

DOCKETED

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**CALIFORNIA
ENERGY COMMISSION**



**CALIFORNIA
natural
resources
AGENCY**

January 27, 2023

GI Partners
C/O Scott A. Galati
1720 Park Place Drive
Carmichael, California 95608

Data Requests Set 2 for Bowers Backup Generating Facility (22-SPPE-01)

Dear Scott Galati:

Pursuant to Title 14, California Code of Regulations, section 15084(b) and Title 20, California Code of Regulations, section 1941, the California Energy Commission (CEC) staff is asking for the information specified in the enclosed Data Requests Set 1, which is necessary for the staff analysis of the Bowers Backup Generating Facility (BBGF) (22-SPPE-01). The BBGF would include the Bowers Data Center (BDC), the BBGF, and related utility infrastructure, which together constitute the "project" under the California Environmental Quality Act. This Data Requests Set 2 seeks further information in the areas of air quality, biological resources, cultural and tribal cultural resources, and transportation based on the contents of the application submitted thus far. Staff may submit subsequent data requests in these and other resource areas based on further information received or as necessary for a complete analysis of the project.

To assist the CEC staff in timely completing its environmental review and to meet the requirements of CEQA (see Cal. Code Regs., tit. 14, §§ 15108, 15109), the CEC staff is requesting responses to the data requests within 30 days. If you are unable to provide the information requested or need to revise the timeline, please send written notice to me within 10 days of receipt of this letter. If you have any questions, please email me at ann.crisp@energy.ca.gov.

Ann Crisp
Project Manager

Enclosure: Data Requests Set 2

**BOWERS BACKUP GENERATING FACILITY SPPE
DATA REQUESTS SET 2**

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AIR QUALITY

Authors: Wenjun Qian, Tao Jiang

BACKGROUND: Particulate Matter Emission Factor

In the CEC staff Data Requests Set 1 number 6 (TN 247096), staff asked about the difference between the applicant assumed particulate matter (PM) of 10 micrometers or less in diameter (PM10) emission factor of 0.015 grams per brake horsepower-hour (g/bhp-hr) and the MIRATECH performance warranty data showing 0.02 g/bhp-hr for PM10. The applicant's response to Data Request Set 1 number 6 (TN 248070) states that the applicant believes that this project will obtain the PM10 emission guarantee of 0.015 g/bhp-hr. Staff needs documentation to verify the applicant's expected PM10 emission factor.

DATA REQUEST

51. Please provide the correct MIRATECH documentation to verify the PM10 emission factor of 0.015 g/bhp-hr.

BACKGROUND: Ammonia Emissions

The air quality impact analysis in the small power plant exemption (SPPE) application proposed use of selective catalytic reduction (SCR) to control oxides of nitrogen (NOx) emissions from the engines, which would also result in the emission of unreacted ammonia. Staff needs the ammonia emissions estimate to complete the impact analysis.

DATA REQUESTS

52. Please provide engine ammonia emission rates and total emissions due to the use of SCR.

53. Please provide the reference for all emission factors used in the calculation.

BIOLOGICAL RESOURCES

Author: Chris Huntley

BACKGROUND: Special Status Species

The Biological Resources Section 3.4 of the SPPE application appears to be based on the results of an Arborist Report conducted in June of 2021 (see TN# 245765). Section 3.4 identifies the area as developed, located in an urbanized setting, with no potential to support sensitive habitat or special status species. However, no studies or literature searches were referenced by the applicant that may have been used to determine if any state or federal-listed special-status plant or wildlife species or their habitat could occur and be affected by the project. The section does acknowledge that the large trees that occur on the site could support nesting birds and raptors. There is no mention in the

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report if any of the trees support stick nests, cavities, or passerine nests. In addition, there is no mention if the existing structure was inspected for signs of nesting birds or bat roosts. Both types of species can use developed areas for nesting and/or roosting. Staff needs additional information pertaining to the environmental setting of the project and surrounding habitats in order to determine potential impacts to biological resources.

DATA REQUEST

54. Please provide a copy of the results of any biological surveys performed at the site as well as a summary of any plant/animal species research conducted, such as results or queries from a U.S. Fish and Wildlife Service (USFWS) species list, California Natural Diversity Database, California Native Plant Society (CNPS) Rare Plant Inventory, California Consortium of Herbaria, or ebird, which may have been used to determine potential impacts to biological resources from the project.

