

DOCKETED

Docket Number:	20-BUSMTG-02
Project Title:	Public Comment on California Energy Commission Business Meetings
TN #:	234426
Document Title:	August 12, 2020 Business Meeting Orders and Resolutions
Description:	N/A
Filer:	Cody Goldthrite
Organization:	California Energy Commission
Submitter Role:	Commission Staff
Submission Date:	8/24/2020 12:13:53 PM
Docketed Date:	8/24/2020

STATE OF CALIFORNIA

**STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION**

**RESOLUTION - RE: EXECUTIVE DIRECTOR AUTHORITY TO APPROVE
CERTAIN COMMISSION TRANSACTIONS**

I. Purpose of Resolution

This Resolution supersedes Resolution No. 18-0221-7 approved by the Commission on February 21, 2018. The change between that superseded resolution and this one is to provide authority for the Executive Director or his or her designee to approve all amendments to test and eventually widely implement improvements to CEC agreements and their processes. A CEC-wide team, with input from current grant recipients, has come up with ideas for many improvements. These include, but are not limited to, making invoicing easier and faster, budgets less complex, and improving and making more consistent the processes and tools to support project success through active grant management. To implement many of these changes will require amendments to existing agreements. These amendments will not alter the purpose of the agreements or increase the overall budget, but some will change existing terms and conditions and alter current requirements. To ensure these amendments can be efficiently executed, the CEC wants its Executive Director or his or her designee to approve them on behalf of the CEC instead of having to bring them all to business meetings for approval.

The California Energy Commission engages in a significant number of contracts, grants, loans, and amendments to those transactions to implement its statutory mandates, which include, but are not limited to, transactions associated with the day-to-day administration of the Commission, contracts, grants, and loans to implement energy research and development, alternative fuel and technology demonstrations, and efficiency and clean energy improvements, and contracts to provide expertise and support to Commission staff. To ensure that the Commission can timely approve and make changes to these agreements, the Commission is authorizing the Executive Director to approve certain types of agreements and changes to agreements as described in this Resolution.

II. Day-to-Day Administration of Commission Operations

In accordance with the Executive Director's duties of managing the day-to-day operations of the Commission and its staff, the Executive Director, or his or her designee, may approve agreements of a ministerial nature, such as the following:

- 1) Personnel contracts (such as payroll, employee appointment and separation, employee benefits, and health, safety, and wellness programs);
- 2) Operating expenses and equipment for the Commission (such as purchase orders for office supplies or furniture);
- 3) Information technology (IT) licenses, software, and services;
- 4) Subscriptions and licenses for access to databases and research (such as Westlaw);
- 5) Student assistants;
- 6) Staff training;
- 7) Technical editing and writing;
- 8) Security guards;
- 9) Hearing reporters;
- 10) Clerical and administrative support;
- 11) Records, equipment, and furniture: purchase, storage, and moving;
- 12) Bond program support (fiscal, audit, etc.);
- 13) Other types of ministerial agreements related to Commission operations; and
- 14) Changes or amendments to the above types of agreements.

The Commission considers this to be declarative of the Executive Director's existing legal authority but is including this in a Resolution to ensure consistent treatment of this issue. The Executive Director may continue to agendize for Commission approval at a business meeting any of these types of agreements, as he or she deems appropriate.

III. Changes to Agreements Approved by the Commission

The Executive Director, or his or her designee, shall approve the following types of changes to Commission agreements, but only if the changes meet all of the criteria specified below. The Executive Director, or his or her designee, shall disapprove any proposed change that does not meet all of the specified criteria. This instruction does not apply to changes to agreements related to the day-to-day administration of the Commission (listed above).

Notwithstanding the above, instead of approving or disapproving the proposed change, the Executive Director may schedule the proposed change for consideration at a regularly-scheduled Commission business meeting for Commission consideration.

If the Commission approves or disapproves a proposed change to an agreement, the Executive Director may not later change that approval or disapproval.

Types of Changes

- 1) Changes to extend the end date of an agreement;
- 2) Changes to alter the due dates of deliverables and products;
- 3) Changes to the agreement budget that:
 - a. Reallocate funds between budget categories or tasks,
 - b. Alter or increase personnel or subcontractor rates, and/or
 - c. Add personnel, personnel categories, or subcontractors;
 - d. Update and improve it to make it more efficient and flexible and less administratively burdensome;
- 4) Changes to the contractor's or recipient's name or corporate structure;
- 5) Changes to the Statement of Work;
- 6) Changes to the Terms and Conditions;
- 7) Termination of the agreement when no Commission-provided funds were spent;
- 8) Disposition of equipment to which the Commission has title; and
- 9) Other minor amendments.

