

**DOCKETED**

<b>Docket Number:</b>	20-SPPE-02
<b>Project Title:</b>	Lafayette Backup Generating Facility
<b>TN #:</b>	237406
<b>Document Title:</b>	Status Report #4 and Request for Scheduling Order Modification
<b>Description:</b>	CEC Staff status report for the Lafayette Data Center project
<b>Filer:</b>	Lon Payne
<b>Organization:</b>	California Energy Commission
<b>Submitter Role:</b>	Commission Staff
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Memorandum

**To:** Commissioner Karen Douglas, Presiding Member  
Chair David Hochschild, Associate Member

**Date:** April 9, 2021

**From:** California Energy Commission  
1516 Ninth Street  
Sacramento, CA 95814-5512

Leonidas Payne  
Project Manager  
(916) 838-2124

**Subject: STATUS REPORT #4 AND REQUEST FOR SCHEDULING ORDER MODIFICATION FOR THE LAFAYETTE BACKUP GENERATING FACILITY SMALL POWER PLANT EXEMPTION (20-SPPE-02)**

In its December 23, 2020 order directing parties to file Monthly Status Reports, the Committee ordered the parties to file and serve a Status Report on or before the 10th of each month.

Staff continues to wait for an applicant filing detailing project changes as a result of the December 12, 2020, letter from the Bay Area Air Quality Management District relating to Best Available Control Technology (BACT) for emergency backup generators. Staff has also not received responses to Data Request Set 3, which was docketed October 6, 2020, and included questions in the technical areas of Air Quality, Transportation, and Utilities and Service Systems. Staff also awaits responses to Data Requests 64 to 67 (thermal plume) and 92 (below grade drawing) from Data Request Set 1.

Staff continues to make progress on the Initial Study in those areas unaffected by the project's conversion to Tier 4. Staff also continues to monitor the other SPPE proceedings to inform the Initial Study where appropriate.

Given anticipated changes to the project description, combined with the need to evaluate applicant responses to outstanding data requests, staff is concerned that it will be unable to publish the environmental document "[n]o later than 30 days after receipt of the last data request response from Applicant" as noted in the October 26, 2020 Committee Scheduling Order. Staff suggests the following language to be inserted in the same place in the scheduling table: "No later than 60 days following staff acknowledgement in a status report that it has no further data requests."

Please note that should staff determine that an Environmental Impact Report is the more appropriate environmental document, staff would propose further changes to the publication schedule in a future status report.