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Article 4.2 Certification of Strategic Reliability Reserve Facilities

§ 1890. Scope and Definitions.

(a) This article implements Chapter 8.9, Article 5, of Division 15 of the Public Resources Code related to the certification of a site on which a facility described in Water Code section 80710(b)(1) is located.

(b) These regulations shall be effective for all applications submitted pursuant to Chapter 8.9, Article 5, of Division 15 of the Public Resources Code beginning October 31, 2022, up to and including October 31, 2026.

(c) The department shall submit an application for certification in accordance with these regulations for any site and related facility it proposes to implement pursuant to Water Code Section 80710.

(d) For purposes of this Article the following definitions shall apply:

(1) "Application" means any application submitted for the issuance of a certification for site and related facility pursuant Public Resources Code Section 25794.1.

(2) "Site and related facility" means any facility described in Section 80710(b)(1)(B)-(E) of the Water Code and the proposed location of the facility. It does not include any facility that, but for Public Resources Code Section 25794(b), would otherwise be subject to the Post-Certification Petition for Changes process pursuant to California Code of Regulations, title 20, Section 1769.

Note: Authority cited: Sections 25213, 25218(e), and 25793(e), Public Resources Code. Reference: Sections 25793(e), 25794, and 25794. 1, Public Resources Code.

§ 1891. Prefiling Consultation.

(a) The department shall meet with staff regularly, but in no event less frequently than quarterly, to receive guidance from staff in accordance with Public Resources Code section 25794.2(a) on the optimal location of any facility the department is considering for applications submitted under this Article.

(b) Before submitting any application under this Article, the department shall meet with staff to discuss information requirements for the application and shall invite all agencies that have jurisdiction or would have had jurisdiction but for Public Resources Code Section 25794(b) to attend the meeting.

Note: Authority cited: Sections 25213, 25218(e), and 25793(e), Public Resources Code. Reference: Sections 25793(e) and 25794.2(a) Public Resources Code.

§ 1892. Contents of Application.

(a) The department shall submit all the information identified in Public Resources Code section 25794.2(b) and Appendix SRR, incorporated here by reference, to complete an application. For any categories of information contained in Appendix SRR not relevant to the site and related facility, the application shall include a discussion explaining why a category does not apply. All information provided by the department shall be submitted in accordance with Section 1208 and shall be publicly accessible unless it has been designated confidential in accordance with Section 2505.

(b) A list of federal, state, regional, and local agencies and their laws, ordinances, regulations, or standards, including long-range land use plans adopted by the state or by any local or regional planning agency, that are applicable to each site and related facility, including those that would be applicable but for the exclusive authority of the commission to certify sites and related facilities. The list shall also include the relevant contact person at each agency and their contact information.

(c) The department shall certify the application and supporting information in accordance with Section 1707.

(d) The executive director may request, and the department shall provide, documentation verifying any information or representations contained in the application.

Note: Authority cited: Sections 25213, 25218(e), 25793(e), and 25794.2(b), Public Resources Code. Reference: Sections 25794.2, 25794.4, and 25794.6, Public Resources Code.

§ 1893. Review of Application for Completeness.

(a) The executive director shall review the application for completeness and may request or otherwise obtain from the department such additional information as is necessary for staff to analyze the application in conformance with section 1896. If no additional information is needed, the executive director shall file a statement in the docket for the proceeding noting that the application is deemed complete pursuant to Public Resources Code section 25794.4.

(b) If additional information is requested, the department shall provide the requested information as soon as practicable, but in no event more than 30 days after a request is issued.

(c) The executive director shall review the information submitted under subdivision (b) within 5 days of receipt and may notify the applicant that information requested

remains outstanding. If information remains outstanding, the executive director shall specify what information is missing. If the department is unable to provide the additional information, it shall file a statement in the docket for the proceeding explaining why it is unable to provide the information and shall meet with staff to resolve the matter.

(d) Immediately after all outstanding information has been accepted pursuant to this section, the executive director shall file a statement to the docket for the proceeding indicating that the additional information has been accepted and the application is deemed compete pursuant to Public Resources Code section 25794.4.

(e) Within 5 days after the executive director's statement is filed, staff shall transmit the statement electronically to the list of agencies provided pursuant to section 1892(b) with an internet link to where the application can be found online.

Note: Authority cited: Sections 25213, 25218(e), 25793(e), and 25794.4, Public Resources Code. Reference: Section 25794.4, Public Resources Code.