Criteria for Approving Changes

- 1) The change does not increase the total cost of the agreement;
- 2) The change does not materially alter the purpose or goal of the agreement;
- 3) The change is necessary to carry out the purpose or goal of the agreement;
- 4) The change does not materially affect the Commission's rights or liabilities, except that material changes can be made to improve the administrative efficiency and flexibility of the agreement, such as improvements to invoicing, reducing where possible flow-down provisions, introducing distinctions between subrecipients and vendors, reducing or streamlining items that must be provided to the CEC, and adding more budget flexibility;
- 5) The change is consistent with applicable requirements in the Department of General Services' State Contracting Manual and with state law;
- 6) The change does not materially alter the position of the Commission with respect to the agreement, deliverables, or products, except that material changes can be made as described in #4 above;
- 7) The change does not materially delay the work to be performed under the agreement; and
- 8) The change is not due to the negligence, bad faith, or poor work quality of the Contractor or Recipient.

IV. Department of General Services Approval

The Executive Director, or his or her designee, shall continue to submit agreements and amendments to the Department of General Services if the

Department of General Services' approval is required to give effect to the proposed amendment.

IT IS SO RESOLVED.

CERTIFICATION

The undersigned Secretariat to the California Energy Commission does hereby certify that the foregoing is a full, true, and correct copy of a RESOLUTION duly and regularly adopted at a meeting of the California Energy Commission held on August 12, 2020.

AYE: Hochschild, Scott, Douglas, McAllister, Monahan

NAY: None

ABSENT: None

ABSTAIN: None

Cody Goldthrite

Cody Goldthrite
Secretariat

STATE OF CALIFORNIA

STATE ENERGY RESOURCES

CONSERVATION AND DEVELOPMENT COMMISSION

IN THE MATTER OF:

**RULEMAKING TO MODIFY COMPUTER AND
COMPUTER MONITOR APPLIANCE
EFFICIENCY REGULATIONS**

Docket No. 20-AAER-03

**ORDER INSTITUTING
RULEMAKING**

I. PURPOSE OF THE PROCEEDING

The California Energy Commission (CEC) hereby institutes a rulemaking proceeding; the purpose of which is to consider amendments to the CEC Appliance Efficiency Regulations (Title 20, Cal. Code Regs., §§ 1601 - 1609). This action is taken under the authority of the California Public Resources Code Sections 25210, 25213, 25218(e), 25402(c), and 25402.5, and Sections 1220 – 1225 of Title 20 of the California Code of Regulations.

II. SCOPE OF THE PROCEEDING

In this proceeding, the CEC will consider modifying the existing regulations found in Title 20 to incorporate new technologies for computers and computer monitors that were not available at the time of the previously completed rulemaking. Additional changes to the CEC appliance efficiency regulations may also be considered as necessary.

III. DELEGATION OF AUTHORITY

Commissioner J. Andrew McAllister is Lead Commissioner for this proceeding. The CEC delegates the authority to staff, under the direction of the Lead Commissioner, to take all actions reasonably necessary to present proposed regulations to the CEC for final adoption, including, but not limited to, complying with requirements of the Administrative Procedure Act and the California Environmental Quality Act. Adoption of any changes to the CEC regulations pursuant to this Order Instituting Rulemaking will be by vote of the full Commission at a noticed Business Meeting.

IV. PUBLIC PARTICIPATION

The CEC encourages public participation in this proceeding. Any person participating in a hearing or workshop shall be afforded reasonable opportunity to make comments. Petitions to intervene are not necessary. Information will also be posted on the CEC webpage: <https://www.energy.ca.gov/rules-and-regulations/appliance-efficiency-regulations-title-20>.

Anyone who would like to participate in this proceeding, should please register with the CEC appliances list server at: <https://www.energy.ca.gov/rules-and-regulations/appliance-efficiency-regulations-title-20/appliance-efficiency-proceedings>. All who are registered will receive automated email messages with information regarding hearings, workshops, and updated documents.

To foster public participation in these proceedings, the executive director, in conjunction with the public advisor, shall ensure that information regarding this order and notices of hearings and workshops are distributed to all interested persons via the appliances list server and posted on the CEC website. The executive director shall also ensure sufficient advance public notice prior to consideration or adoption of final regulations by the CEC.

For additional information, please contact the CEC public advisor at (800) 822-6228, or via email at publicadvisor@energy.ca.gov.

IT IS SO ORDERED.

CERTIFICATION

The undersigned Secretariat to the CEC does hereby certify that the foregoing is a full, true, and correct copy of an Order duly and regularly adopted at a meeting of the CEC held on August 12, 2020.

