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State of California
State Energy Resources Conservation and Development Commission

In the matter of:

Sequoia Data Center

Docket 19-SPPE-03

Intervenor Sarvey's March 18, 2021 Status Report

Intervenor has reviewed staff and applicants opening testimony. Their testimony still does not resolve the emergency operations and cumulative impact issues that I raised in my opening testimony¹ and reply testimony,² which have been firmly supported by CARB and BAAQMD. As the applicant has repeatedly stated, "*All of CARB's contentions mirror the issues raised by Intervenor Sarvey.*" My testimony remains the same as submitted for the previous evidentiary hearing in line with the comments of CARB and BAAQMD in this proceeding and the other ongoing data center proceedings. Staff and applicant's testimony have provided nothing new to resolve those issues. Intervenor is prepared to move to evidentiary hearings and briefing. The following issues remain.

Emergency Operation

Staff and applicant continue to insist that there is no need to evaluate emergency operations because operation in emergency mode is infrequent based on SVP's reported outages. Applicant and staff are both aware that BAAQMD has provided additional information on data center outages in the Great Oaks South Data case but would like the committee to ignore it. Data center emergency operations are much more frequent than SVP reports and data centers operate outside of SVP's power curtailment as I have previously testified.

¹ Exhibit 300 TN 232270

² Exhibit 303 TN 232505

On March 1, 2019 in their San Jose Data Center Notice of Preparation comments BAAQMD stated, ***“The EIR should include various scenarios of backup power generation operations beyond routine testing and maintenance. Air District staff has reviewed recent data regarding backup generator usage during non-testing/non-maintenance operations at several Bay Area data centers. Between September 1, 2019, and September 30, 2020, nearly half of the identified data centers in Santa Clara, San Jose, and Sunnyvale operated backup diesel generators for reasons other than routine testing and maintenance. Many of the data centers operated diesel generators during multiple non testing/nonmaintenance events; non-testing/non-maintenance hours of operation approached 50 hours for one generator for one event; it appears 40 or more generators operated concurrently at two facilities; and one facility ran diesel generators for approximately 400 hours for non-testing/non-maintenance purposes during this time period. Please see Attachment 1 for details of the preliminary information on non-testing/nonmaintenance operations that the Air District has received from data centers. These data indicate that such events are not uncommon, which demonstrates the need to evaluate these operations. Air District staff recommends that the EIR include GHG, criteria pollutant, and TAC impacts due to the non-testing/non-maintenance operations of backup power generators. Various scenarios should be considered for non-testing/nonmaintenance operations, including non-zero hours of operation and concurrent generator operations.”***³

CARB agrees that modeling of data center emergency operations is necessary. As CARB’s October 15th comments state, *“In CARB’s view, data center emergency operations are not speculative, and an evaluation of their operations during loss of power—for which the centers are being specifically designed, and for which they are marketed to customers—is also not speculative. CEQA requires an appropriate evaluation even of foreseeable impacts otherwise imprecise in scope or contingent in occurrence. Modeling at least some impact from simultaneous operation of the backup*

³ TN 236946 3/1/2021 Bay Area Air Quality Management District Comments – Comment Letter for San Jose Data Center NOP. Page 2
<https://efiling.energy.ca.gov/GetDocument.aspx?tn=236946&DocumentContentId=70110>

generators is no more speculative than assuming no hours of simultaneous operation or even in modeling the permitted 50 hours annually of operation for maintenance, which requires a similar degree of CEC making reasonable assumptions.... . **Consequently, CARB recommends that the short-term criteria pollutant and toxic air contaminant ambient air quality impacts due to the emergency operation of the backup generators for the proposed project be evaluated.**"⁴

Cumulative Impacts

Staff and applicant do not believe that the cumulative impacts of the six Santa Clara data centers should be evaluated. Four of the six data centers that are being reviewed by the CEC are located in census tract number 6085505202. Census tract number 6085505202 is in the upper 95% for diesel particulate pollution without the four data centers being sited in this tract. The other two CEC approved data centers Laurelwood and Mission College are located on the border of census tract number 6085505202.

The Air Resources has supported requiring a cumulative impact analysis. They commented in this proceeding that, *"Recent events underscore the need for analyses to ensure that backup generators are as clean as possible. The backup power systems are being called upon more frequently due to public safety power shutoffs and for load managements to avoid blackouts."* *"CARB has technical concerns related to the analysis of these data centers, including Sequoia as to potential avoidable adverse environmental effects they may cause. We believe if CARB's technical concerns were addressed, the CEC analysis would require stronger public health protections such as improved pollution control technologies....."* ***Before data centers are approved by this Commission, including Sequoia, CARB urges the CEC staff work with CARB, interested air districts, and other stakeholders to fully explore this issue.***⁵

⁴ TN 235271 California Air Resources Board Comments - CARB Comments on Air Quality Analysis Page 9

⁵ <https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=19-SPPE-03> Transcript of Item 13 from the September 9 , 2020 California Energy Commission business meeting. Page 19 Line 9 to Page 20 Line 25

On October 15, 2020 the Air Resources Board submitted further comments on the air quality analysis for the Sequoia Data Center detailing their issues presented at the September 9 business meeting. One of CARB's main concerns detailed in its October 15 letter stated, *"it would be appropriate to consider ambient air quality impacts of multiple data centers—not just multiple generators—because the CEC is currently considering several projects in the same area. The impacts from the operation of the backup generators at these other constructed and/or proposed data centers located in the general project area should be included in the ambient air quality analysis for the proposed project to determine the cumulative impacts. Including these other data centers in the analysis is important given that it is unlikely the impacts from these other projects are properly accounted for in the background ambient data."*⁶

BAAQMD most recently commented in its March 1 comments on the San Jose Data Center NOP, ***"The EIR should estimate and evaluate the potential health risk to existing and future sensitive populations within and near the Project area from toxic air contaminants (TAC) and fine particulate matter (PM 2.5) as a result of the Project's construction and operation. Air District staff recommends that the EIR evaluate potential cumulative health risk impacts of TAC and PM2.5 emissions on sensitive receptors within and near the Project area."***⁷

This is compounded by the use of SCR to mitigate the projects NO₂ impacts which will increase particulate matter emissions. Applicants submissions do not reflect the updated particulate matter emissions and modeling should be conducted in both maintenance and emergency modes to determine if there are significant diesel particulate matter impacts to this minority community.

⁶ TN 235271 California Air Resources Board Comments - CARB Comments on Air Quality Analysis Page 5 and 6

⁷ TN 236946 3/1/2021 Bay Area Air Quality Management District Comments – Comment Letter for San Jose Data Center NOP. Page 2
<https://efiling.energy.ca.gov/GetDocument.aspx?tn=236946&DocumentContentId=70110>

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