

| DOCKETED | |
|-------------------------|---------------------------------|
| Docket Number: | 23-SPPE-01 |
| Project Title: | STACK SVY03A Data Center Campus |
| TN #: | 253876 |
| Document Title: | Data Requests Set 2 |
| Description: | N/A |
| Filer: | Marichka Haws |
| Organization: | California Energy Commission |
| Submitter Role: | Commission Staff |
| Submission Date: | 1/12/2024 5:06:05 PM |
| Docketed Date: | 1/16/2024 |



**CALIFORNIA
ENERGY COMMISSION**



**CALIFORNIA
natural
resources
AGENCY**

January 12, 2024

STACK Infrastructure
C/O Scott A. Galati
1720 Park Place Drive
Carmichael, California 95608

Data Requests Set 2 for SVY03A Backup Generating Facility (23-SPPE-01)

Dear Scott Galati:

Pursuant to California Code of Regulations, title 14, section 15084(b) and title 20, section 1941, the California Energy Commission (CEC) staff is requesting the information specified in the enclosed Data Requests Set 2, which is necessary for a complete staff analysis of the SVY03A Data Center Campus under the California Environmental Quality Act (CEQA).

This Data Requests Set 2 seeks further information in the areas of alternatives, cultural resources, and hazards/hazardous materials, based on the contents of the application submitted thus far. While CEC staff has made a concerted effort to capture all outstanding data needs, additional subsequent data requests in these, and other resource areas are possible, based on further information received or as necessary for a complete analysis of the project.

To assist CEC staff in timely completing its environmental review and to meet the requirements of CEQA (see Cal. Code Regs., tit. 14, §§ 15108, 15109), CEC staff is requesting responses to the data requests within 30 days. If you are unable to provide the information requested or need additional time, please send written notice to me within 10 days of receipt of this letter.

If you have any questions, please email me at leonidas.payne@energy.ca.gov.

/S/

Leonidas Payne
Project Manager

Enclosure: Data Requests Set 2

ALTERNATIVES

BACKGROUND: No Project Alternative

The California Environmental Quality Act (CEQA) requires analysis of the specific alternative of “no project” along with its impact (Cal. Code Regs., tit. 14, § 15126.6, subd. (e)). For the SVY03A Data Center Campus project, “the ‘no project’ alternative is the circumstance under which the project does not proceed” (Id., at subd. (e)(3)(B)). Per the CEQA Guidelines, the analysis of impacts of the no project alternative must describe “what would reasonably be expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services” (Id., at subd. (e)(2)). A description of existing conditions is also required. Section 8.0 Alternatives of the SPPE application states that a discussion of the No Project Alternative is included. However, the referenced discussion is missing from the section.

Section 2.0 Project Description states that the site is currently developed as the Eden Landing Business Park and includes multi-tenant warehouse, offices, and light-industrial uses and buildings. According to LandVision data, the project site properties are owned by STACK Infrastructure.

DATA REQUEST

39. Please provide an analysis of the no project alternative according to CEQA requirements, including a more detailed discussion of how the site is currently being used and what the applicant expects might occur on the site if the project is not approved.

CULTURAL AND TRIBAL CULTURAL RESOURCES

BACKGROUND: Cultural Resources Report Content

The cultural resources data and report content for the SVY03A Data Center Campus is professionally researched and prepared with a built environment survey supported by historic maps and aerials. However, in reviewing the application, the CEC staff has raised several questions requiring clarification and determined that the report is missing information required to complete staff’s analysis.

Once the following data requests have been addressed in the cultural resource assessment report (Goldman et al. 2023a), staff asks that appropriate revisions be made to sections 4.5 and 4.18 of the application (DayZenLLC 2023).

DATA REQUESTS

40. Please resolve the conflicting number of built environment resources identified in the project area versus those that are formally recorded and evaluated. CEC staff noted this issue in an initial data request and staff believes the numbers still do

not add up in a manner clear to the reader. Based on the information provided in Goldman et al. (2023a), it is unclear where the 24 identified built environment resources are located, and it is also unclear why only 11 resources were recorded and evaluated. Please clarify this issue in the report and application.

