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State of California
State Energy Resources Conservation and Development Commission

In the matter of:

Laurelwood Data Center

Docket 19-SPPE-01

Intervenor Sarvey's Response to Applicants Instructions to the Committee on How to Weigh Evidence.

Introduction

On October 3, 2019 I submitted testimony on the initial study. Subsequently pursuant to the Committees direction I provided rebuttal testimony on October 22, 2019. The applicant began making innuendos about the testimony well before the prehearing conference which was held on October 31, 2019. At the prehearing conference the applicant began sniveling about the contents of my testimony but provided no specifics which anyone could respond to. At the evidentiary hearing the applicant cross examined me under oath with all parties present. The applicant only questioned my qualifications and never addressed any of my opening or rebuttal testimony. After he questioned my qualifications, he again began to make innuendos to the committee about my qualifications without providing any specifics. I offered to review my qualifications with the committee and the parties but no one had any concerns. After the close of evidence, the applicant finally pulled out a six page document that the Committee directed me to respond to.

The applicant has had an opportunity to raise his concerns about the opening testimony since October 3, 2019. The applicant has had since October 22, 2019 to file a motion to strike or some other procedural vehicle to address my rebuttal testimony. Instead the applicant has chosen to wait until the close of the evidentiary hearing to provide a six page document full of mischaracterizations and innuendo where he instructs the committee on how to weigh the evidence I have submitted. While the

applicant has pressed for a quick decision on this project, he now raises issues which should have been addressed in a motion and according to the rules of practice and procedure I should be afforded at least thirty days to respond to it. But pursuant to the committee's direction I respond to the applicant's untimely, meritless and poorly written objections.

GENERAL OBJECTIONS – INTERVENOR OPENING TESTIMONY

For example, the entire first section, “the project does not qualify for a small powerplant exemption is legal argument. (pp. 1-20”

The applicant argues here that the entire first section of my opening testimony is legal argument. It appears from the applicant's complaint here that he does not agree with the plain language of Section 1932 and considers it a legal argument. Section 1932 is a regulation which the Energy Commission is required to follow. The language of the regulation is very unambiguous. Section 1934 states, ***“It is the policy of the State Energy Resources Conservation and Development Commission to promote the development of electric energy supply technologies that prudently conserve and economically use energy resources. A major purpose of these regulations is to encourage the use of those technologies by expediting the procedures necessary for the approval and development of alternate sources of electric generation.”***

My testimony then states that, *“The major question is whether the LDC's back up diesel generators are a development of an electrical supply technology or alternate source of electric generation that prudently conserves and economically uses energy.”* It is my opinion and a universally accepted fact that diesel generators are not a new development of an electrical supply technology. It is my opinion that using diesel generators leads to a waste of energy because of the extensive testing required to ensure these engines are reliable compared to other forms of back up generation such as fuel cells.

My testimony then recites facts from the applicant's and the staff's testimony. The applicant has testified that the project could use up to 14,200 barrels of diesel per year while CEC Staff speculates the project will only use 5,500 barrels per year. This is not legal argument these are the applicants and the staff's estimates contained in their testimony. Unless the committee considers staff and applicants testimony on diesel use by the project as legal argument the applicant is wrong.

Finally, the applicant disagrees with my conclusion. That is where the applicant had the opportunity during the evidentiary hearing to question my testimony but failed to do so.

Similarly, the section on "Cumulative Impacts" is almost entirely legal argument.
(pp.3-4)

The applicant complains that the cumulative impacts section of my opening testimony is **almost** entirely legal argument. Unfortunately, he fails to identify the parts of the testimony that he considers legal argument. On page 3 of the opening testimony I state CEQA's requirements for conducting a cumulative impacts assessment,

"The Guidelines define cumulative impacts as two or more individual effects which, when considered together, are considerable or compound or increase other environmental impacts. If the proposed project will not make any contribution to the cumulative impact, the lead agency need not address it. However, if even a tiny portion of the cumulative impact is caused by the proposed project, an EIR must analyze it. The ultimate goal of this analysis is to determine whether the proposed project's incremental contribution is cumulatively considerable and thus significant. A project's incremental impact may be individually limited but cumulatively considerable when viewed together with the environmental impacts from past, present, and probable future projects. A proposed project's incremental effects may be cumulatively considerable even when its individual effects are limited. In other words, CEQA does not excuse an EIR from evaluating cumulative impacts simply because the project-specific analysis determined its impacts would be less than significant. Similarly, a less than significant impact conclusion at the project-level does not guarantee the project's contribution to a significant cumulative impact will be less than cumulatively considerable."