CULTURAL AND TRIBAL CULTURAL RESOURCES

Authors: Patrick Riordan and Cameron Travis

BACKGROUND: Description and Characterization of Excavation

Identification of cultural resources and tribal cultural resources within the study area includes requesting from the Native American Heritage Commission (NAHC) information regarding the presence of Native American sacred sites and a list of Native Americans interested in the project vicinity. Identification efforts should include contacting the individuals identified by the NAHC for the purpose of identifying cultural resources in the study area. In their response to the applicant's Sacred Lands File search request, the NAHC provides direction to the applicant to contact those on the list to assist in the identification of cultural resources in the study area.

DATA REQUEST

55. Please provide a copy of all correspondence sent to Native American individuals and groups listed by the NAHC and copies of all responses, as well as a written summary of any oral responses received.

TRANSPORTATION

Author: Ashley Gutierrez

BACKGROUND: Federal Aviation Administration (FAA) Form 7460-1, Notice of Proposed Construction or Alteration for Bowers Backup Generating Facility and Bowers Data Center Buildings

The San Jose International Airport is located approximately 1.8-miles (9,504-feet) east of the project site. Title 14, Part 77.9 of the Code of Federal Regulations requires FAA

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notification for construction or alterations within 20,000 feet of an airport with a runway more than 3,200 feet in length if the height of the construction or alteration exceeds a slope of 100 to 1 extending outward and upward from the nearest point of the nearest runway of the airport (CFR 2020). The threshold for the FAA notification 100 to 1 surface exceedance height is approximately 95 feet at the project site. If a project's height, including any temporary equipment (such as cranes used during construction) or any ancillary structures (such as transmission poles), exceeds the 100 to 1 surface, the project applicant must submit a copy of FAA Form 7460-1, Notice of Proposed Construction or Alteration, to the FAA.

The mechanical equipment screen on the roof top of the data center building would extend to a height 103 feet therefore the project applicant must file FAA Form 7460-1 Notice of Proposed Construction or Alteration to comply with federal requirements. Compliance with this federal requirement is established through FAA determinations.

DATA REQUEST

56. Please prepare and submit FAA Form 7460-1, Notice of Proposed Construction or Alteration, to the FAA for the proposed project's buildings, transmission poles, and temporary construction equipment, such as cranes, that would exceed the 100 to 1 surface height of 95 feet. Submit the FAA's determinations to the project docket log once they are received.

BACKGROUND: Operational Worker Numbers

Staff reviewed the SPPE application and could not locate an estimated operational workforce number for the Bowers Data Center (BDC). Staff requested operational workforce numbers in Data Request Set 1 number 32, but the applicant did not provide the estimated operational workforce number for the BDC in the response. Staff has adequate construction worker numbers and is again requesting the estimated number of operational workers required for the BDC. An estimated operational workforce number for the BDC is needed in order to assess the actual trips generated by the project's operational workers. The Institute of Transportation Engineers rate provided in Table 1, Project Trip Generation, in the applicant's vehicle miles traveled (VMT) analysis (Appendix G of the SPPE application) are trip rates based on the data center's square footage with the existing office use rates deducted. The VMT analysis states, "When assessing an office or industrial project, the project's VMT is divided by the number of employees and evaluated based on VMT per employee." To verify the project's VMT per employee, staff needs to know the estimated number of operational employees for the BDC.

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DATA REQUEST

57. Please provide the CEC staff with the estimated number of operational workers required to operate the BDC.

REFERENCES

CFR 2020 – Code of Federal Regulations (CFR). Title 14, Section 77.9, Construction or Alteration Requiring Notice. Accessed on: October 28, 2022. Available online at: https://gov.ecfr.io/cgi-bin/text-idx?SID=8a9408b6022186a8d9460c5fa676d1ff&mc=true&node=se14.2.77_19&rn=div8

GI Partners 2022d – GI Partners (GI Partners). (TN 245768). Bowers Backup Generating Facility Application for SPPE Appendices F and G, dated August 31, 2022. Available online at: <https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=22-SPPE-01>