§ 1894. Tribal Consultation.

(a) Within 10 days from receipt of the application, the commission shall provide the application to all California Native American tribes that are culturally and traditionally associated within the geographic area of the site.

(b) Prior to the release of a preliminary staff analysis, the commission shall consult with tribes in a manner consistent with Public Resources Code sections 21080.3.1 and 21080.3.2.

(c) The commission may initiate consultation earlier than specified under Public Resources Code section 21080.3.1 to ensure effective engagement, meaningful process, and information exchange.

Note: Authority cited: Sections 25213, 25218(e), 25793(e), 25794.2(a), and 25794.5(b), Public Resources Code. Reference: Sections 21080.3.1, 21080.3.2, and 25794.5(b)-(c), Public Resources Code.

§1895 Agency Review and Consultation.

(a) In accordance with Public Resources Code Section 25794.5(a)(2), within 30 days after an application is deemed complete pursuant to subdivision 1893(d), each agency that would otherwise be responsible for enforcing a law, ordinance, regulation, or standard pertaining to the proposed site and related facility but for the commission's exclusive jurisdiction may assess the site and related facility's compliance with such laws, ordinances, regulations, or standards and provide the

commission with the results of that assessment. The assessment shall identify each aspect of the proposed site and related facility for which the agency has land use or related jurisdiction or would have such jurisdiction but for the exclusive authority of the commission to certify sites and related facilities. Staff shall give due deference to an agency's assessment under this subdivision.

(b) Staff shall meet at least once with any agency that submits comments pursuant to subdivision (a) to resolve any potential noncompliance of the site and related facility with applicable laws, ordinances, regulations, or standards. The meeting may be either in person or via electronic means.

Note: Authority cited: Sections 25213, 25218(e), 25793(e), 25794.2(a), Public Resources Code. Reference: Section 25794.5(a) and (d), Public Resources Code.

§ 1896. Preliminary Staff Analysis.

(a) Staff shall produce a written preliminary analysis of the proposed site and related facility that includes the following:

(1) A description of the site and related facility that includes information described in Public Resources Code sections 25520 and 25794.2(b)(1) and (2).

(2) An analysis of substantial environmental impacts of the site and related facility, the completeness of any mitigation measures proposed by the applicant, and the need for, and feasibility of, additional or alternative mitigation measures. This shall include proposed conditions and monitoring requirements needed to mitigate any potential impacts to the environment or health and safety to the maximum extent feasible, and to fully mitigate all air emissions in the surrounding community.

(3) An analysis of the conformity of the site and related facility with public safety standards and the applicable air and water quality standards, and with other applicable federal, state, and local laws, ordinances, regulations, and standards.

(4) An analysis of the public benefits from the site and related facility including, but not limited to, environmental and electricity reliability benefits.

(5) Identification of any requirements necessary to ensure the site is restored to its pre-certification condition.

(6) An analysis of whether certification of the site and related facility is or is not prohibited under Public Resources Code section 25794.6

(b) Staff shall publish its preliminary analysis for a 60-day public comment period before completing and publishing the final staff analysis.

Note: Authority cited: Sections 25213, 25218(e), and 25793, Public Resources Code. Reference: Sections 25794.1, 25794.2 and 25794.5, Public Resources Code.

§ 1897. Final Staff Analysis.

(a) After conclusion of the public comment period provided under Public Resources Code Section 25794.5(g), the executive director shall prepare and publish a final staff analysis, which shall include a recommendation on whether the application meets all statutory requirements, and the commission should therefore issue a certificate to construct and operate the site and related facility.

(b) The final staff analysis shall respond to any public or agency comments that raise substantial issues, including potential environmental and public health and safety impacts and nonconformance with federal, state, or local laws, ordinances, regulations, or standards, submitted during the public or agency comment periods.

(c) The final staff analysis shall include a final determination on whether certification of the site and related facility is or is not prohibited under Public Resources Code section 25794.6.

Note: Authority cited: Sections 25213, 25218(c), and 25793(c), Public Resources Code. Reference: Sections 25794.2(c), 25794.5(g), 25794.5(h), 25794.6 Public Resources Code.

§ 1898. Commission Determination and Issuance of a Certificate.

The commission shall consider the Final Staff Analysis of an application within 45 days of its publication and may take action including, without limitation, voting to grant certification, deny the application, or require additional information or analysis. If the commission votes to require additional information or analysis, the commission shall specify the required items and establish a schedule for subsequent actions.

