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State of California  
State Energy Resources Conservation and Development Commission

In the matter of:

Mission College Data Center

Docket 19-SPPE-05

Sarvey Brief on Contested Issues

Introduction

The Mission College Data Center emits large amounts of greenhouse gas emissions at a time when it is critical for the state to lower its carbon footprint. To determine whether these GHG emissions are significant the applicant and staff's approach is to rely on the states greenhouse gas planning efforts to mitigate the projects emissions. This comes at a time when the states cornerstone program the Cap and Trade Program appears to be failing. Quarterly auctions for pollution permits have been a major revenue generator for the state, raking in more than \$600 million per auction over the past two years. The money pays for a wide range of climate projects, such as clean vehicle rebates, high speed rail and dairy digesters. The most recent auction in May made only about \$25 million. The Cap and Trade Program is expected to achieve 50% of the states GHG reductions and those reductions will not materialize under the current activity in the program.

While the states climate, programs are relevant to the analysis the state relies on local agencies to provide additional GHG reductions in their land use planning process to meet the States GHG goals. Although various statewide programs address the climate change crisis, the CEQA guidelines, and state guidance documents, are clear that achieving the necessary reductions requires project-level focus. CEQA Guidelines section 15183.5, explains in detail how a programmatic effort such as "a general plan, a long range development plan, or a separate plan to reduce greenhouse gas emissions" (*id.*, § 15183.5, subd. (a)) may, if sufficiently detailed and adequately supported, be used in later project-specific CEQA documents to simplify the evaluation of the project's cumulative contribution to the effects of greenhouse gas emissions (§ 15183.5, subd. (b)). The Scoping Plan encourages local jurisdictions to develop "climate action plans" or greenhouse gas "emissions reduction plans" for their geographic areas.

In this case the expiring Santa Clara Climate Action Plan is the local programmatic planning effort. There is no dispute among the parties that the projects 2021 emissions will not be covered by that plan which expires in 2020. The Santa Clara CAP is designed to reduce emissions in the City of Santa Clara to meet the states 2020

planning targets. The City of Santa Clara has not yet adopted its 2030 CAP, and it is unclear what measures will be included in the CAP and whether they will be adequate to achieve the states long term climate goals. The City of Santa Clara's 2010-2035 General Plan was also approved before the states climate goals were updated. The general plan openly admits *"The City's 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)"*<sup>1</sup>

State GHG reduction programs alone do not provide the necessary GHG reductions to achieve the States GHG Planning Targets.

CEQA requires analysis of a project's GHG emissions. Like all CEQA analyses, these disclosures must inform the public and provide appropriate information on mitigation. Planning for greenhouse gas reductions is critical at the project level, as CARB and other state agencies have repeatedly determined. Although various statewide programs address the climate change crisis as well, the CEQA guidelines, and state guidance documents, are clear that achieving the necessary reductions requires project-level focus.

For example, each version of CARB's Scoping Plan, including the recent 2017 Scoping Plan Update, explains, on the basis of extensive modeling and analysis, the Cap-and-Trade Program is not intended to address project-level impacts and does not do so. Rather, complementary measures, including land-use planning and project-level analyses, are vital adjuncts to the Cap and-Trade Program, serve additional purposes to address climate change, and, if neglected, put undue and unanticipated pressure on the Program.

Rather than address project-level emissions, the Cap-and-Trade Program covers activities related to electricity generation, natural gas supply, oil and gas extraction, refining, and transportation fuel supply and combustion. The points of regulation are the operators of electricity generating plants, natural gas fuel suppliers, operators of oil and gas extraction facilities, refinery operators, and transportation fuel suppliers at the rack. See Tit. 17, Cal. Code Regs., § 95811. The Program also addresses GHG emissions in aggregate at the state level and is not intended nor designed to mitigate greenhouse gas from, or otherwise inform, local land use decisions. Without adequate analysis and mitigation, local jurisdictions may not appropriately consider the greenhouse gas implications of their decisions, conflicting with a core CEQA principle of promoting informed decision making.

The Cap and Trade Program has recently raised a lot of questions about its effectiveness. Quarterly auctions for pollution permits have been a major revenue

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<sup>1</sup> Exhibit 505 Page 11 of 14 (PDF Page 24 of 594)

generator for the state, raking in more than \$600 million per auction over the past two years. The money pays for a wide range of climate projects, such as clean vehicle rebates, high speed rail and dairy digesters. But with the economy thrown into turmoil by the coronavirus, the most recent auction in May made only about \$25 million. This last auction has alarmed state officials who are planning to review and possibly overhaul the cap and trade program.