The applicant's witness makes similar statements on page 67 of 172 of the SPPE application. On page 67 of the SPPE the applicants witness states, "*A cumulative impacts analysis assesses the impacts that result from the project's incremental effect viewed over time, together with other closely related past, present, and reasonably foreseeable future projects whose impacts may compound or increase the incremental effect of the project.*" Reciting the requirements of CEQA is not legal argument.

On page 4 of my opening testimony I make no legal conclusions but recite the requirements of the BAAQMD CEQA Document for a cumulative impact assessment.

In Section 5.3-1 of BAAQMD's 2017 CEQA document the agency lays out its requirements for a cumulative impact analysis. The document states, "*A Lead Agency shall examine TAC and/or PM2.5 sources that are located within 1,000 feet of a proposed project site. Sources of TACs include, but are not limited to, land uses such as **freeways and high volume roadways**, truck distribution centers, ports, rail yards, refineries, chrome plating facilities, dry cleaners using perchloroethylene, and gasoline dispensing facilities. Land uses that contain permitted sources, such as a landfill or manufacturing plant, may also contain non-permitted TAC and/or PM2.5 sources, particularly if they host a high volume of diesel truck activity. A Lead Agency should determine what the combined risk levels are from all nearby TAC sources in the vicinity of sensitive receptors. **Lead agencies should use their judgment to decide if there are significant sources outside 1,000 feet that should be included**".¹ Additional requirements apply to an area that is included in BAAQMD's Community at Risk Program (CARE). **The facility is located in an area included in the BAAQMD's CARE program.** According to BAAQMD, "*While overall air pollution continues to decrease in the Bay Area, some communities still experience higher pollution levels than others. These communities are generally near pollution sources (such as freeways, busy distribution centers, and large industrial facilities) and negative impacts on public health in these areas are greater. The CARE Program aims to reduce these health impacts linked to local air quality.*"*

Reciting the requirements for a cumulative impact assessment from the 2017 BAAQMD CEQA documents and CEQA is not legal argument. The applicant's complaints related to page 3 and 4 of my opening testimony are meritless as on those pages I expressed no legal argument at all.

¹ http://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en
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The “Conclusion” is legal argument. (pp. 17-18.)

The applicant claims that my conclusions expressed on pages 17 and 18 of my opening testimony are somehow legal argument. I’ve already explained above that reciting the legal requirements of CEQA and other regulations is not legal argument. The Staff and applicant do the same in every section of their testimony. My conclusions are based on my education and experience and staff and applicant make opposite conclusions in their testimony based on their education and experience. The fact that the applicant does not agree with my conclusions does not make them legal argument their just an opinion that the applicant does not like. The applicant had the opportunity to challenge this testimony in cross examination at the evidentiary hearing and declined to do so.

The Applicant Objects to BAAQMD’s CEQA Comments on the Santa Clara CAP

The applicant objects to the use of BAAQMD’s comments on the Santa Clara CAP to support my testimony. My testimony states,

“The PUE for the LDC is too high. The project, *“would consume up to the maximum electrical usage of 867,240 MWh per year,”*² Requiring the LDC to achieve a similar PUE of 1.06 to 1.09³ as the adjacent data centers currently achieve would lead to a reduction in electrical needs of approximately 164,755 MWh to 137,758 MWh per year. Achieving a PUE of 1.2 as recommended by BAAQMD would result in a reduction of electrical usage of approximately 43,362 MWh.”

