

DOCKETED

Docket Number:	20-LITHIUM-01
Project Title:	Lithium Valley Commission
TN #:	245703
Document Title:	Presentation - Convening of the Lithium Valley Commission
Description:	Presentation Slideshow of August 25, 2022 Lithium Valley Commission meeting.
Filer:	Erica Loza
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Submitter Role:	Commission Staff
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Docketed Date:	8/26/2022



Convening of the Lithium Valley Commission

Reunión de la Comisión de Lithium Valley

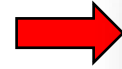
August 25, 2022

25 de agosto de 2022



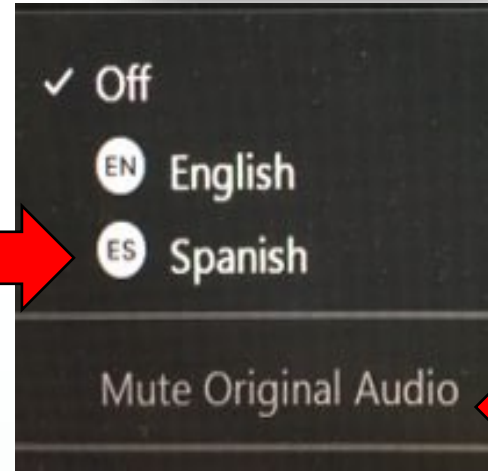
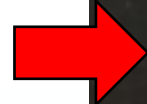
Interpretation / Interpretación

1) Click globe “Interpretation” icon.



2) Click “ES Spanish” option

3) Click “Mute Original Audio”



1) Haga clic en el icono del globo de interpretación

2) Haga clic donde dice “ES Spanish”

3) Haga clic en “Mute Original Audio”

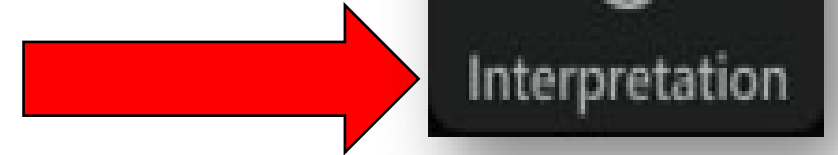
NOTE: To access interpretation, download Zoom application on your device. Interpreter will relate everything from English to Spanish during meeting and will inform you when to make public comment. Speak in Spanish and interpreter will relate comments to English.

NOTA: Para utilizar la función de interpretación, descargue la aplicación Zoom en su aparato. El intérprete relacionará todo lo dicho en inglés al español durante la junta y le informará cuándo podrá hacer un comentario público. Hable en español y el intérprete relatará sus comentarios en inglés.