The applicant also argues that recent case law in the *Center for Biological Diversity v. Department of Fish & Wildlife*, 62 Cal.4th 204 allows the tiering of a project from the AB 32, the Cap and Trade Program and other of the states long term GHG reduction plans. While the court approved the use of AB 32 to evaluate the projects cumulative impacts it still rejected the approach because the Scoping Plan does not propose statewide regulation of land use planning but relies instead on local governments. (Scoping Plan, *supra*, at pp. 11, 27.) In this case the expired Santa Clara Climate Action Plan is the local governments contribution to meeting the States climate goals. As the majority opinion stated in the *Center for Biological Diversity v. Department of Fish & Wildlife* states,

[62 Cal.4th 230]

“Local governments thus bear the primary burden of evaluating a land use project's impact on greenhouse gas emissions. Some of this burden can be relieved by using geographically specific greenhouse gas emission reduction plans to provide a basis for the tiering or streamlining of project-level CEQA analysis. Guidelines section 15183.5, added in 2010 along with section 15064.4, explains in detail how a programmatic effort such as "a general plan, a long range development plan, or a separate plan to reduce greenhouse gas emissions" (*id.*, § 15183.5, subd. (a)) may, if sufficiently detailed and adequately supported, be used in later project-specific CEQA documents to simplify the evaluation of the project's cumulative contribution to the effects of greenhouse gas emissions (§ 15183.5, subd. (b)). The Scoping Plan encourages local jurisdictions to develop "climate action plans" or greenhouse gas "emissions reduction plans" for their geographic areas, and several jurisdictions have adopted or proposed such plans as tools for CEQA streamlining. (Final Statement of Reasons, *supra*, at p. 65; see, e.g., City of Milpitas, Climate Action Plan: A Qualified Greenhouse Gas Reduction Strategy (May 2013) p. 1-1; City of San Bernardino, Sustainability Master Plan (Public Review Draft, Aug. 2012) p. 4.)”

The Silicon Valley Power Integrated Resource Plan does not address individual projects emissions and fails to meet its planning targets.

To demonstrate that the projects GHG emissions are not significant the applicant and staff proposes to tier off of the Silicon Valley Power Integrated Resource Plan. This fails for several reasons. To tier off of an adopted plan the plan must meet the requirements of CEQA Guidelines Section 15183.5. Section 15183.5 (b) (1) (f) requires that any plan that a lead agency can rely on to tier from must be, “Be adopted in a public process following environmental review.” While SVP’s Integrated Resource Plan was involved in a public process it was not subject to an environmental review process as no MND or EIR was issued approved.

Secondly as the applicants exhibit 19 states, “IRPs from all reporting entities, when viewed together, will be a valuable resource to assess the likelihood of meeting the State’s GHG emissions targets.”<sup>2</sup> The applicants own exhibit clearly recognizes the IRP is just a portion of California’s road map to meet its GHG emission reduction targets.

Silicon Valleys Integrated Resource Plan also admits it will not meet its emissions reduction targets:

“The recommended plan meets the 2030 renewable energy target as well as the intermediate targets for renewable energy and GHG emissions reduction. Meeting the GHG targets assumes that only SVP-owned resources count towards the emissions target. SVP finds that the generic emissions rate of 0.428 Mt CO<sub>2</sub>e/MWh for spot market purchases per the CEC guidelines to be too high. If this rate is applied, SVP’s portfolio emissions will exceed the GHG target.”<sup>3</sup>

While the SVP witness claims that Silicon Valley Power intended to remove the above language in its amended IRP it failed to do so. The official position of the City of Santa Clara reflects that the IRP will fail to meet its GHG reduction goals if it is required to utilize the generic emissions rate of 0.428 Mt CO<sub>2</sub>e/MWh for spot market purchases per the CEC guidelines. When examining the new language inserted in the amended IRP the only change is that SVP **could not would** not meet its GHG targets as demonstrated by the excerpts below from SVP’s Procurement Plan.

Next the Amended IRP states “Based on SVP’s current portfolio of owned assets, the GHG emissions in 2030 are projected to be 404,487 MTCO<sub>2</sub>e. This is just under SVP’s High 2030 target of 485,000 MTCO<sub>2</sub>e. Meeting the GHG targets is based on the assumption that only SVP-owned resources count towards the emissions target. SVP finds that the generic emissions rate of 0.428 Mt CO<sub>2</sub>e/MWh for spot market purchases per the CEC guidelines can be either too high or too low based on the mix of hourly dispatched resource on the grid. **If this rate is applied, SVP’s portfolio emissions could exceed the GHG target.**”<sup>4</sup>

CEQA Guidelines § 15064.4 (a) – requires the lead agency to analyze the extent to which the MCDC may increase or reduce greenhouse gas emissions as compared to the existing environmental setting to determine if the project GHG emissions are significant.

