



# Public Scoping Meeting

San Jose Data Center (19-SPPE-04)

Presenter: Lisa Worrall, Senior Environmental Planner

Date: February 19, 2021



# Purpose of Public Scoping Meeting

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- Solicit comments on the content and the scope for the Environmental Impact Report (EIR).
- Most helpful if comments focus on content and scope for the EIR.
- Consult with responsible and trustee agencies.
- Provide another opportunity to hear public comments.
- Other agencies need to use the EIR prepared by the CEC when considering their permits or other approvals for the project.
- Other agencies advise on scope and content of the environmental information germane to each agency's statutory responsibilities in connection with proposed project.



# California Energy Commission Small Power Plant Exemption

- California Energy Commission (CEC) has the exclusive authority to certify all thermal power plants (50 megawatts [MW] and greater) and related facilities proposed for construction in California.
- The Small Power Plant Exemption (SPPE) process allows applicants with facilities between 50 and 100 MW to obtain an exemption from CEC's jurisdiction and proceed with local permitting rather than requiring CEC certification.
- CEC can grant an exemption if it finds that the proposed facility would not create a substantial adverse impact on the environment or energy resources.
- Public Resources Code section 25519(c) designates CEC as the lead agency, in accordance with the California Environmental Quality Act (CEQA), for all facilities seeking an SPPE.



# How Did We Get Here?

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- Received SPPE Application – posted to the project's docket.
- Notice of Receipt of the SPPE
  - Published in San Jose Mercury News and Vietnam Daily
  - Mailed to project mailing list –
    - Includes federal, state, and local agencies, including responsible and trustee agencies; environmental justice organizations, the Alviso Branch and Milpitas public libraries, properties within 1,000 feet of the project site and 500 feet of project linears.
- Letter requesting consultation sent to Native American tribes affiliated with project area.
- CEC staff determined preparation of an EIR was the appropriate environmental document for the project.



# How Did We Get Here, Continued?

- Notice of Preparation of an EIR
  - Mailed to responsible and trustee agencies, including interested agencies - the California Air Resources Board, representatives of Native American tribes, and State Clearinghouse.
  - Posted to project's docket.
- Notice of Public Scoping Meeting
  - Mailed to the mailing list.
  - Posted to project's docket.



# What's Next

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- Comments on the Notice of Preparation and content of the EIR must be received by 5 p.m. on March 2nd, 2021.
  - Send to project's docket, accessible via the project's website: <https://ww2.energy.ca.gov/sitingcases/sj2/>
  - Or email comments to: [lisa.worrall@energy.ca.gov](mailto:lisa.worrall@energy.ca.gov)
  - Or send via U.S. mail, postmarked by 5 p.m. on March 2nd to:

Lisa Worrall  
California Energy Commission  
1516 Ninth Street, MS 40  
Sacramento, CA 95814



# Then What?

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- CEC staff prepares and publishes Draft EIR
- 45-day public comment period on the Draft EIR
- CEC staff response to comments received
- CEC Evidentiary Hearing Process
  - Development of a hearing record through the filing of written testimony by parties
  - Evidentiary hearing conducted by the committee to take in written and oral testimony on contested issues and to hear public comment



# And Then?

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- SPPE committee files Proposed Decision and releases Final EIR
- Business meeting held to approve or deny SPPE and certify the EIR
- Commission Decision published
- Notice of Determination filed with the State Clearinghouse





**Thank You!**