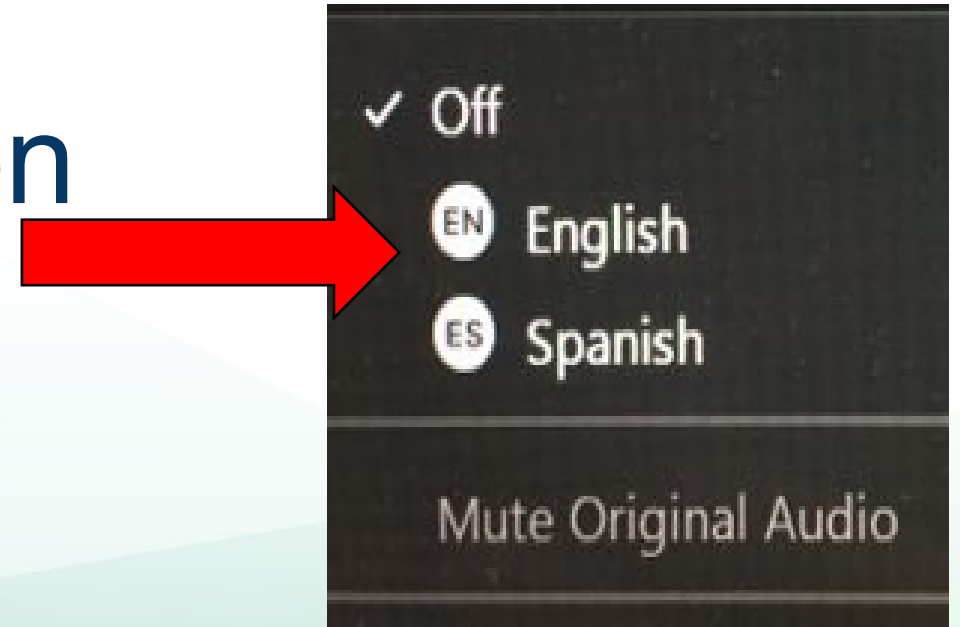


Steps to Select English Channel

1) Click "Interpretation" icon.



2) Click "EN English" option



3) **DO NOT** select "Mute Original Audio"



Instructions / Instrucciones

- Meeting conducted with in person locations and remotely via Zoom
 - Recorded and transcribed by court reporter
 - To participate in public comment
 - By computer: use the “raise hand” feature in Zoom
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 - Questions and Comments can be entered in the Q&A section of the Zoom application
- Reunión realizada de manera presencial y remota a través de Zoom
 - Grabada y transcrita por un taquígrafo judicial
 - Para participar en los comentarios públicos
 - Por computadora: use la función de “levantar la mano” de Zoom
 - Por teléfono: marque *9 para “levantar la mano” y *6 para silenciar y activar el sonido
 - Haga sus preguntas o comentarios a través de la función de preguntas y respuestas



Instructions / Instrucciones

- Written comments
 - Submit through the e-commenting system at:
<https://efiling.energy.ca.gov/Ecomment/Ecomment.aspx?docketnumber=20-LITHIUM-01>
- Website and Docket
 - www.energy.ca.gov/LithiumValleyCommission
 - <https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=20-LITHIUM-01>
- Comentarios por escrito
 - Se deben enviar a través del sistema de comentarios electrónicos en: <https://efiling.energy.ca.gov/Ecomment/Ecomment.aspx?docketnumber=20-LITHIUM-01>
- Página web y Expediente
 - www.energy.ca.gov/LithiumValleyCommission
 - <https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=20-LITHIUM-01>



Welcome and Roll Call / Bienvenida y paso de lista



Agenda / Agenda

1. Welcome and Roll Call
2. Administrative Items
 1. Approval of Meeting Action Minutes for June 30, 2022, and July 21, 2022
3. Update on the Enacted 2022-2023 California State Budget
4. Status of the CEC rulemaking for
 1. Streamlining the CEC's process for delegating its permitting authority for geothermal power plants to counties with an equivalent certification program, and
 2. Streamlining the CEC's process for approving small power plant exemptions
5. Discussion and Potential Action on schedule and public process around the Report to the Legislature, including:
 1. Submission by October 1, 2022, deadline
 2. Alternatives to submission by October 1, 2022, such as status letter to legislature and proposed date for submission of the report
 3. Process(es) to receive community, tribal and public input on the draft report
 4. Process(es) for Commissioner input on draft report
6. Informational Items
 1. Lithium Valley Commissioner Updates
7. Public Comment
8. Adjourn

1. Bienvenida y paso de lista
2. Temas administrativos
 1. Aprobación del acta de las reuniones del 30 de junio de 2022 y del 21 de julio de 2022
3. Actualización sobre el Presupuesto Estatal Promulgado de California de 2022- 2023
4. Estado de las normativas de la CEC para
 1. Racionalizar el proceso de la CEC para delegar su autoridad de otorgar permisos para las plantas eléctricas geotérmicas en los condados que cuenten con un programa de certificación equivalente, y
 2. Racionalizar el proceso de la CEC para aprobar exenciones para pequeñas plantas eléctricas (SPPE)
5. Discusión y Acción Potencial sobre el cronograma y el proceso público en torno al Informe a la Legislatura, incluyendo:
 1. Presentación dentro del plazo del 1 de octubre de 2022
 2. Alternativas a la presentación para el 1 de octubre de 2022, como una carta de estado a la legislatura y una fecha propuesta para la presentación del informe
 3. Procesos para recibir comentarios de las comunidades, las tribus y el público en el borrador de informe
 4. Procesos para los comentarios de los Comisionados en el borrador de informe
6. Temas informativos
 1. Actualización sobre el comisionado de Lithium Valley
7. Comentarios del público
8. Cierre de la sesión