AYE: Hochschild, Scott, Douglas, McAllister, Monahan

NAY: None

ABSENT: None

ABSTAIN: None



Cody Goldthrite
Secretariat

STATE OF CALIFORNIA

**STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION**

**RESOLUTION APPROVING BAMCORE PRIME WALL EXCEPTIONAL METHOD
COMPLIANCE OPTION FOR DUAL-PANEL HOLLOW WALLS**

WHEREAS, California Public Resources Code Section 25402.1(b) requires the California Energy Commission (CEC) to, among other things, establish a process for certifying new products, materials, and calculation methods for demonstrating compliance with its Building Energy Efficiency Standards (2019 Energy Code); and

WHEREAS, California Code of Regulations, Title 24, Part 1, Chapter 10, Section 10-109(e) permits the CEC to “approve an exceptional method that analyzes a design, material, or device that cannot be adequately modeled using the public domain computer programs”; and

WHEREAS, BamCore LLC submitted an application to the Energy Commission requesting to make modifications to the public domain computer program to incorporate a new wall system technology that CEC staff is referring to as “dual-panel hollow (DPH) walls” to show compliance with the 2019 Energy Code; and

WHEREAS, pursuant to Section 10-110, the Executive Director determined that the application was complete, the request warranted, and staff of the Energy Commission made the application package available to interested parties for public comment; and

WHEREAS, Energy Commission staff prepared a report analyzing the proposed modifications. Staff has found the application complete and concludes that the modification should be approved for use in the public domain computer program for demonstrating compliance with the residential requirements set forth in Section 150.1 of Title 24, Part 6; and

WHEREAS, based on the analysis and recommendation of staff, the Executive Director recommends that the California Energy Commission approve the application.

THEREFORE BE IT RESOLVED that the Energy Commission approves BamCore’s exceptional method compliance option application and authorizes the use of dual-panel hollow wall to show compliance with the 2019 Energy Code using the public domain compliance software.

CERTIFICATION

The undersigned Secretariat to the CEC does hereby certify that the foregoing is a full, true, and correct copy of a RESOLUTION duly and regularly adopted at a meeting of the CEC held on August 12, 2020.

AYE: Hochschild, Scott, Douglas, McAllister, Monahan

NAY: None

ABSENT: None

ABSTAIN: None

Cody Goldthrite

Cody Goldthrite
Secretariat

STATE OF CALIFORNIA

STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION - RE: OBERON FUELS, INC.

RESOLVED, that the State Energy Resources Conservation and Development Commission (CEC) adopts the staff CEQA findings contained in the Agreement or Amendment Request Form (as applicable); and

RESOLVED, that the CEC approves Amendment 1 to Agreement ARV-18-018 with Oberon Fuels, Inc. to shift from developing diesel-to-dimethyl ether (DME) engine conversion kits for trucks to validating the feasibility of utilizing a DME propane blend as a drop-in fuel for light- and medium-duty vehicles. Project activities to increase DME production from the existing plant remain unchanged; and

FURTHER BE IT RESOLVED, that the Executive Director or his/her designee shall execute the same on behalf of the CEC.

CERTIFICATION

The undersigned Secretariat to the CEC does hereby certify that the foregoing is a full, true, and correct copy of a Resolution duly and regularly adopted at a meeting of the CEC held on August 12, 2020.

AYE: Hochschild, Scott, Douglas, McAllister, Monahan

NAY: None

ABSENT: None

ABSTAIN: None

Cody Goldthrite

Cody Goldthrite
Secretariat

STATE OF CALIFORNIA

STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION - RE: PACIFIC NORTHWEST NATIONAL LABORATORY OPERATED
BY BATTELLE MEMORIAL INSTITUTE FOR THE U.S. DEPARTMENT OF ENERGY

RESOLVED, that the State Energy Resources Conservation and Development Commission (CEC) adopts the staff CEQA findings contained in the Agreement or Amendment Request Form (as applicable); and

RESOLVED, that the CEC contingently approves Amendment 2 to Agreement 600-15-014 with Pacific Northwest National Laboratory (PNNL) Operated by Battelle Memorial Institute for the U.S. Department of Energy to: 1) extend the term of the contract from 03/31/2021 to 03/31/2023; 2) update the Scope of Work to expand Hydrogen Safety Panel tasks to include medium-duty/heavy-duty applications; 3) to augment the contract budget with \$200,000 from the Clean Transportation Program technical support funding; and 4) adopting staff's determination that the action is exempt from CEQA. The Clean Transportation Program relies on the technical expertise of PNNL's Hydrogen Safety Panel to inform safety requirements contained in funding solicitations for hydrogen refueling infrastructure. Because this is a sole source award, the CEC's approval is contingent on the Joint Legislative Budget Committee either approving or not disapproving it within 60 days from when it was notified; and

FURTHER BE IT RESOLVED, that the Executive Director or his/her designee shall execute the same on behalf of the CEC.

CERTIFICATION

The undersigned Secretariat to the CEC does hereby certify that the foregoing is a full, true, and correct copy of a Resolution duly and regularly adopted at a meeting of the CEC held on August 12, 2020.