More specifically, Goldman et al. (2023a, pages i and 69–70) states, “During the survey, 24 historic era structures were documented for the evaluations in the following section.” The report does not provide evaluations or Department of Parks and Recreation (DPR) 523 forms for 13 of the 24 documented, “historic era” built-environment resources or clearly explain why there is a discrepancy. In summary, Goldman et al. (2023a, 2023b) present eleven sets of DPR 523 forms, including a previously missing form. Minimally, this appears to leave a total of 13 “historic era” resources unaccounted for. Note: It is likely that the total number of built environment resources will change based on the results of Data Request #45, but as these numbers change the discrepancy noted above still needs to be resolved.

41. The application notes the project site as being 11.3 acres and 11.4 acres in Section 1.2, “Project Location” (Goldman et al. 2023a, pages i and 2). The California Native American Heritage Commission consultation letters (Goldman et al. 2023b, Appendix D) refer to the project site as being 11.4 acres, but there is no mention of the total acreage subject to survey. Please state the total acreage surveyed.

In addition, the application does not appear to identify the project area’s acreage. Please state the acreage of the project area and use the same acreage in a consistent manner throughout the cultural resources assessment report.

42. Please provide a survey results map. This map should use USGS topographic quadrangles as the base imagery with the scale set to 7.5-minute (1 inch = 2,000 feet). This map should depict the locations of all identified cultural resources in the project site and project area. Include the Eastshore-Grant Transmission Line (P-01-002269) and the Union Oil 76 Station at 3500 Breakwater Avenue if it is determined that this gas station is within the project area (See Data Request #43).

This map should also clearly depict the Project Site and Project Area boundaries and add any additional cultural resource locations based on resolving Data Request #45 below.

43. Please clarify the status of the Union Oil 76 Station. A DPR 523 form for the Union Oil 76 Station at 3500 Breakwater Avenue (built 1974) is provided in Goldman et al. (2023b), but it is not evaluated in the cultural resource assessment report (Goldman et al. 2023a, Section 6.1). A quick Google Earth review seems to indicate that the gas station is outside of the project area, but it

is noted as being within the project area in Table 1-1 Parcels in Project Area (Goldman et al. 2023a, page 2). Please clarify and, if it is determined that the Union Oil 76 Station is within the Project area, evaluate this resource in the cultural resource assessment and revise any numbers or findings as requested in Data Requests #40 and #42.

44. Please include an evaluation of the Eastshore-Grant Transmission Line (P-41-002269). Goldman et al. (2023a) does not include an evaluation of this previously recorded cultural resource referred to as being within the project area and project site. Although it was previously recorded and evaluated, Goldman et al. (2023a, Section 6.1) should, at a minimum, summarize the previous significance evaluation of the transmission line and justify reliance on the previous evaluation.
45. Please record and evaluate project site and project area streets and roads, as necessary. A review of the excellent historic aerials and maps included in Goldman et al. (2023a) indicates that by 1968 most of the streets and roads surrounding the project site and within the project area had been built. This makes these built environment features 45+ years in age, but none of these historic-age resources are included in Goldman et al. (2023a).
 - a. In accordance with data adequacy requirements (Appendix B(g)(2)(C)(iii), please document any 45+ year old streets and roads within or directly adjacent to the project site and the project area as follows.
 - i. If it is determined that any such road or street within or directly adjacent to the project site and the project area would not be directly or physically and permanently impacted during implementation of the project, then a minimal level of recordation is required. This shall require preparation of a DPR Primary Record and Project Location Map only.
 - ii. If, however, it is determined that any given road or street would be directly or physically and permanently impacted during implementation of the project, then full recordation and evaluation of these streets and roads is required, including preparation of a DPR 523 Primary Record; Building, Structure, and Object Record; Linear Feature Record; Location Map; Continuation Sheets; and Photo Logs as necessary. These streets and roads shall be fully researched and evaluated in a manner similar to all existing built environment evaluations in Goldman et al. (2023a).
 - b. Following the evaluation of streets and roads in accordance with the above guidelines, the results of various data requests noted above may need to be revised or reconciled.

REFERENCES CITED

DayZenLLC 2023 – DayZen, LLC (TN 252249). *Small Power Plant Exemption Application: SVY03A Data Center Campus*. Prepared by David J. Powers & Associates, Inc., September 2023. Accessed on: January 3, 2024. Available online at: <https://efiling.energy.ca.gov/GetDocument.aspx?tn=252249&DocumentContentId=87249>

Goldman et al. 2023a – Hannah Goldman, Katherine Sinsky, Joseph Howell, Carrie Chasteen, and Maximilian van Rensselaer. *Cultural Resource Assessment Report for the Eden Landing Data Center Project, City of Hayward, Alameda County, California*. Confidential report prepared for David J. Powers and Associates, Inc., San José, CA. Chronicle LLC, Walnut Creek, CA. September 14, 2023.