CEQA Guidelines §15064.4. lists the requirement’s for Determining the Significance of Impacts from Greenhouse Gas Emissions. §15064.4 (a) states that, “The determination of the significance of greenhouse gas emissions calls for a careful judgment by the lead agency consistent with the provisions in section 15064. A lead agency should make a

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<sup>2</sup> Exhibit 19 Page 40 of 41 [Attachment A to CARB Resolution 18-26](#)

<sup>3</sup> Exhibit 302 Page 9 of 111

<sup>4</sup> Exhibit 302 Page 109 of 111

good-faith effort, based to the extent possible on scientific and factual data, to describe, calculate or estimate the amount of greenhouse gas emissions resulting from a project.

The IS/MND estimates that the project's GHG indirect emissions from electricity use would be 133,721 MTCO<sub>2</sub>e/yr based on a carbon emission factor of 430 pounds per MWh and a maximum electrical usage of 684,156 MWh per year.<sup>5</sup> Staff then continually states that the carbon emission factor from SVP will go down over time so the indirect emissions from the MCDC will not be significant. Staff never makes any attempt to calculate the real emissions from the project over time as required by Section 15064 (a) to allow the committee to make an informed decision on the significance of the projects GHG long term emissions impact. The evidence in the proceeding provides the necessary factual data to compute the projects actual GHG emissions over a ten-year period from 2012 to 2030 to comply with Section 15064 (a) and provide the committee with the information to make an informed decision on the significance of the projects indirect GHG emissions. Exhibit 201 provides SVP's project carbon intensity factors for the years 2021-2030 as seen in Table 1 below.

**Table 1 SVP Estimated Carbon Intensity Factors  
(pounds of CO<sub>2</sub>e per MWh)**

Year	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030
CO <sub>2</sub> /MWh	341	348	271	230	222	278	277	279	276	273	270	219

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The evidence is that projects maximum electrical usage from the initial study is 684,156 MWh per year.<sup>7</sup> By utilizing the carbon intensity factors and multiplying by the maximum electrical usage the evidence shows as seen in the table below the project will emit 805,524 metric tons of CO<sub>2</sub>e over the ten-year period from 2021 to 2030. The project will emit an average of 80,524 metric tons of CO<sub>2</sub>e per year from 2021 to 2030. This provides a more accurate analysis based on scientific and factual data, to describe, calculate or estimate the amount of greenhouse gas emissions resulting from a project as required by CEQA. The IS/MND fails to meet these requirement's which are necessary for the lead agency to make an informed decision on the significance of the project GHG emissions.

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<sup>5</sup> Exhibit 200 Page 210 of 402

<sup>6</sup> Exhibit 201 Page 7 of 11

<sup>7</sup> Exhibit 200 Page 210 of 402 SVP witness states the maximum electrical use for a data center is 75% of projected use.

Year	Annual Energy Use	Carbon Intensity Factor	Metric tons/yr
2021	684,156 MWh	271	84,122
2022		230	71,395
2023		222	68,912
2024		278	86,295
2025		277	85,985
2026		279	86,605
2027		276	85,674
2028		273	84,743
2029		270	83,812
2030		219	67,981
10 Year Total			805,524
10 Year Average		259	80,552
75% Electrical Usage Average			60,414

CEQA Guidelines §15064.4 (b) (1) require that the lead agency consider the extent to which the project may increase or reduce greenhouse gas emissions as compared to the existing environmental setting;

Section § 15064.4 (b) (1) states that the lead agency should consider, “The extent to which the project may increase or reduce greenhouse gas emissions as compared to the existing environmental setting.” The IS/MND partially quantifies the existing environmental setting but never analyzes how the emissions from the MCDL may increase emissions as compared to the existing environmental setting. This information is necessary for the lead agency to determine if in fact the projects GHG emissions are significant in relation to the current environment. The only evidence in this proceeding that compares the projects GHG emissions to the existing environmental setting is contained in Exhibit 300 pages 4-5 as follows:

“The evidence in the proceeding shows that the City of Santa Clara’s 2016 GHG emissions were estimated to be 1,769,178 MTCO<sub>2</sub>e/yr. The evidence also shows that the projects indirect emissions from energy use are estimated to be 136,384<sup>8</sup> MTCO<sub>2</sub>e/yr based on the maximum electrical usage of 684,156<sup>9</sup> MWh per year. The estimated 136,384 MTCO<sub>2</sub>e/yr from the MCDL electrical use would be about 7.7% of the City of Santa Clara’s estimated 2016 GHG emissions.