Note: Authority cited: Sections 25213, 25218(c), and 25793(c), Public Resources Code. Reference: Sections 25794.2(a), 25794.4(c), and 25794.6 Public Resources Code.

§1898.5 Withdrawal or Recommendation to Reject Application for Noncompliance.

(a) Any time after acceptance, the department may withdraw the application by filing a written notice of withdrawal. The notice of withdrawal must be authorized and verified in the same manner as the original application as provided in Section 1707. Upon receipt of a properly executed withdrawal, the Chair shall immediately issue a written notice terminating the application proceeding and closing the docket.

(b) If at any point in the proceeding staff concludes that the site and related facility would not comply with Public Resources Code section 25794.6, the executive director may file a recommendation requesting the commission reject the application. The recommendation shall specify which provision of Public Resources Code section 25794.6 compels the commission to reject the application, describe the basis for this conclusion, and provide all facts in support of this conclusion. The department shall provide any response to the recommendation within 14 days. The commission shall consider the recommendation and any response at a business meeting within 45 days after the date the recommendation was filed and may take action including, without limitation, approving the recommendation and denying the application, rejecting the recommendation, requesting additional information or establishing a schedule for subsequent actions.

Note: Authority cited: Sections 25213, 25218(e), and 25793(e), Public Resources Code. Reference: Sections 25794.2(a), 25794.4(c), and 25794.6 Public Resources Code.

§ 1899. Post Certification Changes.

(a) After certification of a site and related facility, the department shall petition the commission for approval of any change it proposes to the site and related facility design, operation, or performance requirements. The petition shall contain the following information:

(1) A complete description of the proposed change, including new language for any conditions of certification that will be affected;

(2) A discussion of the necessity for the proposed change and an explanation of why the change should be permitted;
(3) A description of any new information or change in circumstances that necessitated the change;
(4) An analysis of the effects that the proposed change to the site and related facility may have on the environment and proposed measures to mitigate any substantial environmental effects;
(5) An analysis of how the proposed change would affect the site and related facility's compliance with applicable laws, ordinances, regulations, and standards;
(6) A discussion of how the proposed change would affect the public;
(7) A list of current assessor's parcel numbers and owners' names and addresses for all parcels within 500 feet of any affected site and related facility linears and 1000 feet of the site; and
(8) A discussion of the potential effect of the proposed change on nearby property owners, residents, and the public.

(b) The department shall provide the payment required under Public Resources Code section 25806(e) when submitting the petition.

(c) Within 30 days after a petition is filed and the applicable fee is paid, staff shall review the petition and either approve the petition pursuant to Section 1899(d)(1) or submit the petition to the commission for consideration pursuant to Section 1899(d)(2).

(d) Approval of Proposed Change

(1) Staff Approval of Proposed Change

(A) Staff shall approve the change where staff determines:

(i) That there is no possibility that the change may have a substantial effect on the environment;
(ii) That the change would not cause the site and related facility to fail to comply with any applicable laws, ordinances, regulations, or standards; and
(iii) The change will not require a change to, or deletion of, a condition of certification previously adopted by the commission or approved by staff for the site and related facility.

(B) Staff, in consultation with the air pollution control district where the site and related facility is located, may approve any change to a condition of certification regarding air quality provided:

(i) That the criteria in subdivisions (d)(1)(A)(i) and (ii) are met; and
(ii) That no daily, quarterly, annual, or other emission limit will be increased as a result of the change.

(C) Staff shall file its analysis and any decision approving a proposed change in accordance with subdivision (d)(1).

(D) Staff may submit to the commission for consideration and approval a proposed change that could otherwise be approved by staff under subdivisions (d)(1)(A) or (B).

(2) Commission Approval of Proposed Change

If staff determines that a change does not meet the criteria for staff approval set forth in subdivision (d)(1)(A) or (B), or if staff submits the proposed change to the commission for consideration under subdivision (d)(1)(D), the petition shall be considered by the commission at a noticed business meeting. The commission shall issue an order approving, rejecting, or modifying the petition or shall establish a schedule for subsequent actions.

Note: Authority cited: Sections 25213, 25218(e), and 25793(e), 25794.2(a) Public Resources Code. Reference: Sections 25793(e) and 25794.2(a), Public Resources Code.

§ 1899.1. Notification of DWR-Permitted Facilities.

