for nearly 33 years. I have a Doctorate Degree in Chemical Engineering from Stanford University and I have 33 years of experience in conducting greenhouse gas, energy, air quality and public health analyses within California and other western states.

I have been engaged by Vantage Data Centers to prepare the Bay Area Air Quality Management District Authority to Construct applications and the air quality and public health analyses for development of the CA3 Backup Generating Facility. I prepared the Air Quality section of the Application For Small Power Plant Exemption and Air Quality Technical Reports, as well as the post-filing information, data responses, and supplemental filings.

Emily Weissinger: I am presently employed as a Senior Managing Consultant in Ramboll's Air Quality Service Line and I have been at Ramboll for 12 years. I have a Master's Degree in Civil, Environmental, and Sustainable Engineering from Arizona State University and I have 12 years of experience in conducting greenhouse gas, energy, air quality and public health analyses within California and other western states.

I have been engaged by Vantage Data Centers to prepare the Bay Area Air Quality Management District Authority to Construct applications and the air quality and public health analyses for development of the CA3 Backup

Generating Facility. I prepared the Air Quality section of the Application For Small Power Plant Exemption and Air Quality Technical Reports, as well as the post-filing information, data responses, and supplemental filings.

Detailed descriptions of our qualifications are presented in the resumes which is included in Attachment A to our previously filed Opening and Rebuttal Testimony packages (TN242672 and TN242755).

To the best of our knowledge all referenced documents and all of the facts contained in this testimony are true and correct. To the extent this testimony contains opinions, such opinions are our own. We make these statements and provide these opinions freely and under oath for the purpose of constituting sworn testimony in this proceeding.

IV. Exhibits

In addition to this written testimony, we will be sponsoring the exhibits listed on Vantage Data Centers' Proposed Revised Exhibit List which will be docketed on May 27, 2022.

V. Opinion and Conclusions

The Committee requested the parties respond to the following questions.

- 1) The Committee reads the FEIR as using a numeric threshold to determine whether there are cumulative exceedances for various emissions. The FEIR's analysis shows that those thresholds are exceeded, as more thoroughly described above. Under BAAQMD's 2017 CEQA Guidelines, which establish the thresholds of significance, the exceedances are presumptively cumulatively considerable. Nonetheless, the FEIR claims that there is not a significant impact.

Please explain whether the Committee is correctly understanding the FEIR. If the Committee is not correctly understanding the FEIR, please provide specific citation to information in the record or to law that supports a different conclusion. If the Committee is correctly understanding the FEIR, please describe the process and procedure to make the FEIR CEQA compliant.

- 2) Under CEQA, once a significant impact is identified, then the next question is what mitigation is available to reduce the severity of the impact. Please describe any existing or proposed mitigation measures that would reduce the project's apparent exceedances of the cumulative thresholds for cancer risk and annual PM_{2.5} emissions.

RESPONSES TO COMMITTEE QUESTIONS

Response to Committee Question 1

As described in our previously filed Rebuttal Testimony, (TN242755) the analysis contained in the FEIR significantly overestimated the cumulative cancer risk and the cumulative PM impacts. The overestimation is due to the layering of conservative assumptions and is often used when conducting screening analysis. When the analysis is further refined to reduce the overly conservative assumptions, the project's cumulative impacts are significantly below the significance thresholds outlined in the BAAQMD CEQA Guidelines. To address the Committee's desire to utilize the numerical threshold, the project's cumulative impacts have been refined to eliminate the overly conservative and unrealistic assumptions. Specifically, the analysis was refined as follows:

- The screening radius in the applicant's analysis of the MEISR/MEIR was adjusted from 2,000 ft to 1,000 ft to more accurately portray the health risk impacts from stationary sources on that receptor, and to be consistent with the BAAQMD CEQA guidelines.
- The cancer risk and annual DPM/PM_{2.5} contributions from the nearby railroad were adjusted to account for future electrification and substantially lower emissions under the CalMod Program as a foreseeable future project which is under construction. See TN242753 and TN242754.
- The DPM/PM_{2.5} exposure assumptions for the MEIW were adjusted to reflect that a worker would only be exposed to the adjacent railroad/highways/major roadways for a fraction of the year as such a worker is not present 24/7.

The locations of the MEISR/MEIR and MEIW are shown in Figure 1 below. Here, it can be seen that the MEISR/MEIR is located adjacent to the Caltrain railway and the MEIW is located in the parking lot just beyond the CA3 facility boundary.