Administrative Items

Temas administrativos

- Approval of Meeting Action Minutes for the Meetings:
 - June 30, 2022
 - July 21, 2022
- Aprobación de las actas de acción de las reuniones del:
 - 30 de junio de 2022
 - 21 de julio de 2022



Public Comment / Comentarios del público

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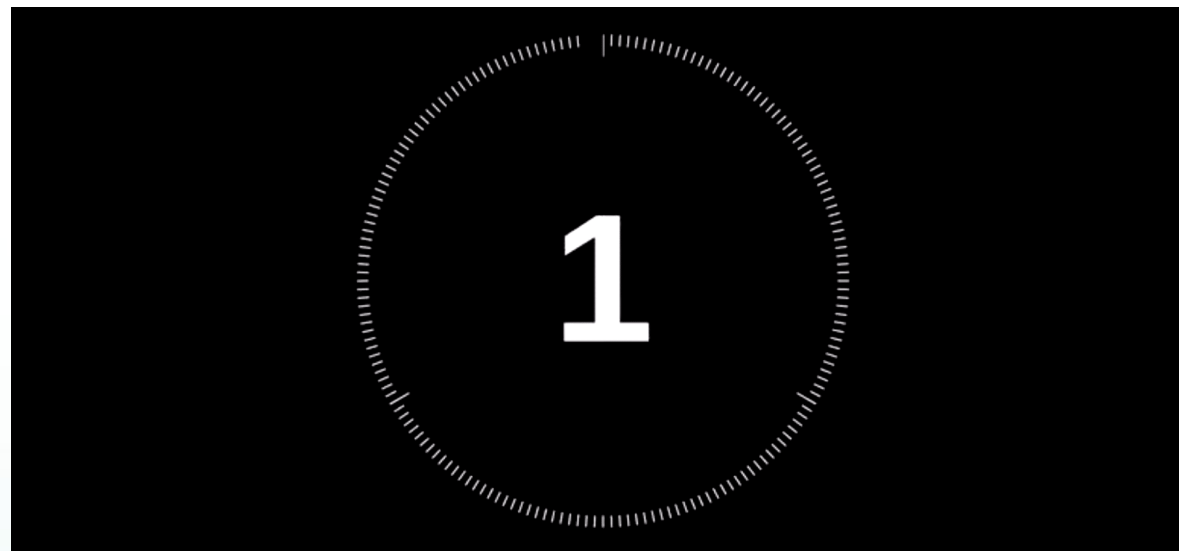
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Update on the Enacted 2022-2023 California State Budget

**Actualización sobre el
Presupuesto Promulgado del
Estado de California de 2022- 2023**



22/23 Budget: Lithium and Geothermal Resources Provisions

Status: Budget Act of 2022 (AB 208) and related funding enacted on **June 27, 2022**. The Legislature is actively considering additional budget provisions, to be considered no later than August 31st

Assembly Bill 208

- **Lithium Extraction Law Moneys**
 - 80% to counties
 - Specific requirements for Imperial County
 - 20% to Lithium Subaccount within the Salton Sea Restoration Fund
- **\$5 Million to Imperial County**
- **Expanded Allowable Use of Geothermal Resources Development Account funds**

Senate Bill 154

- **\$80 Million for the San Diego State Brawley Center**



Allocation of Moneys from Lithium Extraction Law (1/2)

- **80%** of all the monies collected must be disbursed by the state controller to all counties in proportion to the amounts of the taxes, interest, penalties, and other amounts collected for lithium extraction within each county.
- The County must develop a method to distribute **not less than 30 percent** of the funds to **Imperial County communities** that are most directly and indirectly impacted by the lithium extraction activities.