AYE: Hochschild, Scott, Douglas, McAllister, Monahan
NAY: None
ABSENT: None
ABSTAIN: None

Cody Goldthrite

Cody Goldthrite
Secretariat



**State of California
State Energy Resources Conservation and
Development Commission
1516 Ninth Street, Sacramento, CA 95814
1-800-822-6228 – www.energy.ca.gov**

**APPLICATION FOR SMALL POWER PLANT
EXEMPTION FOR THE:**

***WALSH BACKUP GENERATING
FACILITY***

Docket No. 19-SPPE-02

COMMISSION ADOPTION ORDER

By this **ORDER**, the California Energy Commission (CEC) hereby adopts as its own Commission Decision the Committee Proposed Decision dated July 28, 2020.¹

The Commission Decision addresses the Application for a Small Power Plant Exemption submitted by 651 Walsh Partners, LLC (Applicant) for the Walsh Backup Generating Facility, which includes 32 3.0-megawatt and one 2.0-megawatt standby diesel generators (Backup Generators) as part of an uninterruptible power supply for the Walsh Data Center. The Walsh Data Center, the Backup Generators, and related activities, are collectively referred to herein as “the Project.”

The Commission Decision is based upon the hearing record of these proceedings. The Initial Study/Mitigated Negative Declaration and the entire hearing record are on file in the CEC’s Docket Unit, located at 1516 Ninth Street, Sacramento, CA, 95814, and are available for inspection by any interested person. The documents and other materials that make up the record of this proceeding relied upon in making this decision are also available online on the [CEC's web page](#) at

<https://ww2.energy.ca.gov/sitingcases/walsh/>.

FINDINGS

We hereby adopt the following findings pursuant to Public Resources Code sections 21000 et seq. and 25541 and applicable implementing regulations, in addition to those contained in the Commission Decision:

1. That the Backup Generators will not generate electricity in excess of 100 megawatts.
2. The demolition, construction and operation activities of the Project will not create a substantial adverse impact on the environment.
3. The demolition, construction and operation activities of the Project will not create a

¹ TN 234026.

substantial adverse impact on energy resources.

ORDER

Therefore, we order the following:

1. The Walsh Backup Generating Facility is **GRANTED** a Small Power Plant Exemption from the Application for Certification provisions of the CEC's power plant licensing process.
2. The Hearing and Policy Unit of the CEC Chief Counsel's Office shall incorporate the Commission Decision and any modifications made by the Commission during the August 12, 2020, Business Meeting into a single document.
3. The CEC staff shall file a Notice of Determination with the State Clearinghouse within five (5) business days of August 12, 2020, subject to Applicant being responsible for payment of all applicable filing fees.

CERTIFICATION

The undersigned Secretariat to the CEC does hereby certify that the foregoing is a full, true, and correct copy of an Order duly and regularly adopted at a meeting of the CEC held on August 12, 2020.

AYE: Hochschild, Scott, Douglas, McAllister, Monahan

NAY: None

ABSENT: None

ABSTAIN: None



Cody Goldthrite
Secretariat



**State of California
State Energy Resources Conservation and
Development Commission
1516 Ninth Street, Sacramento, CA 95814
1-800-822-6228 – www.energy.ca.gov**

**APPLICATION FOR SMALL POWER PLANT
EXEMPTION FOR THE:**

***MISSION COLLEGE BACKUP
GENERATING FACILITY***

Docket No. 19-SPPE-05

COMMISSION ADOPTION ORDER

By this **ORDER**, the California Energy Commission (CEC) hereby adopts as its own Commission Decision the Committee Proposed Decision dated July 31, 2020.¹

The Commission Decision addresses the Application for a Small Power Plant Exemption submitted by Oppidan Investment Company² (Applicant) for the Mission College Backup Generating Facility, which includes 43 2.5-megawatt and two 600-kilowatt diesel generators (Backup Generators) to support the Mission College Data Center's uninterruptible power supply system. The Mission College Data Center, the Backup Generators, and related activities, are collectively referred to herein as "the Project."

The Commission Decision is based upon the hearing record of these proceedings. The Initial Study/Mitigated Negative Declaration and the entire hearing record are on file in the CEC's Docket Unit, located at 1516 Ninth Street, Sacramento, CA, 95814, and are available for inspection by any interested person. The documents and other materials that make up the record of this proceeding relied upon in making this decision are also available online on the [CEC's web page](http://www2.energy.ca.gov/sitingcases/missioncollege/) at <http://www2.energy.ca.gov/sitingcases/missioncollege/>.

¹ TN 234113.

² On November 25, 2019, Oppidan Investment Company submitted an application (Application) to the CEC for a SPPE for the Mission College Backup Generating Facility in Santa Clara, California. (TN 230848.)

FINDINGS

We hereby adopt the following findings pursuant to Public Resources Code sections 21000 et seq. and 25541 and applicable implementing regulations, in addition to those contained in the Commission Decision:

1. That the Backup Generators will not generate electricity in excess of 100 megawatts.
2. The demolition, construction and operation activities of the Project will not create a substantial adverse impact on the environment.
3. The demolition, construction and operation activities of the Project will not create a substantial adverse impact on energy resources.