Figure 1.



Abbreviations:

MEISR - Maximally exposed individual sensitive receptor (i.e., resident)

MEIR - Maximally exposed individual resident (same as MEISR in this analysis)

MEIW - Maximally exposed individual worker

At the request of CEC staff, the applicant conducted the cumulative health risk analysis that was cited in the EIR using a screening radius of 2,000 feet; however, as was noted in TN242755, the BAAQMD CEQA Guidelines and Tools were developed to analyze the impacts from sources within a 1,000-foot radius of a project and as a result, the risk and hazard impacts from sources that are further than 1,000 feet from the MEISR are overestimates. Specifically, BAAQMD tools only provide distance adjustment or “scaling” factors out to 1,000 feet, which are the values that were conservatively applied by the applicant to the sources falling between 1,000 and 2,000 feet. However, if one were to instead extrapolate those factors beyond 1,000 feet, as shown in Figures 2 and 3 below, one would see that between 1,000 and 1,100 to 1,300 feet the impacts decrease by 50 percent and quickly become negligible.

Figure 2.

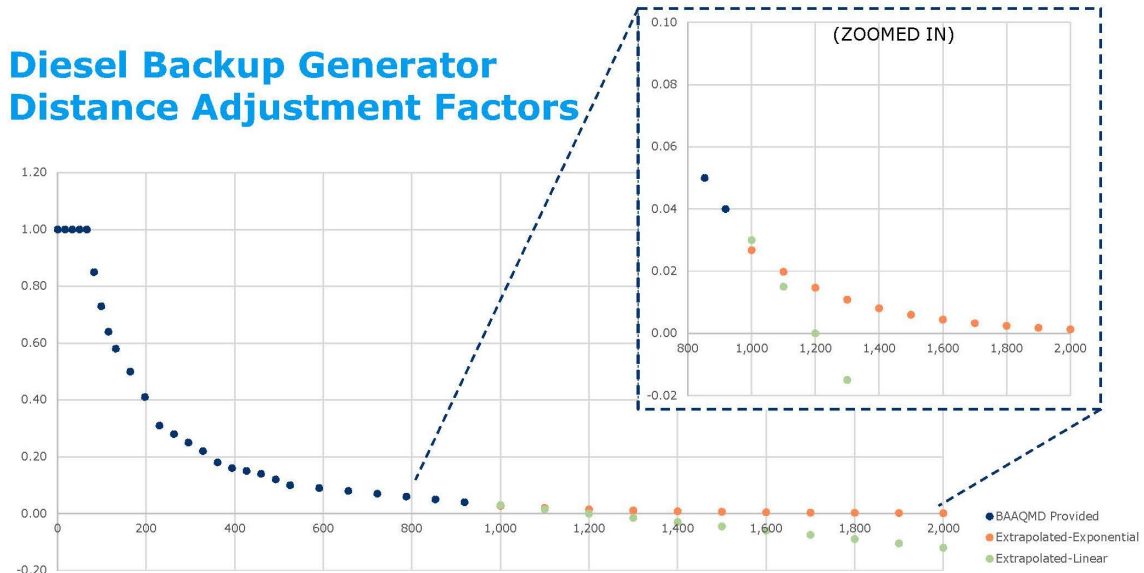
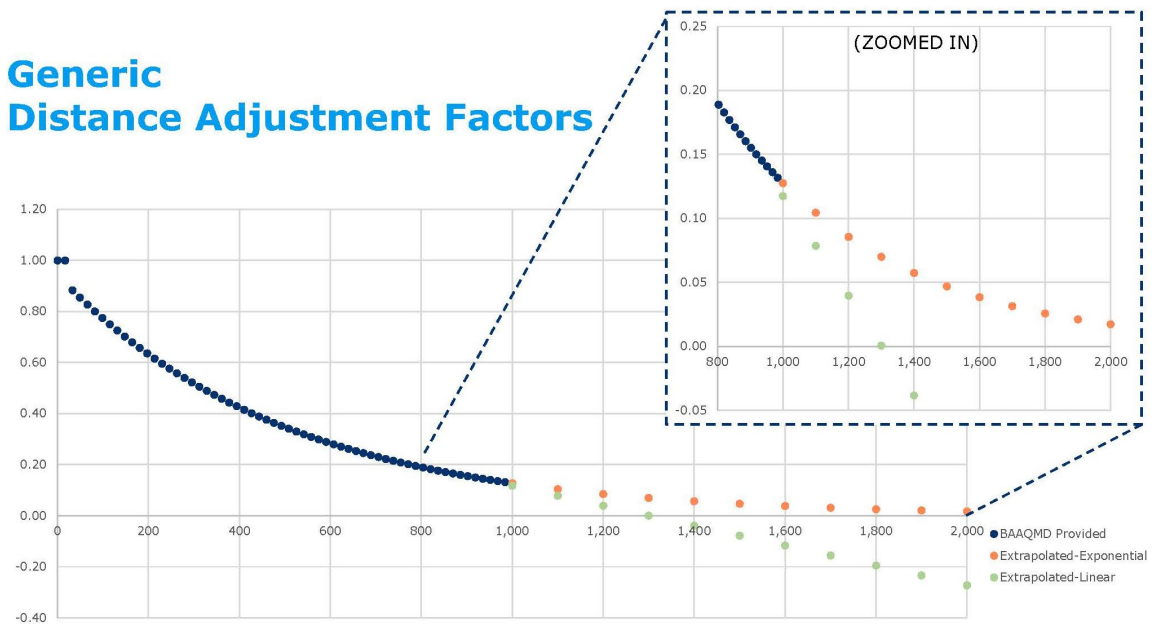