Directly affected communities

- Bombay Beach
- The City of Brawley
- The City of Calipatria
- Niland
- The City of Westmorland

Indirectly affected communities

- Bard
- The City of Calexico
- Desert Shores
- The City of El Centro
- Heber
- The City of Holtville
- The City of Imperial
- Ocotillo
- Palo Verde
- Salton City
- Salton Sea Beach
- Seele
- Winterhaven
- Vista Del Mar



Allocation of Moneys from Lithium Extraction Law (2/2)

20% of the funds must be deposited into a newly created Lithium Subaccount within the Salton Sea Restoration Fund **administered by the California Natural Resources Agency** for the following purposes.

1. Operations and maintenance of restoration projects or other public works projects in existence on January 1, 2023 or developed by the state pursuant to the Salton Sea Management Plan or an applicable State Water Resources Control Board order.
2. Restoration projects required to meet the state's obligations in any state plan or order related to the management of the Salton Sea.
3. **Grants for community engagement, public amenity, capital improvement, or community benefit projects, including projects to help build capacity for meaningful public participation and outreach, at and around the Salton Sea and those communities impacted by the Salton Sea's restoration and development as found by the secretary to be necessary and consistent with the state management objectives in the Salton Sea Management Plan.**



\$5 Million of General Fund Money to Imperial County

\$3,850,000	\$800,000	\$350,000
<p>To prepare the county's programmatic environmental impact report and a health impact assessment, and to support community outreach for geothermal energy development and lithium extraction, processing, production, and related manufacturing activities within the county.</p>	<p>To distribute grants for engagement by community-based organizations in the county on the programmatic environmental impact report created by the county for lithium and geothermal energy development efforts in the county.</p>	<p>To support the activities of an ombudsperson to engage with stakeholders on lithium extraction, rare-earth minerals mining, and renewable energy generation to provide enhanced communication by and between internal departments within the county and assistance in communication with state and federal agencies</p>



Expanded Allowable Use of Geothermal Resources Development Account Funds

Public Resources Code section 3823:

(c) Identification of feasible measures that will mitigate the adverse impacts of the development *or production* of geothermal ~~resources~~ *resources, the extraction of minerals from geothermal brines, and related activities*, and the adoption of ordinances, regulations, and guidelines to implement those measures.

(f) Administrative costs incurred by the local jurisdiction that are attributable to the development or production of geothermal ~~resources~~ *resources, the extraction of minerals from geothermal brines, and related activities*.

(h) Identifying, researching, and implementing feasible measures that will mitigate the adverse impacts of ~~that~~ *the* development or ~~production~~ *production of geothermal resources, extraction of minerals from geothermal brines, and related activities, including mitigation measures that provide community benefits directly or indirectly related to adverse social and economic impacts*.

(i) Planning, constructing, providing, operating, and maintaining those public services and facilities that are necessitated by, and result from, the development or ~~production~~ *of geothermal resources, the extraction of minerals from geothermal brines, and related activities*.

(l) In furtherance of the state's zero-emission vehicle and energy storage objectives, undertaking projects to recover lithium, metals, agricultural products, and other beneficial minerals from highly mineralized geothermal brines at a geothermal facility ~~in existence on January 1, 2017~~, that is in a disadvantaged community and provides local employment opportunities.