According to SVP’s 2018 Integrated resource plan CARB has assigned a targeted 2030 range of between 275,000 and 485,000 MTCO<sub>2</sub>e for SVP;

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<sup>8</sup> Exhibit 200 Page 212 of 402

<sup>9</sup> Exhibit 200 Page 210 of 402

this amounts to 0.915 percent of the 2030 electricity sector emissions.<sup>10</sup> The 136,384 MTCO<sub>2</sub>e/yr emitted from the indirect energy use from operation of the WDC is 28% of Silicon Valley Powers high 2030 GHG emission target of 485,000 MTCO<sub>2</sub>e/yr and 49% of SVP's low 2030 GHG target of 275,000 MTCO<sub>2</sub>e/yr as reported in its 2018 Integrated Resource Plan.<sup>11</sup>"

According to the evidence the carbon content from SVP's retail sales is expected to decrease from 341 pounds per MWh in 2019 to 219 pounds per MWh hour in 2030. At 219 pounds per MWh in 2030 the projects GHG emissions from the consumption of 684,156<sup>12</sup> MWh per year of indirect electrical use would still be approximately 67,981 MTCO<sub>2</sub>e/yr which is about 14% of SVP's high target of 485,000 MTCO<sub>2</sub>e/yr and 24% of SVP's low 2030 GHG target of 275,000 MTCO<sub>2</sub>e/yr."

The evidence also shows that the projects area, mobile sources, water & waste GHG emissions will be 2,663 MTCO<sub>2</sub>e/yr<sup>13</sup> which is well over the BAAQMD significance threshold of 1,200 MTCO<sub>2</sub>e/yr. Over a ten year period these other emissions will total 26,630 MTCO<sub>2</sub>.<sup>14</sup> Maximum emissions from generator testing is expected to emit 3,875 MTCO<sub>2</sub>e/yr or 38,750 MTCO<sub>2</sub> over a ten year period.

CEQA Guidelines §15064.4 (b) (2) Whether the project emissions exceed a threshold of significance that the lead agency determines applies to the project.

The second factor lead agencies should consider in evaluation of the significance of GHG emissions from an individual project is whether the projects emissions exceed a threshold of significance that the lead agency determines applies to the project. Applicant and staff propose that the committee adopt no numerical threshold of significance for this project and the other five data centers in Santa Clara.

The Commission has the discretion to select and develop appropriate thresholds of significance to analyze a project's environmental impacts, or rely on thresholds developed by other agencies that it deems applies to the project. The selection and development of thresholds requires a lead agency to "make a policy decision in distinguishing between substantial and insubstantial adverse environmental impacts based, in part, on the setting." (*North Coast Rivers Alliance v. Marin Municipal Water Dist. Bd. of Directors* (2013) 216 Cal.App.4th 614, 625.)

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<sup>10</sup> Silicon Valley Power Integrated Resource Plan Page 24 of 109

<sup>11</sup> Silicon Valley Power Integrated Resource Plan Page 24 of 109

<sup>12</sup> Exhibit 200 Page 210 of 402

<sup>13</sup> Exhibit 200 Page 212 of 402

<sup>14</sup> Exhibit 300 Page 5-7



The CEC initially embarked on a process in the 2009 IPER but never finalized the GHG significance thresholds in a publicly reviewed final CEQA document. The Energy Commission has several options in adopting a threshold of significance for GHG emissions.

First the Energy Commission could utilize BAAQMD's CEQA Guidelines threshold of 1,100 metric tons of CO<sub>2</sub>e/yr. This would be the logical choice since the project is being analyzed in 2020. BAAQMD is currently working on updating its CEQA Guidelines to address 2030 GHG goals but new guidance is not currently available. Energy Commission Staff concluded that the thresholds identified in the 2017 Guidelines for construction and stationary source emissions are appropriate to use absent any further guidance from BAAQMD. (Ex. 200, pp. 5.3-17 through 21) Energy Commission Staff refuses to use the 1,100 MTCO<sub>2</sub>e/yr threshold even though they are using the other outdated BAAQMD thresholds to analyze the projects emissions from the BAAQMD CEQA guidelines.

