

DOCKETED

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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 **MISSION COLLEGE
BACKUP GENERATING FACILITY**

DOCKET NO: 19-SPPE-5

**OPPIDAN'S RESPONSE TO STAFF'S
ISSUE IDENTIFICATION, STATUS
REPORT AND PROPOSED
SCHEDULE**

Oppidan, in accordance with the Notice of Committee Conference and Related Orders (TN 232158), dated February 20, 2020, hereby files its response to Staff's Issue Identification, Status Report and Proposed Schedule (TN 232216), dated February 25, 2020.

Staff accurately described the status of the Mission College Backup Generating Facility (MCBGF) Application for Small Power Plant Exemption (SPPE). It is important for the Committee to note that while Staff did docket the first set of Data Requests on December 27, 2019, Oppidan was never served. Oppidan's counsel discovered that Data Request Set 1 had been docketed during a call with the Staff Project Manager in late January 2020 inquiring when the responses could be expected. Oppidan promptly and diligently provided Initial Responses shortly thereafter on February 6, 2020 and supplemental responses that required remodeling on February 18, 2020.

Oppidan was surprised by Staff's Motion¹ For Leave to File Additional Data Requests to issue Data Request Set 2 docketed on February 24, 2020, as it would have agreed not to object and provide the responses without the need for the Motion if asked. In fact,

¹ TN 232214

since the motion included Data Request Set 2 as an attachment, Oppidan docketed complete responses on February 27, 2020. Therefore, the need for the Committee to rule on the motion is moot. There are no outstanding data requests and therefore Oppidan believes that Staff has everything it needs to issue the IS/MND.

With respect to the schedule, it is important for the Commission to understand that the MCBGF and MCDC have been previously approved by the City of Santa Clara (City) pursuant to prepared a comprehensive IS/MND prepared in March 2018 (Approved Project). Oppidan has received a demolition permit from the City pursuant to the prior approval and is nearing completion of demolition of the existing site. It has a tenant for Phase I and it is critical for the Commission to issue its decision on the SPPE as soon as possible.

The MCBGF and MCDC represent modifications to the originally proposed Approved Project and the Committee should process the CEQA document in the same manner as the City. The Committee should instruct Staff to use the City's prior IS/MND as the baseline for its analysis. The Staff need only analyze those environmental areas that would be affected by the **changes proposed to the Approved Project** or **where the law or regulatory environment has been modified since the prior approval**. In other words, the CEC need only prepare an Addendum to the prior IS/MND in the same manner that the City would but for the requirement for a Small Power Plant Exemption (SPPE). This is similar to the Commission's practice of analyzing an amendment to a Commission License for a jurisdictional thermal power plant.

In order to provide consistency, Oppidan prepared its Application for SPPE with the assistance of the environmental consultant that prepared the 2018 IS/MND for the City. The Application for SPPE incorporated all of the mitigation measures contained in the prior IS/MND, included the prior IS/MND in the Appendices, and focused the analysis in those few environmental areas that were affected by the changes to the project or by changes in law or regulatory environment. The modifications to the prior Approved Project that should be analyzed by Staff include the following:

For the MCBGF:

- Replacing the 120 625-kW emergency generators with 43, 2.5 MW emergency generators and 2, 600 kW house power emergency generators; and
- Relocating the generators and associated electric equipment from one generator yard to two generator yards, each serving its respective data center building.

For the MCDC:

- Construction of two, three-story data center buildings encompassing a total square footage of 490,000 instead of one 495,610 square foot, two-story data center building;
- Increasing the height of the data center buildings from 59 feet to 82 feet (70 feet and 87 feet with parapets);
- Replacing the refrigerant-based cooling system with an evaporative-cooling with air handlers based system that relies on roof-mounted up-blast fans to circulate air over the computer servers. Additionally, this system will use recycled water. As a result of the new system, water use will be reduced by over 90 percent from the original approved project.
- Relocation of the SVP electrical distribution substation from the west side of the site to the northeast corner of the site; and
- Relocation of the main access entrance to the site.

The environmental areas that are affected by these modifications and require additional analysis include:

- Aesthetics – Evaluation of increased height, increase in landscaped surfaces and fewer and less visible generation yards.
- Air Quality – Smaller number of larger emergency backup generators and change in construction timeline; provided in Application and in Data Responses.
- Biology – Change in landscape and tree replacement plan; provided in Application and Data Responses.
- Cultural Resources – Incorporation of CEC Staff's preferred Mitigation Measure language; provided in Application.
- Greenhouse Gas Emissions – Estimates revised due to different emergency backup generating equipment and increase in cooling efficiency; provided in Application and Data Responses.
- Noise – New analysis of modified electrical generating equipment and cooling technology noise emissions; provided in Application.
- Transportation – New VMT analysis and evaluation of thermal plumes due to different cooling equipment; provided in Application and Data Responses.
- Utilities – Water consumption reduced by 90 percent; provided in Application.

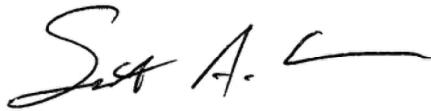
- Wildfire - New section required by CEQA change in law to address wildland fires; not in a wildfire prone area; provided in Application.

For all other areas where the modifications to the Approved Project and where there are not changes in law, the Staff should simply state that the prior IS/MND analysis remains unchanged and given that Oppidan filed in November 2020, those sections that require no or little analysis should already be complete.

Based on the discussion above and the relatively few areas that need any substantial reanalysis, Oppidan believes that Staff can publish its Addendum or IS/MND very quickly. Therefore, Oppidan proposes that the Committee adopt a schedule for Staff to produce the Addendum or IS/MND on or before March 16, 2020.

Dated: March 2, 2020

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Scott A. Galati", with a long horizontal flourish extending to the right.

Scott A. Galati
Counsel to Oppidan