For any permit granted by the department pursuant to Assembly Bill 178 (Stats. 2022, ch. 45, §112), the department shall notify the commission in writing within 30 days of the effective date of these regulations. The notification shall include the following:

(a) a description of the site and related facility the department has permitted, including name and location;
(b) information concerning whether the department-permitted facility is located on a site that is currently under the jurisdiction of the commission;
(c) the date the permit was issued, a construction schedule for department-permitted facility, and the expected date of operation;

(d) the expiration date of the department-issued permit and what will happen with the department-permitted facility upon expiration of its permit.

Authority: Sections 25213, 25218(e), and 25793(e), Public Resources Code; Reference: Section 25794.1, Public Resources Code; Section 80710(a)-(b), Water Code.

Appendix SRR

Information Requirements for Certification of Strategic Reliability Reserve Facilities

(a) Project Design, Operation and Location

(1) A detailed description, including drawings of the project's major structures, of the design, methods of construction (include depth of excavations and other ground disturbances) and operation of the facilities, specifically including the power generation, energy storage, cooling, water supply and treatment, waste handling and control, pollution control, fuel handling, and safety, emergency and auxiliary systems, and fuel types and fuel use scenarios; and

(2) A detailed description of the design, construction, and operation of any electric transmission facilities, such as powerlines, substations, switchyards, or other transmission equipment, that will be constructed or modified to transmit electrical power from the proposed site and related facilities to the load centers to be served by the facility. Such description shall include the width of rights-of-way and the physical and electrical characteristics of electrical transmission facilities such as towers, conductors, and insulators. For each of the following, provide the dimensions, and typical operating data:

(i) The power generation system;

(ii) The heat dissipation system;

(iii) Switchyards/transformer systems; and

(iv) Other significant facilities, structures, or system components proposed by the applicant, such as energy storage systems.

(3) Provide documentation from the interconnecting authority, the California Independent System Operator, or the appropriate Transmission Owner, as applicable, that the facility has approval to interconnect to the electrical grid or the status of the application for this formal approval, and an anticipated schedule for final approval.

(4) An explanation of the site selection criteria establishing that the location selected for the proposed site and related facilities is an optimal location based on the potential to improve reliability, reduce the occurrence of public safety power shutoffs, decrease the use of high-emission backup power, minimize air pollution, and avoid impacts on disadvantaged communities, as identified pursuant to Section 39711 of the Health and Safety Code.

(5) A detailed description of how the proposed site and related facilities will be capable of delivering energy during net peak hours in response to a dispatch by the Independent System Operator during extreme events.

(6) A detailed description showing the site has access to the infrastructure and resources with the necessary existing capacity and in the proximity needed to operate the facility.

(b) Project Schedule: Proposed dates of initiation and completion of construction, initial start-up, and full-scale operation of the proposed facilities.

(c) Project Ownership

A list of all owners and operators of the site(s), the facilities, and, if applicable, any adjacent interest holder such as a thermal host, and a description of their legal interest in these facilities and legal relationship with the applicant.

(d) Facility Closure

(1) A discussion of how facility closure will be accomplished at the end of the term of the certificate or in the event of premature or unexpected cessation of operations; or

(2) If the applicant plans to operate beyond the term of the certificate, please provide a discussion of how the applicant will obtain all necessary permits, certificates, or similar documents required by state, local, and federal governments.

(e) Environmental Information

(1) Cultural Resources and Tribal Cultural Resources

Cultural resources and tribal cultural resources together comprise objects, buildings, structures, sites, features, areas, places, records, sacred places, cultural landscapes, or manuscripts.

(A) Locate and provide all relevant existing data: Obtain and submit the results of a records search to identify cultural resources and tribal cultural resources at the appropriate information center(s) of the California Historical Resources Information System (CHRIS). The records search shall cover the project site and a 1-mile buffer around the project site and 0.25 mile on each side of any linear facilities. Identify any cultural resources or tribal cultural resources listed pursuant to ordinance by a city or county or recognized by any local historical or archaeological society or museum.

Provide copies of California Department of Parks and Recreation (DPR) 523 forms for all cultural resources and tribal cultural resources identified in the records search. A copy of the USGS 7.5-minute quadrangle map of the records search area delineating the areas of all past surveys and noting the CHRIS identifying number shall be provided. Copies also shall be provided of all technical reports whose survey coverage is wholly or partly within 0.25 mile of the area surveyed for the project. Confidential information (archaeological sites, other sensitive resources, or areas of religious significance) shall be submitted

under a request for confidentiality pursuant to Title 20, California Code of Regulations, § 2501 et seq.