Figure 3.



If one adjusts the screening radius of the MEISR/MEIR from 2,000 feet to 1,000 feet and incorporates the other refinements discussed previously, one finds that the project's cumulative impacts are significantly below the significance thresholds outlined in the BAAQMD CEQA Guidelines. This analysis is presented in Tables 1 through 4 below.

Table 1. FEIR Analysis - Cumulative Cancer Risk

| Sources of Cumulative Impacts | Cancer Risk at MEISR/MEIR | |
|--|---------------------------|-------------------|
| | Applicant | Staff |
| Source of Analysis: | | |
| Existing Stationary Sources | 32 | 0.69 |
| Surrounding Highways, Major Streets, and Railways | 91 | 102 |
| <i>Railroad</i> | 72 | 81 ^[a] |
| <i>Major Roadways</i> | 13 | 15 ^[a] |
| <i>Highways</i> | 5 | 6 ^[a] |
| CA3 ^[b] | 9.9 | 8.7 |
| Total – Cumulative Sources | 133 | 112 |
| Significance Threshold | 100 | 100 |
| Potential Significant Impact? | Yes | Yes |
| | | |
| Screening Radius (ft) | 2,000 | 1,000 |
| <p><u>Notes:</u></p> <p>^[a] The breakdown of these sources in staff's analysis was not provided but was assumed to be proportional to the breakdown in the applicant's analysis.</p> <p>^[b] The applicant's analysis assumed 100% load, while staff's analysis assumed 25% load.</p> <p><u>Abbreviations:</u></p> <p>MEISR - Maximally exposed individual sensitive receptor (i.e., resident)</p> <p>MEIR - Maximally exposed individual resident (same as MEISR in this analysis)</p> | | |

Table 2. Refined FEIR Analysis – Cumulative Cancer Risk

| Sources of Cumulative Impacts | Cancer Risk at MEISR/MEIR | |
|--|---------------------------|------------------|
| | Applicant | Staff |
| Source of Analysis: | | |
| Existing Stationary Sources | 0.69 ^[a] | 0.69 |
| Surrounding Highways, Major Streets, and Railways | 21 | 23 |
| <i>Railroad</i> | 2 ^[b] | 2 ^[b] |
| <i>Major Roadways</i> | 13 | 15 |
| <i>Highways</i> | 5 | 6 |
| CA3 ^[b] | 9.9 | 8.7 |
| Total – Cumulative Sources | 31 | 33 |
| Significance Threshold | 100 | 100 |
| Potential Significant Impact? | No | No |
| | | |
| Screening Radius (ft) | 1,000 ^[a] | 1,000 |
| <p><u>Notes:</u></p> <p>^[a] Stationary source impacts adjusted to reflect 1,000-foot screening radius.</p> <p>^[b] Railroad impacts reduced by 97% to reflect Caltrain Modernization Program.</p> <p><u>Abbreviations:</u></p> <p>MEISR - Maximally exposed individual sensitive receptor (i.e., resident)</p> <p>MEIR - Maximally exposed individual resident (same as MEISR in this analysis)</p> | | |

