

DOCKETED	
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Memorandum

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

Date: July 9, 2021

From: California Energy Commission
1516 Ninth Street
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Leonidas Payne
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**Subject: STATUS REPORT #7 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.

In the applicant's status report dated June 10, 2021, the applicant stated that it would be "docketing its Revised Project Description and Revised AQIA [Air Quality Impact Analysis] to document the modification from Tier 2 compliant generations to Tier 4 compliant generators on June 14, 2021" and would "file responses to outstanding data requests, modified where necessary to reflect the changes to Tier 4 compliant generators, on or before June 18, 2021."

Between June 15 and 21 the applicant filed its Revised Emissions and Modeling Assessment, updated FAA No Hazard Determinations, and a Revised Project Description. However, as of the time of writing, staff has not received the responses to outstanding data requests. Staff needs those responses so that it can complete its analysis of the newly revised project.

Consistent with its practice in other recent data center SPPE proceedings, staff intends to document its analysis in an Environmental Impact Report (EIR). The applicant has been informed of this decision in the type of environmental document being prepared. Staff does not expect this determination to require changes to the Scheduling Order—staff still intends to docket its environmental document within 60 days of acknowledging in a status report that it has no further data requests—although the CEQA comment period would now increase to 45 days.

Staff is currently preparing Data Request Set 4, which we expect to file following receipt of applicant's responses to prior data requests.