I understand why the applicant is complaining since the BAAQMD’s comments on the Santa Clara CAP are in lockstep with my testimony. The Santa Clara CAP is an integral part of the staff’s and applicant’s testimony. Ironically the applicant wants the committee to consider BAAQMD’s comments on the Santa Clara CAP irrelevant but

² TN 227273 Laurelwood Application Page 103 of 172

³ Incorrectly listed in my testimony as 1.6 to 1.9

wants to utilize BAAQMD's CEQA guidelines to evaluate the projects significance. BAAQMD's CEQA comments related to the Santa Clara CAP are highly relevant to this proceeding. They state as follows:

Expand Measure 2.3, Data centers, to require existing, rather than just new, data centers to complete a feasibility study to achieve a power usage effectiveness rating of 1.2 or lower. Staff recommends that this measure also encourage and incentivize data centers to utilize alternatives to diesel powered back-up generators to reduce GHG emissions and other air pollutants from the testing and use of diesel generators.⁴

GENERAL OBJECTIONS – INTERVENOR REBUTTAL TESTIMONY

The Entire First Section, The Project Does Not Qualify For A Small Powerplant Exemption,” is legal argument.

In this section of the complaint the applicant repeats the same argument he made about the opening testimony. The first page of the testimony responds to CEC Staff's argument that, "*Section 1934, cited by Mr. Sarvey, is a broad policy statement explaining the reasons for the CEC's enactment of the regulations governing SPPEs. It contains no specific requirements to govern staff's review of this SPPE petition.*"⁵ The applicant must feel that the public has no right to respond to the CEC Staff's testimony.

The second page of my testimony begins by describing how the CEC Staff normally calculates generating capacity. Next the testimony on page 2 states that under the CEC Staff's normal calculation of generating capacity the project has 168 MW of generating capacity which is clearly an opinion and not legal argument. The next part of page two I testify to the fact that under Staff's underground regulations calculating generating capacity is inconsistent since each data center case that comes before the commission has a different number of generators and how can all of these projects all have the same generating capacity. The testimony states as follows:

⁴ Exhibit 302 Page 1

⁵ TN 230202 Page 2 of 17

To illustrate how inconsistent this method is, consider the three 100 MW data centers being reviewed by the commission. The first is the approved McLaren data center with 47 generators and a total generating capacity of 129.25 megawatts. The second is the Laurelwood data center with 56 generators and a gross generating capacity of 168 megawatts. The third is the Sequoia Data Center with 47 generators totaling 121.5 megawatts. Under Staff's method of calculating generating capacity, no matter how many megawatts of back up generation are utilized in the project, their generating capacity is still under 100 megawatts.

Finally, on the second page I testify that a recent OIR to clarify Section 2003 was issued by the Energy Commission and that it was abruptly canceled two weeks later. On the third page of the rebuttal testimony I provide my conclusions as does applicant and staff after every section of their testimony.

Similarly, the sections on cumulative impacts are almost entirely legal argument.
(Page 5-7)

Just like the complaints related to the opening testimony the applicant claims that the cumulative impacts rebuttal testimony is **almost** entirely legal argument. Like the rest of the applicant's objections the applicant does not identify what portions of that testimony he considers legal argument and what is not legal argument. The applicant just insinuates that the testimony is legal argument with no substance

On page 5 of my rebuttal testimony I describe how the CEC Staff evaluated the project for cumulative impacts and describe how the BAAQMD policy applies.

On page six of my rebuttal testimony I describe exactly how the staff and applicant determined that the projects cumulative impacts are insignificant. I then disagree with the applicant and staff and provide my opinion on how the unmitigated emergency emissions are to be treated in the analysis.

The rest of the cumulative impact testimony describes how the CEC Staff is applying the significance levels for sources that are permitted by BAAQMD and have no

other emission sources.⁶ Staff utilized the wrong standards in evaluating the project. As the testimony states,

According to the BAAQMD CEQA guidelines, some projects have emissions that are permitted by BAAQMD, and some sources which are not permitted by BAAQMD, as is the case here.⁷ In those instances, the BAAQMD CEQA guidelines recommend quantifying both the permitted sources and the non-permitted source emissions and compare them to the BAAQMD significance levels.

The rest of Page 7 is devoted to repeating the requirements of CEQA and my opinion that the BAAQMD CEQA guidelines are not the proper yardstick to use in evaluating this project.

The testimony contains numerous calculations on supposed air quality impacts, but does not include either the supporting calculations or the sources of the underlying data.