Table 3. FEIR Analysis – Annual DPM/PM2.5 Concentration

| Sources of Cumulative Impacts | MEISR/MEIR | MEIW |
|--|------------|---------------------|
| Source of Analysis: | Applicant | Staff |
| Existing Stationary Sources | 0.73 | 0.433 |
| Surrounding Highways, Major Streets, and Railways | 0.57 | 0.54 |
| <i>Railroad</i> | 0.16 | 0.15 ^[a] |
| <i>Major Roadways</i> | 0.29 | 0.28 ^[a] |
| <i>Highways</i> | 0.12 | 0.11 ^[a] |
| CA3 ^[b] | 0.013 | 0.035 |
| Total – Cumulative Sources | 1.3 | 1.0 |
| Significance Threshold | 0.8 | 0.8 |
| Potential Significant Impact? | Yes | Yes |
| | | |
| Screening Radius (ft) | 2,000 | 1,000 |
| <p><u>Notes:</u> ^[a] The breakdown of these sources in staff's analysis was not provided but was assumed to be proportional to the breakdown in the applicant's analysis. ^[b] The applicant's analysis assumed 100% load, while staff's analysis assumed 25% load. <u>Abbreviations:</u> MEISR - Maximally exposed individual sensitive receptor (i.e., resident) MEIR - Maximally exposed individual resident (same as MEISR in this analysis) MEIW – Maximally exposed individual worker</p> | | |

Table 4. Refined FEIR Analysis – Annual DPM/PM2.5 Concentration

| Sources of Cumulative Impacts | MEISR/MEIR | MEIW |
|--|----------------------|-------------------------|
| Source of Analysis: | Applicant | Staff |
| Existing Stationary Sources | 0 ^[a] | 0.433 |
| Surrounding Highways, Major Streets, and Railways | 0.41 | 0.20 ^[c] |
| <i>Railroad</i> | 0.00 ^[b] | 0.00 ^{[b] [c]} |
| <i>Major Roadways</i> | 0.29 | 0.14 ^[c] |
| <i>Highways</i> | 0.12 | 0.06 ^[c] |
| CA3 ^[b] | 0.013 | 0.035 |
| Total – Cumulative Sources | 0.4 | 0.7 |
| Significance Threshold | 0.8 | 0.8 |
| Potential Significant Impact? | No | No |
| | | |
| Screening Radius (ft) | 1,000 ^[a] | 1,000 |
| <p><u>Notes:</u> ^[a] Stationary source impacts adjusted to reflect 1,000-foot screening radius. ^[b] Railroad impacts reduced by 97% to reflect Caltrain Modernization Program. ^[c] Source impacts conservatively reduced by 50% to reflect that worker receptor is only present at the location for a portion of day/week.</p> | | |

Abbreviations:

MEISR - Maximally exposed individual sensitive receptor (i.e., resident)

MEIR - Maximally exposed individual resident (same as MEISR in this analysis)

MEIW – Maximally exposed individual worker

Response to Committee Question 2

As demonstrated in the FEIR using a qualitative analysis and further demonstrated above using a quantitative analysis, the CA3BGF and CA3DC will not result in significant cumulatively considerable air quality or public health impacts. Therefore, additional mitigation is unnecessary and none is proposed.

NO NEED FOR FEIR RECIRCULATION

The Committee's incorporation of the analysis contained in this Supplemental Testimony would not require recirculation of the EIR. Section 15088.5 of the CEQA Guidelines specifies

- (a) A lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review under Section 15087 but before certification.

Section 15088.5 defines significant new information as:

“Significant new information” requiring recirculation include, for example, a disclosure showing that:

- (1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
- (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
- (3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project's proponents decline to adopt it.
- (4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

The new information contained in this Supplemental Testimony is not significant new information because it does not identify a new significant impact or propose new mitigation and does not show an increase in the severity of an existing environmental impact. In fact the information contained in this Supplemental Testimony merely quantifies the qualitative discussion in the evidentiary record describing why the CA3BGF and CA3DC will not result in significant cumulative health risk impacts. The refinement shows a significant reduction in the FEIR's health risk summary tables.

There have been no public comments on the FEIR or objections to Staff's response to comments and no public comments made at the PreHearing Conference. The Committee could simply refer to this Supplemental Testimony and incorporate it into the FEIR by reference in its Proposed Decision.