Goldman et al. 2023b – Hannah Goldman, Katherine Sinsky, Joseph Howell, Carrie Chasteen, and Maximilian van Rensselaer. Appendices A–D in *Cultural Resource Assessment Report for the Eden Landing Data Center Project, City of Hayward, Alameda County, California*. Confidential report prepared for David J. Powers and Associates, Inc., San José, CA. Chronicle LLC, Walnut Creek, CA, 2023.

HAZARDS AND HAZARDOUS MATERIALS

BACKGROUND: Refueling Spill/Leak Containment

Section 2.2.7 Hazardous Materials Management indicates that “There are no loading/unloading racks or containment for re-fueling events; however, a spill catch basin is located at each fill port for the generators. To prevent a release from entering the storm drain system, drains will be blocked off by the truck driver and/or facility staff during fueling events. Rubber pads or similar devices will be kept in the generation yard to allow quick blockage of the storm sewer drains during fueling events.

To further minimize the potential for diesel fuel to come into contact with stormwater, to the extent feasible, fueling operations will be scheduled at times when storm events are improbable. Warning signs and/or wheel chocks will be used in the loading and/or unloading areas to prevent vehicles from departing before complete disconnection of flexible or fixed transfer lines. An emergency pump shut-off will be utilized if a pump hose breaks while fueling the tanks.”

DATA REQUESTS

46. Please provide a description of the spill catch basin located at the fill ports for the generators, including the volume of fuel these basins can contain.

47. Please provide a description of procedures for cleaning up any spills/overflow within these catch basins.
48. Please provide a description of procedures in the event of fuel leaks during project operation.

BACKGROUND: Location, Volume, and Refilling of the DEF Tanks

Diesel exhaust fluid (DEF) would be used as part of the diesel engine combustion process to meet the emissions requirements and would be stored in the tanks located within the generator enclosures. Section 2.2.7 Hazardous Materials Management indicates the DEF tanks would be filled in place from other drums, totes, or a bulk tanker truck at the tank top. The application is silent on the volume of the DEF tanks, how often these tanks would need to be refilled, and spill procedures for these tanks.

DATA REQUESTS

49. Please provide volumes of the DEF tanks for the 2.75 MW, 1.6 MW, and 1.0 MW generators.
50. Please provide an estimate of how often these tanks would need to be refilled during operation of the generators.
51. Please provide a discussion of safety measures that would be undertaken to prevent spills or leaks during the filling of the DEF tanks during commissioning and project operation.

BACKGROUND: Fuels Volumes

The stacked 2.75 MW generator pairs would be fueled by a lower 11,000-gallon tank and an upper 500-gallon tank for each stack and the 1.6 MW generator would be fueled by a 5000-gallon tank. The tank volumes have not been provided for the two 2.75 MW generators that would not be stacked nor for the 1.0 MW generator. Additionally, there are conflicting volumes of diesel fuel storage for the site: Section 2.2.2 General Site Arrangement and Layout quotes the total diesel fuel capacity as 427,000 gallons, while Section 2.2.6 Fuel System indicates that the generators would have a combined diesel fuel storage capacity of approximately 237,500 gallons.

DATA REQUESTS

52. Please provide volumes of the fuel tanks for the two non-stacked 2.75 MW generators and for the 1.0 MW generator.
53. Please provide the correct total onsite diesel fuel storage volume for the site.

BACKGROUND: Underground Piping

Section 4.9.2.1 notes that "Underground piping would also be of double-wall construction with interstitial leak detection." However, underground piping is not discussed anywhere in the project description.

DATA REQUEST

54. Please clarify the mention of underground piping as related to fuel. Where is underground fuel piping used onsite?

BACKGROUND: Hayward City Fire Department Regulatory Oversight Files

As part of its Phase I ESA (Application Appendix F), EBI Consulting submitted a written request for records from the Hayward City Fire Department, which provides regulatory oversight for storage tanks, hazardous materials, regulated wastes, chemical spills, and related items. A listing of these records is provided in Section 4.1.2 Local Regulatory Agency Records of the Phase I ESA (Application Appendix F, report page 19); however, these records are not included in the Phase I ESA.

DATA REQUEST

55. Please provide copies of the records provided by the Hayward City Fire Department as listed in the EBI Phase I ESA dated March 03, 2021 (Application Appendix F, Phase I report page 19).