The applicant complains about p. 4, paragraph 1 of my reply testimony claiming no supporting calculations are provided. CEC Staff did the exact same thing when it determined that the projects indirect emissions from electricity use would lead to 170,170 MTCO₂e/yr of GHG emissions but provided no supporting calculations on page 162 of 290 in the initial study. CEC Staff also uses the overall SVP emission rate instead of SVP's non-residential power mix emission rate which will be the source utilized by the LDC. Staff provides no calculations in arriving at the 170,170 MTCO₂e value. As stated by staff in the initial study on page 162 of 290, "*Energy use emissions include indirect emissions from electricity and direct emissions from natural gas use for comfort heating. The electricity based indirect emissions were corrected to use the SVP 2017 GHG emissions factor of 430 pounds of CO₂e/MWh that reduced the applicant's CalEEMod estimated annual indirect emissions from 254,322 MTCO₂e to the 170,170 MTCO₂e value shown above,*" The applicant's testimony in the SPPE application contains several tables including Table 3.3-4. Table 3.3-5 and 3.3-6 which contain no supporting calculations. There are many other instances in both the staff's and the

⁶ BAAQMD 2017 CEQ Guidelines Section 5.2.3 Page 60 of 224

⁷ BAAQMD 2017 CEQ Guidelines Section 5.2.4 Page 61 of 224

applicant's testimony where no supporting calculations are provided. Given more time I would list them all.

All data used in the later parts of the paragraph in question was data used in the testimony of the applicant and staff and I agree with the applicant it's probably unreliable.

Next the applicant complains about Page 6 paragraph 2 of the rebuttal testimony. Footnote 15 on the same page provides the calculations and the method used. Please read the entire document before complaining and taking up the committee's and the parties valuable time.

The applicant then complains about page 14 paragraph one which states,

"CEC Staff's response to the SVP 2018 non-residential power mix chart that I provided stated, *"Thank you for the information."*⁸ The CEC Staff then admits in its testimony that, in fact, SVP's current non-residential power mix matches California power mix. As CEC reply testimony states, *"That SVP's mix matches California's mix today, in one snapshot in time, does not mean that SVP and California's power mix will remain in lockstep as renewables are added, demand and efficiency measures are implemented, and demand changes across California and its electricity providers."*⁹ Despite admitting that the SVP's non-residential power mix that will be utilized by the LDC is the same as the 2018 California Power Mix, the CEC Staff fails to reevaluate the project's indirect GHG emissions from electricity use. Utilizing the 2018 California statewide average emissions factor of 1,004 pounds of CO₂ per megawatt¹⁰ the projects indirect GHG emissions from the use of energy are approximately 395,059 MTCO₂e/yr. That is 233% of the amount of GHG emissions estimated by CEC Staff in the initial study. Additionally, 24% of SVP's non-residential power comes from unspecified sources of power as compared to the 11% unspecified sources of power in the 2018 California Power Mix. The SVP non-residential power mix may in fact have a higher GHG emission rate per megawatt than the 2018 California Power Mix.

Neither the applicant or staff disputes the fact that the SVP non-residential power mix is as high as than the California power mix. Staff utilizes an overall SVP power mix to determine that the projects GHG emissions are insignificant a fact that the initial

⁸ TN 230202 California Energy Commission Staff Reply to Opening Testimony Page 17 of 17

⁹ TN 230202 California Energy Commission Staff Reply to Opening Testimony Page 17 of 17

¹⁰ TN 229584 Initial Study/MND Page 162 of 291

study relies on to determine that the indirect GHG emissions from electricity use are not significant. (Page 5.8-11) As detailed above when evaluating the projects indirect GHG emissions the staff provided no calculations. If there was a question on how a witness calculated the projects impacts that should have been addressed at the evidentiary hearing.

Next the applicant complains about the first paragraph of page 19 of my rebuttal testimony. The first paragraph from page 19 states,

“reduction goals. The Santa Clara General plan makes clear that, *“projected 2035 GHG emissions would constitute a cumulatively considerable contribution to global climate change by exceeding the average carbon-efficiency standard necessary to maintain a trajectory to meet statewide 2050 goals as established by EO S-3-05. (Significant Impact).”*¹¹ As illustrated previously, the power mix of SVP for non-residential projects is almost identical to the State of California Power Mix, so the SVP green power mix does not provide significant mitigation for the projects GHG emissions.¹² The LDC’s GHG emissions are significant under BAAQMD’s CEQA requirements.”