The Energy Commission has the discretion use the only statewide GHG significant emission threshold for industrial uses which was proposed by CARB in 2009. The Air Resources Board Staff established a numerical threshold of 7,000 metric tons of CO<sub>2</sub>e/yr as significant for industrial projects which includes indirect emissions from electricity use. The Energy Commission could adopt a 10,000 metric tons of CO<sub>2</sub>e/yr threshold as it coincides with the mandatory GHG reporting requirement which indicates a level that the State of California deems significant. The commission could use the 25,000 MTCO<sub>2</sub>e/yr threshold which requires carbon offsets. Although BAAQMD has not published a quantified threshold for 2030 yet it currently has a land use project threshold of 1,100 MTCO<sub>2</sub>e/yr. The commission has the discretion to use a "Substantial Progress" efficiency metric based on BAAQMD's 2017 CEQA guidelines of 2.6 MT CO<sub>2</sub>e/year/service population and a threshold of 660 MT CO<sub>2</sub>e/year based on the GHG reduction goals of EO B-30-15.

The decision lies with the energy commission not the applicant or staff to choose a threshold of significance to evaluate the MCD and the six Santa Clara Data Centers before it which have the potential to emit over 883,000 MTCO<sub>2</sub>e/yr. The combined potential emissions from these data centers represents 3% of the electricity sectors low 30 MMTCO<sub>2</sub>e a year target and 1.6% of the electric sectors high GHG 2030 emission target of 53 MMTCO<sub>2</sub>e.<sup>15</sup>

(3) The extent to which the project complies with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of greenhouse gas emissions. Such requirements must be adopted by the relevant public agency through a public review process and must reduce or mitigate the project's incremental contribution of greenhouse gas emissions. If there is substantial evidence that the possible effects of a particular project are still cumulatively considerable notwithstanding compliance with the adopted regulations or requirements, an EIR must be prepared for the project.

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<sup>15</sup> Exhibit 300 Page 9 of 21

Note: Authority cited: Sections 21083, 21083.05, Public Resources Code. Reference:

To demonstrate that the projects GHG emissions are not significant the applicant and staff propose to tier off of the Silicon Valley Power Integrated Resource Plan. This fails for several reasons. To tier off of an adopted plan the plan must meet the requirements of CEQA Guidelines Section 15183.5. Section 15183.5 (b) (1) (f) requires that any plan that a lead agency can rely on to tier from must be, “Be adopted in a public process following environmental review.” While the Integrated Resource Plan was involved in a public process it was not subject to an environmental review process as no MND or EIR was issued approved.

Secondly as the applicants exhibit 19 states, “IRPs from all reporting entities, when viewed together, will be a valuable resource to assess the likelihood of meeting the State’s GHG emissions targets.”<sup>16</sup> The applicants own exhibit clearly recognizes the IRP is just a portion of California’s road map to meet its GHG emission reduction targets.

Third as Silicon Valley Integrated /Resource Plan states, “Meeting the GHG targets is based on the assumption that only SVP-owned resources count towards the emissions target.”<sup>17</sup>

Most importantly Silicon Valleys Integrated Resource Plan also admits it would or could not meet its emissions reduction targets:

“The recommended plan meets the 2030 renewable energy target as well as the intermediate targets for renewable energy and GHG emissions reduction. Meeting the GHG targets assumes that only SVP-owned resources count towards the emissions target. SVP finds that the generic emissions rate of 0.428 Mt CO<sub>2</sub>e/MWh for spot market purchases per the CEC guidelines to be too high. If this rate is applied, SVP’s portfolio emissions will exceed the GHG target.”<sup>18</sup>

The IS/MND claims that the projects GHG emissions are consistent with the City of Santa Clara’s General Plan. But the Santa Clara’s General Plan EIR clearly states that, *“The City’s 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)”*<sup>19</sup>

According to BAAQMD, “The MND states that the Project’s greenhouse gas (GHG) emissions would not be cumulatively considerable because the project “would conform with all applicable plans, policies, and regulations adopted for the purpose of GHG reductions,” including California’s carbon neutrality goal no later than 2045 pursuant to

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<sup>16</sup> Exhibit 19 Page 40 of 41 [Attachment A to CARB Resolution 18-26](#)

<sup>17</sup> Exhibit 302 Page 109 of 111

<sup>18</sup> Exhibit 302 Page 9 of 111

<sup>19</sup> Exhibit 505 Page 11 of 14 (PDF Page 24 of 594)

Executive Order (EO) B-55-18 and the City of Santa Clara's 2030 Climate Action Plan (CAP). However, although the MND states that "The project's use of diesel fuel would not obstruct SVP's [Silicon Valley Power's] ability to meet the requirements of SB 100," the MND does not evaluate how the Project's use of diesel fuel would be consistent with carbon neutrality no later than 2045.<sup>20</sup> The Air District does not believe that diesel use is consistent with carbon neutrality.