ORDER

Therefore, we order the following:

1. The Mission College Backup Generating Facility is **GRANTED** a Small Power Plant Exemption from the Application for Certification provisions of the CEC's power plant licensing process.
2. The Hearing and Policy Unit of the CEC Chief Counsel's Office shall incorporate the Commission Decision and any modifications made by the Commission during the August 12, 2020, Business Meeting into a single document.
3. The CEC staff shall file a Notice of Determination with the State Clearinghouse within five (5) business days of August 12, 2020, subject to Applicant being responsible for payment of all applicable filing fees.

CERTIFICATION

The undersigned Secretariat to the CEC does hereby certify that the foregoing is a full, true, and correct copy of an Order duly and regularly adopted at a meeting of the CEC held on August 12, 2020.

AYE: Hochschild, Scott, Douglas, McAllister, Monahan

NAY: None

ABSENT: None

ABSTAIN: None

Cody Goldthrite

Cody Goldthrite
Secretariat

STATE OF CALIFORNIA

STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

IN THE MATTER OF:

**SOLAR ENERGY GENERATING
SYSTEMS VIII**

Docket No. 88-AFC-01C

**[PROPOSED] ORDER APPROVING
DECOMMISSIONING PLAN AND
COUNTY OVERSIGHT OF
DECOMMISSIONING ACTIVITIES**

On May 1, 2020, Luz Solar Partners, Ltd., VIII (facility owner) submitted a *Final Facility Decommissioning Plan* (Decommissioning Plan) to the California Energy Commission (CEC) for Solar Energy Generating Systems Unit VIII (SEGS VIII), as required by Condition of Certification, Requirement 1 in the “Decommissioning” section of the facility’s Commission Decision (hereinafter, “**DECOM-1**”).¹ As outlined in the Decommissioning Plan, the facility owner proposes to undertake decommissioning activities to ensure that the discontinuation of power generation at SEGS VIII can be conducted safely and to demolish and remove equipment from the site, while leaving select equipment in place for potential future reuse as part of a solar photovoltaic facility.

STAFF RECOMMENDATION

CEC staff reviewed a draft version of the Decommissioning Plan and provided feedback to the facility owner that resulted in the filing of the *Final Facility Decommissioning Plan* on May 1, 2020. In staff’s *Final Decommissioning Plan Staff Analysis* (Staff Analysis), filed to the SEGS VIII docket on July 23, 2020, staff concluded that, with the continued implementation of existing conditions of certification and the adoption of new conditions of decommissioning proposed by staff and the facility owner, the activities proposed in the Decommissioning Plan would not have a significant effect on the environment or on an environmental justice population, would comply with applicable laws, ordinances, regulations, and standards, and would be consistent with the requirements in **DECOM-1**.

On August 3, 2020, the facility owner filed comments on the Staff Analysis to the SEGS

¹ See Commission Decision, Application for Certification for Luz Engineering Corporation SEGS Project (Harper Lake) Unit VIII, filed Mar. 31, 1989, at pp. 513-515.

VIII docket. The facility owner's comments requested certain changes to the Noise, Transportation, and Waste Management sections of the Staff Analysis. CEC staff reviewed the changes and filed its responses to the SEGS VIII docket on August 6, 2020 in the document titled, *CEC Staff Response to Luz Solar Partners VIII, Ltd., Comments on the Staff Analysis and Recommendations for the SEGS VIII Final Decommissioning Plan* (Staff's Response to Comments). Staff's Response to Comments included an attachment containing minor revisions to the Noise, Transportation, and Waste Management sections of the Staff Analysis which supersede the Noise, Transportation, and Waste Management sections included in the Staff Analysis filed on July 23, 2020. Most notably, the revised Noise section now includes new conditions **D-NOISE-1** through **D-NOISE-3**, which were included and analyzed in the July 23, 2020 Staff Analysis but incorrectly characterized as existing conditions of certification from the SEGS VIII Commission Decision.

Accordingly, staff recommends that the CEC approve the Decommissioning Plan and adopt the new conditions of decommissioning proposed by staff and the facility owner. Specifically, staff recommends the adoption of conditions of decommissioning **D-AQ-1** through **D-AQ-5**, **D-BIO-1** through **D-BIO-4**, **D-CUL-1** through **D-CUL-3**, **D-PAL-1** through **D-PAL-3**, **D-HAZ-1**, **D-LU-1**, **D-PH-1** and **D-PH-2**, **D-S&W-1** through **D-S&W-4**, and **D-WS-1** and **D-WS-2** as proposed in the Staff Analysis, filed on July 23, 2020. In addition, staff recommends the adoption of conditions of decommissioning **D-NOISE-1** through **D-NOISE 3** and **D-TRAFFIC-1** and **D-TRAFFIC-2** as proposed in the attachment to Staff's Response to Comments, filed on August 6, 2020.