Discussion Among Lithium Valley Commissioners

Discusión entre los comisionados de Lithium Valley



Public Comment / Comentarios del público

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Status of the CEC rulemakings for

Estado de las normativas de la CEC para

- Streamlining the CEC's process for delegating its permitting authority for geothermal power plants to counties with an equivalent certification program
- Streamlining the CEC's process for approving small power plant exemptions
- Simplificación del proceso de la CEC para delegar su autoridad de otorgar permisos para las plantas eléctricas geotérmicas en los condados que cuenten con un programa de certificación equivalente
- Simplificación del proceso de la CEC para aprobar exenciones para pequeñas plantas eléctricas (SPPE)



21-OIR-02 & 21-OIR-04

Rulemaking to Amend Regulations for Delegation of Certification Authority and Small Power Plant Exemptions

August 25, 2022 Briefing to the Lithium Valley Commission

Reneé Webster-Hawkins, Senior Attorney
Chief Counsel's Office



Priorities urging amendments to certain siting procedures

- Governor Gavin Newsom's Emergency Proclamation (July 30, 2021)
- CPUC's June 2021 Mid Term Reliability directive to procure 11,000 MW of net new electricity by 2026 including 1,000 MW from geothermal resources
- CEC's delegation and SPPE regulations haven't been updated since the 1970s



Warren-Alquist Act: Exclusive Certification Authority

- Provides the California Energy Commission with the exclusive power to certify all thermal power plants and related facilities generating **50 megawatts** and greater
 - **"One-stop shop"** certificate in lieu of any other permit required by state, regional or local agencies
 - CEC also coordinates with federal agencies
 - Conditions of certification cover **construction and operation of thermal powerplants and related facilities**



Warren-Alquist Act: Findings Necessary to Certify

- CEC approval includes findings and conclusions:
 - **Conformity** with all applicable local, regional, state and federal standards, ordinances and laws (**LORS**)
 - Reliability
 - Air & water quality
 - Public health & safety
 - **Environmental review:** Lead agency in certified regulatory program pursuant to CEQA
 - **Requires an evidentiary process** under the Administrative Procedures Act (APA)



Warren-Alquist Act: Existing Authority to Delegate Geothermal Licensing

Delegation to a county with geothermal element for its general plan

- Requires a petition that demonstrates that the county has an **equivalent certification program** with specific application and appeal procedures
- Requires county to provide for input and review by other public agencies and members of the public
- Procedures adopted in the 1970s at 20 CCR §§ 1860-1870 adds adjudicative process to the County's petition for delegation to the CEC
- *Delegation never sought nor approved*



Amendments to Geothermal Delegation Regulations: Effective July 13, 2022

The amendments streamline the CEC's administrative procedures to approve a petition from the County -- without sacrificing public participation in government decisions, or the substantive requirements of the Warren Alquist Act, CEQA, or other environmental or public health and safety laws.

- **Delegation of geothermal power plant siting authority to local government**
 - Eliminates redundant administrative process associated with the petition for delegation
 - Specifies and strengthens requirements for local government
 - Retains public participation in CEC's review of petition, and in local review and certification of geothermal power plants
 - Retains all substantive requirements of the Warren Alquist Act: environmental, safety and reliability, air and water quality, and LORS



Warren-Alquist Act: Existing Authority to Exempt Small Power Plants

Small Power Plant Exemption (SPPE)

- Jurisdictional thermal powerplants from **50 MW to < 100 MW generating capacity**
- No substantial **adverse impact on the environment:**
CEC is CEQA lead agency
- No substantial **adverse impact on energy resources**
- Approval requires project proponent to seek permits from all other agencies
- Procedures previously adopted at 20 CCR §§ 1934-1948 adds adjudicative process



Proposed Amendments to SPPE Application Process: Public Hearing on August 30, 2022

The proposed amendments would streamline the CEC's administrative procedures to review an SPPE application -- without sacrificing public participation in government decisions, or the substantive requirements of the Warren Alquist Act, CEQA or other environmental or public health and safety laws.