The use of diesel generators also conflicts with the Air Districts Diesel Free by 33 initiative designed to reduce toxic air contaminants in the Bay Area Region.

#### Cumulative Impacts from Six Santa Clara Data Centers

A "cumulative impact" is the environmental impact resulting from the incremental impact of the action when added to other past, present and reasonably foreseeable future actions that can result from individually minor but collectively significant actions taking place over a period of time (40 CFR 1508.7). The analysis should define and justify the geographic scope of the area affected by the cumulative impact (14 CCR § 15130(b)(3)). The analysis may rely on considerations of past, present, or probable future projects producing related or cumulative effects, including projects outside the agency's control. In this instance there is a cumulative impact from the six Santa Clara Data Centers being permitted by the CEC which is never even mentioned in Staff or applicant's analyses. Energy Commission staff has already determined there is no significant impacts from any of these data centers as it has issued IS/MND's for all of them. The only evidence concerning cumulative impacts in the proceeding is contained in Exhibit 300 pages 5-7 as follows:

"The projects GHG emissions combined with the estimated GHG emissions from just the other CEC Santa Clara Data Center projects is 833,803 MTCO<sub>2</sub>e/yr.<sup>21</sup> Those cumulative emissions of 833,803 MTCO<sub>2</sub>e/yr from just the data centers alone would be 1.8 times higher than SVP's high 2030 GHG target of 485,000 MTCO<sub>2</sub>e/yr and 3.2 times higher than the SVP low 2030 target of 275,000 MTCO<sub>2</sub>e/yr

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<sup>20</sup> Exhibit 301 Page 3,4 of 5

<sup>21</sup> Table 1 Santa Clara Data Centers Before the CEC.

Table 1 Santa Clara Data Centers Before The CEC

Project	CEC #	Testing	Construction	Other	Electricity
Mission College	19-SPPE-05	3,875 <sup>22</sup>	1,231 <sup>23</sup>	2,663 <sup>24</sup>	136,384 <sup>25</sup>
Laurelwood	19-SPPE-01	2,583 <sup>26</sup>	1,043 <sup>27</sup>	1,600 <sup>28</sup>	170,170 <sup>29</sup>
Sequoia	19-SPPE-03	4,301 <sup>30</sup>	1,395 <sup>31</sup>	5,640 <sup>32</sup>	170,865 <sup>33</sup>
McLaren	17-SPPE-01	5,044 <sup>34</sup>	2539	1,048 <sup>35</sup>	116,848 <sup>36</sup>
Walsh	19-SPPE-02	2,313 <sup>37</sup>	970 <sup>38</sup>	756 <sup>39</sup>	108,396 <sup>40</sup>
Lafayette	20-SPPE-02	5,000 <sup>41</sup>	762 <sup>42</sup>	1,813 <sup>43</sup>	131,140 <sup>44</sup>
Total MTCO2e/yr		23,116	7,940	20,520	833,803 Totals

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The six Santa Clara Data centers before the Commission have the potential to emit 833,803 MTCO2e/yr. The combined potential emissions from these data centers represents almost 3% of the electricity sectors low

<sup>22</sup> Exhibit 200 Page 209 of 402

<sup>23</sup> Exhibit 200 Page 208 of 402

<sup>24</sup> Exhibit 200 Page 212 of 402

<sup>25</sup> Exhibit 200 Page 212 of 402

<sup>26</sup> TN 229584 Laurelwood Data Center Initial Study and Proposed Mitigated Negative Declaration Page 160 of 291

<sup>27</sup> TN 229584 Laurelwood Data Center Initial Study and Proposed Mitigated Negative Declaration Page 160 of 291

<sup>28</sup> TN 229584 Laurelwood Data Center Initial Study and Proposed Mitigated Negative Declaration Page 163 of 291

<sup>29</sup> TN 229584 Laurelwood Data Center Initial Study and Proposed Mitigated Negative Declaration Page 163 of 291

<sup>30</sup> TN 231651 Sequoia Data Center Initial Study and Proposed Mitigated Negative Declaration Page 169 of 322

<sup>31</sup> TN 231651 Sequoia Data Center Initial Study and Proposed Mitigated Negative Declaration Page 169 of 322

<sup>32</sup> TN 231651 Sequoia Data Center Initial Study and Proposed Mitigated Negative Declaration Page 168 of 322

<sup>33</sup> TN 233095 CEC Staff Responses to Committee Questions Page 16 of 39

<sup>34</sup> TN 223911 McLaren Data Center Project Initial Study and Proposed Mitigated Negative Dec. Page 106 of 329