Staff additionally requests that the CEC authorize the Executive Director to execute an agreement between the CEC and the County of San Bernardino that would allow the County to conduct compliance verification activities for the duration of the SEGS VIII decommissioning on behalf of the CEC. As noted in the document titled *County Oversight of Solar Energy Generating Systems (SEGS) VIII Decommissioning*, filed to the SEGS VIII docket on July 30, 2020, staff has verified that the County of San Bernardino has expertise in the subject areas where new or existing conditions would apply to decommissioning and is willing to serve as the CEC's delegate under a delegation of authority made pursuant to Title 20, California Code of Regulations, section 1770(b).

ENERGY COMMISSION FINDINGS

Based on the record, including the Decommissioning Plan, Staff Analysis, facility owner's comments, and Staff's Response to Comments, the CEC finds that the activities proposed in the Decommissioning Plan would not have a significant effect on the environment or on an environmental justice population and would be consistent with current and applicable laws, ordinances, regulations and standards.

The CEC further finds that the Decommissioning Plan meets all of the criteria included in condition of certification **DECOM-1** of the SEGS VIII Commission Decision, including the requirements that the Decommissioning Plan:

- identify and discuss the proposed decommissioning activities and schedule for the power plant site, transmission line corridor, and all appurtenant facilities constructed as a part of/ or because of the project;
- identify all applicable laws, ordinances, regulations, standards, (LORS) and local/regional plans applicable at that time;
- discuss how the specific proposed decommissioning activities will comply with those identified LORS and plans;
- contain an analysis of all decommissioning alternatives considered, including restoration of the site to its preconstruction, natural state; and
- discuss the reasons for selecting the preferred proposal.

The CEC additionally finds, based on staff's *County Oversight of Solar Energy Generating Systems (SEGS) VIII Decommissioning* document, that the County of San Bernardino is eligible to serve as the CEC's delegate under a delegation of authority made pursuant to Title 20, California Code of Regulations, section 1770(b).

CONCLUSION AND ORDER

The CEC hereby approves the Decommissioning Plan under condition of certification **DECOM-1**.

The CEC further adopts the following conditions of decommissioning:

- **D-AQ-1** through **D-AQ-5**, **D-BIO-1** through **D-BIO-4**, **D-CUL-1** through **D-CUL-3**, **D-PAL-1** through **D-PAL-3**, **D-HAZ-1**, **D-LU-1**, **D-PH-1** and **D-PH-2**, **D-S&W-1** through **D-S&W-4**, and **D-WS-1** and **D-WS-2** as proposed in the Staff Analysis; and
- **D-NOISE-1** through **D-NOISE-3** and **D-TRAFFIC-1** and **D-TRAFFIC-2** as proposed in the attachment to Staff's Response to Comments.

Finally, the CEC authorizes the Executive Director to execute an agreement between the CEC and the County of San Bernardino that would allow the County to conduct compliance verification activities for the duration of the SEGS VIII decommissioning on behalf of the CEC.

IT IS SO ORDERED.

CERTIFICATION

The undersigned Secretariat to the CEC does hereby certify that the foregoing is a full, true, and correct copy of an Order duly and regularly adopted at a meeting of the CEC held on August 12, 2020.

AYE: Hochschild, Scott, Douglas, McAllister, Monahan

NAY: None

ABSENT: None

ABSTAIN: None

Cody Goldthrite

Cody Goldthrite

Secretariat

STATE OF CALIFORNIA

STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

IN THE MATTER OF:

**RULEMAKING TO MODIFY PORTABLE
ELECTRIC SPAS APPLIANCE EFFICIENCY
REGULATIONS**

Docket No. 20-AAER-04

**ORDER INSTITUTING
RULEMAKING**

I. PURPOSE OF THE PROCEEDING

The California Energy Commission (CEC) hereby institutes a rulemaking proceeding; the purpose of which is to consider amendments to the CEC's Appliance Efficiency Regulations (Title 20, Cal. Code Regs., §§ 1601 - 1609). This action is taken under the authority of the California Public Resources Code Sections 25213, 25218(e), and 25402(c), and Sections 1220 – 1225 of Title 20 of the California Code of Regulations.

On April 11, 2018, the CEC adopted changes to Title 20, Sections 1602-1607 amending the existing appliance efficiency regulations for portable electric spas. The amended regulations for portable electric spas included scope clarifications, more stringent efficiency standards for standard, exercise, and combination spas, a separate efficiency standard for inflatable spas to encourage the design and development of more efficient inflatable spas, test procedure modifications to accommodate exercise spas and combination spas, additional test lab report requirements to verify compliance, and a labeling requirement to help consumers make informed choices. The test procedure and label design requirements are derived from ANSI/APSP/ICC-14 (APSP-14), *American National Standard for Portable Electric Spa Energy Efficiency*, version 2014.