I’m not clear on what calculations the applicant is referring to in this paragraph so I am unable to respond. Perhaps he doesn’t like the fact that the City of Santa Clara has stated in its CEQA documents that, ***“projected 2035 GHG emissions would constitute a cumulatively considerable contribution to global climate change by exceeding the average carbon-efficiency standard necessary to maintain a trajectory to meet statewide 2050 goals as established by EO S-3-05. (Significant Impact).”***¹³ Obviously that would mean that the project does not comply with any of the local or state plans for reducing GHG emissions beyond 2035. The fact that the Santa Clara CAP is not relevant to the projects 2021 GHG emissions renders the project completely in noncompliance with all local and state regulations designed to minimize

¹¹ 2010-2035 General Plan ES-8 Integrated Final EIR City of Santa Clara Page 34 of 593 santaclaraca.gov/home/showdocument?id=12900

¹² <http://www.siliconvalleypower.com/svp-and-community/about-svp/power-content-label>

¹³ 2010-2035 General Plan ES-8 Integrated Final EIR City of Santa Clara Page 34 of 593 santaclaraca.gov/home/showdocument?id=12900

GHG emissions and meet future GHG targets. A significant impact under BAAQMD 2017 CEQA Guidelines.

Hearsay. California Evidence Code § 1200(a): “Hearsay evidence” is evidence of a statement that was made other than by a witness while testifying at the hearing and that is offered to prove the truth of the matter stated.”

In this section the applicant asserts that hearsay evidence is included in footnotes 5, 8, 9, 14, 20, 21, 22, 23, 24, 35, 36, and 37. I’m not sure what the complaint is as the applicant cites 11 footnotes and alludes that they are hearsay without providing any information on why they should be considered hearsay evidence. Section 1212 (d) of Title 20 provides that, “*Hearsay evidence may be used for the purpose of supplementing or explaining other evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objections in civil actions.*” Every footnote cited by the applicant is used to support my testimony or cite BAAQMD’s CEQA requirements.

Footnote 5

Footnote 5 cites the new BAAQMD regulation titled, “Calculating Potential to Emit for Emergency Backup Power Generators.” I cited this regulation in my testimony to highlight the regulations requirement to include 100 hours of emissions for each of the 56 generators in the potential to emit. Staff and applicant insist that only the emissions for 33 generators operating at 100 % are to be included in the potential to emit. The cite is included below and footnote 5 provides the page number cited from the regulation. Citing a regulation which is an exhibit in the proceeding is not hearsay.

“Such facilities should presume **that each** of their generators will experience 100 hours per year of emergency operation when calculating their PTE for purposes of determining the applicability of the permitting regulations in Reg. 2 - including the District's New Source Review regulations (Reg. 2, Rule 2) and Title V Major Facility Review regulations (Reg. 2, Rule 6)

Footnotes 8 and 9

Footnotes 8 and 9 are both links to PG&E's Public Power Safety Shutoff website. The links are provided to support my testimony that "*An extended outage requiring operation of the back-up diesel generators is a reasonably foreseeable event.*" Section 1212 (d) allows Hearsay evidence to be used for the purpose of supplementing or explaining other evidence. The testimony in question states,

"Under PG&E's Public Safety Power Shutoff program the LDC could experience an extended outage of multiple days according to PG&E's PSPS website.¹⁴ An extended outage requiring operation of the back-up diesel generators is a reasonably foreseeable event. On October 9, 2019 over 700,000 people in PG&E's service area were without power, some for over three days. The October 9, 2019 public safety shutoff impacted 38,250 customers in Santa Clara County alone.¹⁵"

FOOTNOTE 14

Footnote 14 provides the link to the new BAAQMD regulation titled, "Calculating Potential to Emit for Emergency Backup Power Generators." As explained above citing a regulation is not hearsay evidence.

Footnotes 20 AND 21

Footnotes 20 and 21 are links provided to the City of Santa Clara's CEQA website. The footnotes are provided to identify the location of the CEQA documents that support my testimony that, "*The City of Santa Clara has approved another 73.5 MW with the 2175 Martin Avenue Data Center, and 60 MW at the 2305 Mission College Data Center.*"

Footnote 24

Footnote 24 provides a link to an article that details a land acquisition by Digital Realty for a new data center. My testimony describes the large number of data centers

¹⁴ https://www.pge.com/en_US/safety/emergency-preparedness/natural-disaster/wildfires/public-safety-power-shutoff-faq.page also see Attachment 1 to this testimony

¹⁵ https://www.pge.com/en_US/safety/emergency-preparedness/natural-disaster/wildfires/public-safety-event.page?WT.mc_id=Vanity_pspsupdates Viewed October 9, 2019

that have either been granted permits or have been recently announced. The article supports my testimony that Digital Realty has announced a site purchase for a 48 MW data center. Section 1212 (d) allows Hearsay evidence to be used for the purpose of supplementing or explaining other evidence.