<sup>35</sup> TN 223911 McLaren Data Center Project Initial Study and Proposed Mitigated Negative Dec. Page 106 of 329

<sup>36</sup> TN 223911 McLaren Data Center Project Initial Study and Proposed Mitigated Negative Dec. Page 106 of 329

<sup>37</sup> TN 232078 Walsh Data Center Initial Study and Proposed Mitigated Negative Declaration Page 173 of 352

<sup>38</sup> TN 232078 Walsh Data Center Initial Study and Proposed Mitigated Negative Declaration Page 172 of 352

<sup>39</sup> TN 232078 Walsh Data Center Initial Study and Proposed Mitigated Negative Declaration Page 176 of 352

<sup>40</sup> TN 232078 Walsh Data Center Initial Study and Proposed Mitigated Negative Declaration Page 176 of 352

<sup>41</sup> TN 223041-1 LBGF SPPE Application - Part 1 Page 118 of 194

<sup>42</sup> TN 223041-1 LBGF SPPE Application - Part 1 Page 118 of 194

<sup>43</sup> TN 223041-1 LBGF SPPE Application - Part 1 Page 120 of 194

<sup>44</sup> TN 223041-1 LBGF SPPE Application - Part 1 Page 120 of 194

<sup>45</sup> Exhibit 300 Pages 6,7

30 MMTCO<sub>2</sub>e a year 2030 target and about 1.6% of the electric sectors high GHG 2030 emission target of 53 MMTCO<sub>2</sub>e.”<sup>46</sup>

The evidence also shows that just the maintenance and generator testing emissions from the six data centers is 23,116 MTCO<sub>2</sub>e/yr. The other miscellaneous emissions from these data centers including Area, Mobile Sources, water & waste GHG emissions show that the six data centers emit 20,520 MTCO<sub>2</sub>e/yr<sup>47</sup>. The combined generator testing and other emissions from the six data centers is 43,636 MTCO<sub>2</sub>e/yr which are not accounted for or covered by any Integrated Resource Plan. CEQA requires this analysis to inform the decision makers of the severity of the impact and in this case the same agency is responsible for approving all of these emissions

### Energy Resources

CEQA guidelines Appendix F lists environmental impacts on energy resources which include the effects of the project on local and regional energy supplies and on requirements for additional capacity. CEC Staff in the IS/MND concludes that, *“Electricity for MCDCC would be provided by SVP which currently has ownership interest, or has purchase agreements, for about 1,268 megawatts (MW) of electricity (SVP 2019a). This capacity far exceeds SVP’s current peak electricity demand of approximately 526 MW for 2018 (SVP 2019b). No new generation capacity is necessary to meet the capacity requirements of all expected new construction or redeveloped facilities within SVP’s service territory to meet the near or projected future demand.”* CEC Staff is wrong as the evidentiary hearing record reflects. The evidence is conclusive that the Mission College Data Center will require SVP to procure additional resources. Mr. Kolnowski confirmed at the evidentiary hearing that the Mission College Data Center would require additional renewable energy.

6 MR. MURZA: Would the potential electricity demand  
7 from Mission College Data Center impede the ability of SVP to  
8 meet its GHG and RPS goals and requirements?  
9 MR. KOLNOWSKI: No. It will require us to procure  
10 more renewable energy, but it’s a very doable activity.<sup>48</sup>

To meet the new demand SVP intends to procure, *“over the next several years over 400 megawatts of solar and wind resources.”*<sup>49</sup> These solar and wind resources are new utility construction by the project and under CEQA guidelines would be a significant impact. The solar and wind projects will require converting a large amount of land and associated construction impacts. As Exhibit 18, Attachment C to Resolution 18-26: Findings and Statement of Overriding Consideration, states *“The Final EA found that*

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<sup>46</sup> Exhibit 300 Pages 6,7

<sup>47</sup> See Table 1 Santa Clara Data Centers GHG emissions (above)

<sup>48</sup> RT 6-15-20 Page 24 of 121 Lines 7-11

<sup>49</sup> RT 6-15-20 Page 24 of 21

*the reasonably foreseeable actions associated with implementation of the Proposed Targets could result in potentially significant short-term construction-related impacts and long-term operational impacts on air quality and less-than-significant odor impacts related to construction and operation. The reasonably foreseeable compliance responses that could result from implementation of the Proposed Targets include: construction of new facilities or modification of existing facilities; an increased number of renewable energy projects, such as, wind, solar thermal, solar photovoltaic, geothermal, solid-fuel biomass, biogas, and small hydroelectric systems.*<sup>50</sup>

