

California Environmental Quality Act (CEQA)

NOTICE OF DETERMINATION

TO: Santa Clara County Clerk
110 West Tasman Drive, First Floor
San Jose, CA 95110

FROM: Bay Area Air Quality Management District
375 Beale Street, Suite 600
San Francisco, CA 94105

SUBJECT: FILING OF NOTICE OF DETERMINATION PURSUANT TO PUBLIC RESOURCES CODE SECTION 21152(a) AND CEQA GUIDELINES SECTION 15094.

PROJECT TITLE: San Jose Data Center (State Clearinghouse #2021020002) – Issuance of an Authority to Construct for Emergency Backup Natural Gas Generators Sources 1 through 140 (S-1 through S-140). (Air District Application #31953).

Public Agency Approving Project (Lead Agency): California Department of Energy (CEC); **Contact Person:** Lisa Worrall, Senior Environmental Planner, 715 P Street, MS 40, Sacramento, CA 95814; Telephone: (916) 661-8367; Email: Lisa.worrall@energy.ca.gov.

Public Agency (Responsible Agency) Approving Project (Issuance of Authority to Construct): Bay Area Air Quality Management District (Air District), 375 Beale St, Suite 600, San Francisco, CA 94105; **Contact Person:** Xuna Cai: Supervising Air Quality Engineer; Telephone: (415) 749-4788; Email: xcai@baaqmd.gov.

Project Applicant and Entity Carrying Out Project: Microsoft Corporation and Enchanted Rock, LLC.

Project Applicant Mailing Address: 1113 Vine Street, Suite 101, Houston, Texas 77002.

Project Applicant Contact Person: Eric Meyer, President of Enchanted Rock Electric, 1113 Vine Street, Suite 101, Houston, Texas 77002; Telephone: (713) 412-2174; Email: emeyer@enchantedrock.com.

Project Location: 1657 Alviso-Milpitas Road, San Jose, Santa Clara County. Nearest Cross Street: Ranch Drive.

Date of Approval by Lead Agency: July 14, 2022.

Date of Approval at Issue by Responsible Agency: April 3, 2025.

Project Description:

On or about November 15, 2019, Microsoft Corporation submitted a small power plant exemption (SPPE) application for a small powerplant exemption for the proposed San Jose Data Center Project in San Jose, California, to the CEC. The Applicant proposed two single-story data center buildings, SCJ02 and SJC03. The SCJ02 building will include 140 natural gas generators to provide backup power to the data center operation during interruptions of the electrical supply. In addition to emergency use, the generators will be operated up to 50 hours per year per engine for reliability-testing operation, and up to 459 hours per year per engine as part of the Pacific Gas & Electric Company's Base Interrupted Program.

The SPPE Application was submitted to the CEC pursuant to Public Resources Code Section 25541. Section 25541 allows the CEC to exempt thermal powerplants with a generating capacity of up to 100 MW from its exclusive permitting authority under the Warren-Alquist State Energy Resources Conservation and Development Act (Warren-Alquist Act) to approve or deny, applications for the construction and operation of thermal powerplants that will generate 50 MW or more of electricity.

It was found that the Backup Generators constitute the thermal powerplant at issue, they have a combined generating capacity of 99 MW, and no substantial adverse impact on the environment or energy resources will result from the construction or operation of the Backup Generators or the San Jose Data Center.

Notice of Determination:

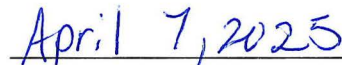
The Air District has issued an Authority to Construct for the 140 new emergency backup generators pursuant to District Regulation 2-1-301. In issuing the Authority to Construct, the Air District has reviewed and considered the environmental effects of the entire project as discussed in the CEC's Environment Impact Report (EIR) and supporting analyses. Based on this review, the Air District has determined that with the mitigation measures imposed by the CEC, there will be no significant environmental impacts. As the project will not have any significant impacts, the Air District has not imposed any mitigation measures (beyond the conditions the Air District has imposed to ensure compliance with air quality regulations) and has therefore not adopted a mitigation monitoring plan or program.

Availability of Documents for Public Review:

The CEC's EIR is available for public review at the CEC's Docket Unit at 715 P Street, Sacramento, CA 95814 or online at <https://www.energy.ca.gov/powerplant/backup-generating-system/san-jose-data-center>. The Air District record of project approval is available for review at the Air District office at 375 Beale Street, Suite 600, San Francisco, CA, 94105 (Air District Permit Application #31953). State Clearinghouse Number 2021020002 (Docket #19-SPPE-04).



Pamela J. Leong
Director of Engineering
Bay Area Air Quality Management District



Date