- **The SPPE rulemaking proposes to:**
 - Eliminate redundant administrative processes
 - Retain CEC as CEQA Lead Agency
 - Retain other local, regional and state agency permitting requirements
 - Specify and strengthen data requirements for applicants seeking an exemption



Relationship to Lithium Valley Commission

- **Align:** State policy to accelerate procurement of reliable, renewable and carbon free energy → including zero-emission electricity generation from geothermal
- **Streamline:** Remove redundant and obsolete processes **while ensuring ample public participation and compliance with all substantive environmental and public health and safety laws.**
 - Simplify the licensing and permitting of geothermal powerplant facility construction and operation
 - Maintain all legal requirements for environmental, safety, reliability, public participation, and tribal consultation
 - Enhance state-local partnership in planning and permitting geothermal electricity generation in Imperial County



How to Follow and Engage

- **CEC Dockets 21-OIR-02 (Geothermal Delegation) and 21-OIR-04 (SPPE): All filings are posted to the following list servers:**

- *Siting Division General List*
- *Rulemaking, and*
- *Geothermal*

- **Public Advisor's Office**

- Publicadvisor@energy.ca.gov

- **Chief Counsel's Office**

- Renee.Webster-Hawkins@energy.ca.gov



Discussion Among Lithium Valley Commissioners

Discusión entre los comisionados de Lithium Valley



Public Comment / Comentarios del público

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Discussion and Potential Action on schedule and public process around the Report to the Legislature, including:

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Informational Items

Temas informativos

- Lithium Valley Commissioner Updates
- Actualización sobre el comisionado de Lithium Valley



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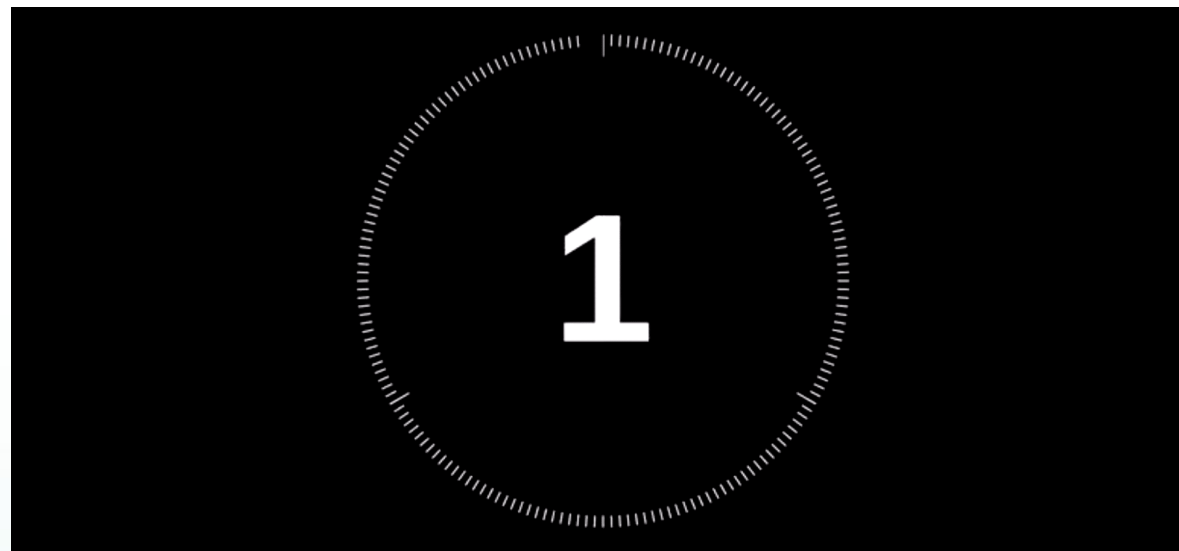
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Adjourn / Levantar la sesión



Webpage / Página Web: www.energy.ca.gov/LithiumValleyCommission
List Serv / Lista de Correo Electrónico: Lithium Valley Commission

Thank you!

¡Gracias!

LithiumValleyCommission@energy.ca.gov

Break / Receso

Return at / Volvemos a las:

LithiumValleyCommission@energy.ca.gov