The MCDRC is also responsible for a portion of the utilities new construction to increase capacity and enhance reliability. As stated in SVP's Integrated Resource Plan,

"On September 1st, 2017 SVP set a system peak load of 586 MW. With recent load growth of 5 to 7 percent and increasing demand from data centers, SVP is looking to increase the capacity of its existing system. Currently the following projects have been approved to increase the capacity or enhance reliability of the transmission system".<sup>51</sup>

CEQA Appendix F also lists increases in Peak demand as a significant impact that should be analyzed. The project clearly increases peak demand by 78.1 MW which would increase SVP's current peak demand of 586 MW by 13% a significant amount. Exhibit 302 confirms that data center operation adds to peak demand. As stated in Exhibit 302,

"Since SVP's customer base is primarily commercial/industrial, its energy use and peak demand profile is relatively flat monthly. However, SVP has historically experienced sudden increases in electricity demand at times, as customers move into new facilities. Data center loading can cause SVP's load growth profile to be "lumpy," due to new connections of substantial blocks of power consuming facilities or equipment by industrial customers. This profile is reflective of the high intensity of industrial energy use in SVP's service area, which is heavily weighted toward high technology manufacturing and data management facilities."<sup>52</sup>

"The City is experiencing consistent growth in energy and peak demand. Both energy and peak demand have been consistently increasing over the years and this trend is forecasted to continue going forward."<sup>53</sup>

"Starting around 2021, SVP's growth is more heavily weighed to data centers due to interest and demand from this consumer base to locate in SVP's service territory and because of technological advances which allow for a higher potential energy usage density."<sup>54</sup>

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<sup>50</sup> Exhibit 18 Page 14 of 29

<sup>51</sup> Exhibit 302 Page 52 of 111

<sup>52</sup> Exhibit 302 Page 78 of 111

<sup>53</sup> Exhibit 302 Page 57 of 111

<sup>54</sup> Exhibit 302 Page 59 of 111

According to the IS/MND the MCDC will have a maximum electrical usage of 684,156 MWh per year.<sup>55</sup> SVP 2018 retail sales totaled 3,366,293 MWh.<sup>56</sup> The MCDC maximum electrical use is 20 % of SVP's 2018 total sales a significant increase in electrical usage for SVP.

The evidence demonstrates the MCDC will increase peak demand and be responsible for additional procurement and infrastructure improvements by SVP a significant impact. The MCDC maximum electrical usage will increase SVP's 2018 demand by 20% a significant amount.

### Health Risk Assessment

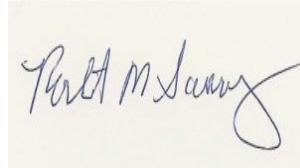
The project has three construction phases. The demolition phase is being conducted by the City of Santa Clara. There are two phases of construction that are being analyzed by the commission staff. Phase I, construction activities are estimated to take approximately 14.5 months. Phase II construction is conservatively assumed to occur immediately following the completion of the first generation yard and to take approximately 10.5 months. Commission staff has not analyzed the health risks from the demolition phase of the project and has not analyzed the health risk from the first phase of construction. Instead staff has only modeled the health risk of the overlapping period of Phase I operation and Phase II construction. The applicant and staff claim that modeling Phase I operation and Phase II construction provide a more conservative estimate of projects construction emissions than modeling the Phase 1 or Phase 2 construction periods independently. Per the applicant's construction schedule, there would be seven critical backup generators in operation while Phase II construction is ongoing. One life safety generator is conservatively assumed to be in operation as well. The evidence shows that just the operation of all the backup generators would result in a health risk of 8.4 in a million. The modeled the health risk of the overlapping period of Phase I operation and Phase II construction is estimated to be 6.56 in a million. Adding the phase 1 construction health risk and the demolition health risk both of which have not been analyzed could easily exceed BAAQMD's 10 in a million-cancer risk significance threshold when combined with the health risk of 8.4 in a million from the diesel generators operation. The applicant has not met his burden of proof that the projects demolition, two phases of construction, and operation of the diesel generators will not result in a significant health risk per BAAQMD CEQA Guidelines. This is especially important in this minority environmental justice community that is already experiencing heavy environmental stress form the existing industrial pollution.

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<sup>55</sup> Exhibit 200 Page 210 of 402

<sup>56</sup> Exhibit 300 Page 17

Respectfully submitted,

A handwritten signature in blue ink on a light-colored background. The signature is cursive and appears to read "Robert Sarvey".

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