On November 19, 2019, the American National Standard Institute published the revised APSP-14, version 2019. The revised APSP-14 aligns with all of California's efficiency standards, label requirements, and test procedure requirements for portable electric spas adopted in 2018. Other changes adopted in the revised APSP-14, outside of California requirements, include modifications to simplify test lab qualification and label application clarifications. Since publishing, several states began to issue proposals to add or amend their regulations to adopt APSP-14, version 2019.

II. SCOPE OF THE PROCEEDING

In this proceeding, the CEC will consider modifying the existing regulations found in Title 20 including, but not limited to, updating the test procedure and labeling requirements for portable electric spas with the latest industry standard. Additional changes to the CEC's appliance efficiency regulations may also be considered as necessary.

III. DELEGATION OF AUTHORITY

Commissioner J. Andrew McAllister is Lead Commissioner for this proceeding. The CEC delegates the authority to staff, under the direction of the Lead Commissioner, to take all actions reasonably necessary to present proposed regulations to the CEC for final adoption, including but not limited to, complying with requirements of the Administrative Procedure Act, and the California Environmental Quality Act. Adoption of any changes to the CEC 's regulations pursuant to this OIR will be by vote of the full Commission at a noticed Business Meeting.

IV. PUBLIC PARTICIPATION

The CEC encourages public participation in this proceeding. Any person participating in a hearing or workshop shall be afforded reasonable opportunity to make comments. Petitions to intervene are not necessary. Information will also be posted on the CEC' webpage: <https://www.energy.ca.gov/rules-and-regulations/appliance-efficiency-regulations-title-20>.

Anyone who would like to participate in this proceeding, should please register with the CEC Appliances List Server at: <https://www.energy.ca.gov/rules-and-regulations/appliance-efficiency-regulations-title-20/appliance-efficiency-proceedings>. All who are registered will receive automated email messages with information regarding hearings, workshops, and updated documents.

To foster public participation in these proceedings, the Executive Director, in conjunction with the Public Advisor, shall ensure that information regarding this order and notices of hearings and workshops are distributed to all interested persons via the Appliances list server and posted on the CEC website. The Executive Director shall also ensure sufficient advance public notice prior to consideration or adoption of final regulations by the CEC.

For additional information, please contact the CEC Public Advisor at (800) 822-6228, or via email at publicadvisor@energy.ca.gov.

IT IS SO ORDERED.

CERTIFICATION

The undersigned Secretariat to the CEC does hereby certify that the foregoing is a full, true, and correct copy of an Order duly and regularly adopted at a meeting of the CEC held on August 12, 2020.

AYE: Hochschild, Scott, Douglas, McAllister, Monahan
NAY: None
ABSENT: None
ABSTAIN: None

Cody Goldthrite

Cody Goldthrite
Secretariat

STATE OF CALIFORNIA

**STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION**

**RESOLUTION APPROVING THE CITY OF DAVIS'S LOCALLY ADOPTED BUILDING
ENERGY EFFICIENCY STANDARDS, ORDINANCE NO. 2554**

RESOLUTION: California Energy Commission (CEC) approval of the City of Davis's locally adopted building energy efficiency standards, Ordinance No. 2554, to require greater energy efficiency than the 2019 Building Energy Efficiency Standards (Energy Code), provided in California Code of Regulations, Title 24, Part 6, and associated administrative regulations in Part 1, Chapter 10.

WHEREAS, the City of Davis adopted Ordinance No. 2554 to establish locally adopted building energy efficiency standards; and

WHEREAS, California Code of Regulations, Title 24, Part 1, Sections 10-106 and 10-110, establish a process for local governments to apply to the CEC for a determination that a locally adopted building energy efficiency standard meets the requirements of Public Resources Code Section 25402.1(h)(2); and

WHEREAS, the City of Davis submitted an application to the CEC for Ordinance No. 2554 that met all of the documentation requirements pursuant to Public Resources Code Section 25402.1(h)(2), and California Code of Regulations, Title 24, Section 10-106(b), on October 1, 2019; and

WHEREAS, the City of Davis, in its application to the CEC, indicated that it complied with the California Environmental Quality Act, codified in California Public Resources Code Section 21000 et seq.; and

WHEREAS, CEC staff has analyzed whether the ordinance will require the diminution of energy consumption levels permitted by the 2019 Energy Code, as required by Public Resources Code Section 25402.1(h)(2), and determined that it will do so; and

WHEREAS, CEC has considered the City of Davis's application, the Executive Director's recommendation, and all comments submitted on the application.

THEREFORE BE IT RESOLVED, CEC finds that the City of Davis's ordinance will require the diminution of energy consumption levels permitted by the 2019 Energy Code; and

THEREFORE BE IT FURTHER RESOLVED, CEC applauds the City of Davis for seeking to achieve additional energy demand reductions, energy savings, and other benefits exceeding those of the 2019 Energy Code; and

THEREFORE BE IT FURTHER RESOLVED, that on August 12, 2020, CEC approves the City of Davis's application to enforce its locally adopted energy standards; and

THEREFORE BE IT FURTHER RESOLVED, that CEC directs the Executive Director to take all actions necessary to implement this Resolution.