Footnotes 35 AND 36

Footnotes 35 and 36 are links to an article that details the low PUE's achieved by the LDC's next door neighbor Intel. The article is cited to support my testimony that the LDC's PUE of 1.25 is much higher than data centers that are operating next to the project and that the higher PUE leads to excessive GHG emissions. Section 1212 (d) allows Hearsay evidence to be used for the purpose of supplementing or explaining other evidence.

Footnote 37

Footnote 37 is a link to the City of Santa Clara's CEQA documents. The link is provided to support my testimony and provide the CEQA document which demonstrates that data centers that are being constructed near the LDC are proposing much lower PUE's than the LDC is proposing. Section 1212 (d) allows Hearsay evidence to be used for the purpose of supplementing or explaining other evidence.

SPECIFIC OBJECTIONS – INTERVENOR EXHIBITS: Exhibits 301, 302, 304, and 305

Exhibits 301, 302 and 304 are BAAQMD CEQA documents. Exhibit 301 is BAAQMD's CEQA comments on the McLaren Data Center MND. The comments are applicable to this data center and reinforce my testimony. My testimony states that the Santa Clara CAP cannot be used to justify a less than significant determination for GHG emissions from the project. BAAQMD's exact comments on utilizing the Santa Clara CAP to justify an insignificant determination for a data center's GHG impacts are presented below.

The analysis in the Mitigated Negative Declaration (MND) estimates that the Project will increase GHG emissions by 117,896 metric tonnes carbon dioxide equivalent (MTC02e) per year. The MND concludes that this GHG impact will be less than significant because the project "would not conflict with the Santa Clara CAP (Climate Action Plan) or other plans, policies or regulations adopted for the purpose of reducing the emissions of GHG" (p. 81). The Air District and the State of California have established a long-term GHG reduction goal of 40% below 1990 levels by 2030. The MND itself notes on page 72 that the project is not eligible to use the CAP to evaluate full-build emissions to determine its significance under CEQA, because the CAP is based on 2020 GHG reduction goals and this project will not be completed before 2023. Therefore, the MND does not appear to provide the substantial evidence needed to justify a less than significant determination.

Exhibit 301 also supports my argument that the PUE for the LDC is too high compared to other data centers in the project area. As BAAQMD states in Exhibit 301, *"Finally, the Project could be required to meet a Power Usage Effectiveness (PUE) of 1.2 or less, which would be both consistent with Measure 2.3 of the City's Climate Action Plan for extremely large power rack rating data centers and consistent with efficiencies achieved at other datacenters (e.g., Google)."*

Exhibit 302 is BAAQMD's comments on the Santa Clara Climate Action Plan. Exhibit 302 supports my arguments that the project should achieve a lower PUE and that BAAQMD is encouraging data centers to utilize alternatives to diesel back up generators to reduce GHG emissions. As stated in Exhibit 302,

"Expand Measure 2.3, Data centers, to require existing, rather than just new, data centers to complete a feasibility study to achieve a power usage effectiveness rating of 1.2 or lower. Staff recommends that this measure also encourage and incentivize data centers to utilize alternatives to diesel powered back-up generators to reduce GHG emissions and other air pollutants from the testing and use of diesel generators."

Exhibit 304 is another CEQA planning document from BAAQMD. The applicant doesn't like its content. The committee has already indicated how it intends to rule on its admission.

Exhibit 305 is referenced in BAAQMD's document entitled, "Calculating the potential to emit for emergency generators." Exhibit 305 provides US EPA treatment of backup generators potential to emit. US EPA requires that 500 hours of emergency operation per generator per year should be assumed when calculating the potential to emit for backup diesel generators.

Conclusion

The applicant's objections are untimely and meritless. Through innuendo and vague assertions, the applicant seeks to discredit my testimony and educate the committee how to weigh evidence. The committee does not need direction from the applicant about how to weigh evidence.