

DOCKETED

Docket Number:	19-SPPE-01
Project Title:	Laurelwood Data Center (MECP I Santa Clara I, LLC)
TN #:	228917
Document Title:	Staff's Motion for Leave to File Additional Data Requests
Description:	N/A
Filer:	Marichka Haws
Organization:	California Energy Commission
Submitter Role:	Commission Staff
Submission Date:	7/8/2019 4:57:55 PM
Docketed Date:	7/8/2019

CALIFORNIA ENERGY COMMISSION

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STATE OF CALIFORNIA
 ENERGY RESOURCES CONSERVATION
 AND DEVELOPMENT COMMISSION

In the Matter of:) Docket No. 19-SPPE-01
)
 Laurelwood Data Center) **STAFF'S MOTION FOR LEAVE TO FILE**
) **ADDITIONAL DATA REQUESTS**
)

Energy Commission staff (staff) is authorized under Title 20, California Code of Regulations, sections 1941 and 1716 to issue data requests in connection with the review of a small power plant exemption (SPPE) application. Data requests may cover any information which is "reasonably available to the applicant" and "reasonably necessary" to make a decision on an SPPE application. (Cal. Code Regs., tit. 20, § 1716(b).) However, Section 1941 states that "all requests for information shall be submitted no later than 60 days from the application for exemption's filing date or a later date as approved by the presiding member."

On June 13, 2019, MECP 1 Santa Clara 1 (applicant) filed an updated project description for the Laurelwood Data Center SPPE application. The updated project description contains refinements made to the site plan, text incorporated from prior data responses, and an expansion of the project scope to cover some aspects of demolition such as the removal of existing foundations, asphalt, and underground utilities (TN 228748).

On June 21, 2019, the applicant filed another updated project description containing further refinements such as a change to the project's building cooling system and overall estimated water demand (TN 228823).

To date, the applicant has not filed any other revised sections to its SPPE application that reflect these project description changes. Accordingly, it is necessary for staff to file additional data requests, attached as Appendix A, to determine the potential effects of the recent project description changes on the technical areas being evaluated in staff's initial study for the Laurelwood Data Center. The data requests are also necessary to clarify certain aspects of the revised project description, including the newly added discussion of removing existing foundations, asphalt, and underground utilities as part of the project. The requested information covers the project description and the technical areas of **Hazards and Hazardous Materials** and **Hydrology/Water Quality**.

LAURELWOOD DATA CENTER (19-SPPE-01)
STAFF'S MOTION FOR LEAVE TO FILE ADDITIONAL DATA REQUESTS

Because the applicant's project description changes occurred later than 60 days from the SPPE application's filing date, staff has good cause to submit these data requests beyond the initial 60-day period and hereby moves for leave to file additional data requests, attached as Appendix A.

DATED: July 8, 2019

Respectfully submitted,



NICOLAS OLIVER
Staff Counsel

Enclosure

APPENDIX A

Technical Areas: Hazards & Hazardous Materials, Hydrology/Water Quality
Authors: Brett Fooks (items 1 through 5), Mike Conway (items 6 through 9)

BACKGROUND

The revised project description does not adequately capture the scope and overlap of demolition efforts underway and planned for the project site. On page 2-20 of the revised project description the "demolition of the existing foundations, asphalt, and underground utilities is expected to take approximately 3 months" (TN#228823). From the limited project description, it is not clear whether the applicant or Siliconix is responsible for the demolition of the site.

DATA REQUEST

1. Please clarify the role and extent of efforts that Siliconix would have in the demolition.

BACKGROUND

In Section 3.9.3 (TN#227273-1), there is a mention that "it is likely that the construction of LDC will require a monitoring well to be removed and relocated to another location onsite."

DATA REQUESTS

2. Please provide information on how demolition of underground utilities would proceed in the event that demolition/ground-disturbing activities approach an existing monitoring well (for example, within 15 feet). What steps would be taken to ensure that the integrity of the surface seal of the monitoring well is not impacted as a result of these demolition activities?
3. Please clarify whether and why the identified monitoring well would be relocated.
4. If the monitoring well would have to be relocated:
 - a. Would Siliconix perform the relocation?
 - b. Who will be responsible for notifying the relevant regulatory agencies of the change in the monitoring system?
 - c. Would any approvals from the San Francisco Bay Regional Water Quality Control Board or other regulatory agency be needed?
 - d. How long would the relocation of the well take?
 - e. Who would be responsible for continuing groundwater monitoring and clean-up activities?

BACKGROUND

In Figure SQ 10-1 *Proposed Excavation Depths Laurelwood Data Center* included with the Updated Project Description submitted in June 2019 (TN#228823), it appears that

excavation for the generator yard north of Building 2, along the northern boundary of the site may impact the integrity of one or more monitoring wells.

DATA REQUESTS

5. Please provide additional details for site grading and demolition that address procedures that will be taken to ensure that ground-disturbing activities will not impact the integrity of existing monitoring wells. This would include means for protecting the surface seal of the well and ensuring that construction activities do not result in creating preferential pathways for surface water infiltration below the sanitary seal of the well.
6. Please provide a figure showing monitoring well locations as well as the proposed grading plan.

BACKGROUND

The proposed project could require dewatering during the installation of building foundations. Since the groundwater beneath the site is contaminated, its discharge may not be allowed under the Construction General Permit, Section III, Discharge Prohibitions, Part C. If the applicant finds that dewatering discharge is contaminated, the applicant would have to apply for coverage under San Francisco Regional Water Quality Control Board *Order No. R2-2017-0048, National Pollutant Discharge Elimination System Permit No. CAG912002, General Waste Discharge Requirement for Discharge or Reclamation of Extracted and Treated Groundwater Resulting from the Cleanup of Groundwater Polluted by Volatile Organic Compounds (VOCs), Fuel Leaks, Fuel Additives, and Other Related Wastes (VOC and Fuel General Permit)* or other pertinent permits.

DATA REQUESTS

7. Please describe the project's expected dewatering needs.
8. Please describe whether dewatering would be conducted by the applicant or Siliconix.
9. If dewatering would be conducted by Siliconix, as part of the ongoing groundwater clean-up effort, what approvals would be necessary and how might this influence the project schedule?
10. Please describe any other discharge permits that could be required of the applicant if dewatering were to occur.