CERTIFICATION

The undersigned Secretariat to the CEC does hereby certify that the foregoing is a full, true, and correct copy of a RESOLUTION duly and regularly adopted at a meeting of the CEC held on August 12, 2020.

AYE: Hochschild, Scott, Douglas, McAllister, Monahan

NAY: None

ABSENT: None

ABSTAIN: None

Cody Goldthrite

Cody Goldthrite
Secretariat

STATE OF CALIFORNIA

STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION APPROVING THE CITY OF SAN LUIS OBISPO'S LOCALLY ADOPTED
BUILDING ENERGY EFFICIENCY STANDARDS, ORDINANCE NO. 1684

RESOLUTION: California Energy Commission (CEC) approval of the City of San Luis Obispo's locally adopted building energy efficiency standards, Ordinance No. 1684, to require greater energy efficiency than the 2019 Building Energy Efficiency Standards (Energy Code), provided in California Code of Regulations, Title 24, Part 6, and associated administrative regulations in Part 1, Chapter 10.

WHEREAS, the City of San Luis Obispo adopted Ordinance No. 1684 to establish locally adopted building energy efficiency standards; and

WHEREAS, California Code of Regulations, Title 24, Part 1, Sections 10-106 and 10-110, establish a process for local governments to apply to the CEC for a determination that a locally adopted building energy efficiency standard meets the requirements of Public Resources Code Section 25402.1(h)(2); and

WHEREAS, the City of San Luis Obispo submitted an application to the CEC for Ordinance No. 1684 that met all of the documentation requirements pursuant to Public Resources Code Section 25402.1(h)(2), and California Code of Regulations, Title 24, Section 10-106(b), on July 8, 2020; and

WHEREAS, the City of San Luis Obispo, in its application to the CEC, indicated that it complied with the California Environmental Quality Act, codified in California Public Resources Code Section 21000 et seq.; and

WHEREAS, CEC staff has analyzed whether the ordinance will require the diminution of energy consumption levels permitted by the 2019 Energy Code, as required by Public Resources Code Section 25402.1(h)(2), and determined that it will do so; and

WHEREAS, CEC has considered the City of San Luis Obispo's application, the Executive Director's recommendation, and all comments submitted on the application.

THEREFORE BE IT RESOLVED, CEC finds that the City of San Luis Obispo's ordinance will require the diminution of energy consumption levels permitted by the 2019 Energy Code; and

THEREFORE BE IT FURTHER RESOLVED, CEC applauds the City of San Luis Obispo for seeking to achieve additional energy demand reductions, energy savings, and other benefits exceeding those of the 2019 Energy Code; and

THEREFORE BE IT FURTHER RESOLVED, that on August 12, 2020, CEC approves the City of San Luis Obispo's application to enforce its locally adopted energy standards; and

THEREFORE BE IT FURTHER RESOLVED, that CEC directs the Executive Director to take all actions necessary to implement this Resolution.

CERTIFICATION

The undersigned Secretariat to the CEC does hereby certify that the foregoing is a full, true, and correct copy of a RESOLUTION duly and regularly adopted at a meeting of the CEC held on August 12, 2020.

AYE: Hochschild, Scott, Douglas, McAllister, Monahan

NAY: None

ABSENT: None

ABSTAIN: None

Cody Goldthrite

Cody Goldthrite
Secretariat

STATE OF CALIFORNIA

STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION - RE: LAWRENCE BERKELEY NATIONAL LABORATORY

RESOLVED, that the State Energy Resources Conservation and Development Commission (CEC) adopts the staff CEQA findings contained in the Agreement or Amendment Request Form (as applicable); and

RESOLVED, that the CEC approves Agreement EPC-20-001 with Lawrence Berkeley National Laboratory for a \$3,000,000 grant toward a \$100,000,000 federal cost share from the Department of Energy to create a Hub to lead early-stage applied research to develop innovative new technologies that lower the cost of desalination and associated water treatment, focusing on enabling distributed desalination and localized water reuse. The research areas include materials and manufacturing, process innovation and intensification, modeling and simulation and integrated data and analysis; and

FURTHER BE IT RESOLVED, that the Executive Director or his/her designee shall execute the same on behalf of the CEC.

CERTIFICATION

The undersigned Secretariat to the CEC does hereby certify that the foregoing is a full, true, and correct copy of a Resolution duly and regularly adopted at a meeting of the CEC held on August 12, 2020.

AYE: Hochschild, Scott, Douglas, McAllister, Monahan

NAY: None

ABSENT: None

ABSTAIN: None

Cody Goldthrite

Cody Goldthrite
Secretariat