(B) Document and provide additional information:

(i) For the site: Conduct site specific surveys adequate to establish existing conditions, to include:

a) Pedestrian archaeological surveys inclusive of the project site and project linear facility routes, extending to no less than 200 feet around the project site, substations, and staging areas, and to no less than 50 feet to either side of the right-of-way of project linear facility routes, unless this survey has been conducted within the last five years.

b) New historic architecture field surveys in rural areas shall be conducted inclusive of the project site and the project linear facility routes, extending no less than 0.5 mile out from the proposed plant site and from the routes of all above-ground linear facilities. New historic architecture field surveys in urban and suburban areas shall be conducted inclusive of the project site, extending no less than one parcel's distance from all proposed plant site boundaries. New historic architecture field reconnaissance ("windshield survey") in urban and suburban areas shall be conducted along the routes of all linear facilities to identify, inventory, and characterize structures and districts that appear to be older than 45 years or that are exceptionally significant, whatever their age, unless this survey has been conducted within the last five years.

c) Submit (1) a copy of the applicant’s request to the Native American Heritage Commission (NAHC) for information on Native American sacred sites and lists of California Native American tribes interested in the project vicinity, and copies of any correspondence received from the NAHC. (2) A copy of all correspondence sent to Native American individuals and groups listed by the NAHC and copies of all responses. Notification to Native Americans shall include a project description and map. (3) A written summary of any oral responses.

d) Include plans for mitigation as follows:

(i) An explanation of measures proposed to mitigate project impacts to known cultural and tribal cultural resources;

(ii) A set of contingency measures proposed to mitigate potential impacts to previously unknown cultural and tribal cultural resources and any unanticipated impacts to known cultural or tribal cultural resources;

(iii) Training plans for employees to increase awareness during construction and operation of risks to, and ways to protect against impact to, cultural and tribal cultural resources.

e) Reports of the results of the new surveys shall be submitted. If confidential, see Title 20, California Code of Regulations, § 2501 et seq. The reports shall include:

(i) A summary of the records search results from subsection(e)(1)(A);

(ii) The survey procedures and methods used to identify cultural and tribal cultural resources and a discussion of the outreach to the NAHC and California Native American tribes;

(iii) Copies of all new and updated DPR 523(A) forms. If a cultural resource or tribal cultural resource may be impacted by the project, also include the appropriate DPR 523 detail form for each such resource;

(iv) A map at a scale of 1:24,000 (U.S. Geological Survey topographic quadrangle) depicting the locations of all previously known and newly identified cultural and tribal cultural resources compiled through the records search and cultural resource surveys;

(v) The names and qualifications of the cultural resources specialists who contributed to and were responsible for literature searches, surveys, and preparation of the technical report. New cultural resources and tribal cultural resources surveys must be completed by (or under the direction of) individuals who meet the Secretary of the Interior's Professional Standards for the technical area addressed.

(2) Land Use

(A) In an appendix to the application, list current assessor's parcel numbers and owners' names and addresses for all parcels within 1000 feet of the site and related facilities. Provide the direct mailing addresses for the owners and occupants of properties contiguous to the proposed site and related facilities as shown on the latest equalized assessment roll.

(B) In an appendix to the application, provide maps at a scale of 1:24,000 (1" = 2000'), (or appropriate map scale agreed to by staff) with an identification of the dedicated leaseholds by section, township, range, county, and county assessor's parcel number, showing the proposed final locations and layout of the facilities.

(C) A complete description of existing land uses, general plan land use designations, and current zoning districts (including any overlay districts) at the site, land uses and land use patterns within one mile of the proposed site and within one-quarter mile of any project-related linear facilities. Include:

(i) An identification of residential, commercial, industrial, recreational, scenic, agricultural, natural resource protection, natural resource extraction, educational, religious, cultural, and historic areas, and any other area of unique land uses;

(ii) An inventory of any recent or proposed zone changes and/or general plan amendments noticed by an elected or appointed board, commission, or similar entity at the state or local level impacting the proposed site;

(iii) Identification of all discretionary reviews by public agencies initiated or completed within 18 months prior to filing the application for those changes or developments identified in subsection (e)(2)(C); and

(iv) Legible maps of the areas identified in subsection (e)(2)(C) potentially affected by the project, on which existing land uses, jurisdictional boundaries, general plan designations, specific plan designations, and zoning have been clearly delineated.

(D) An explanation of the compatibility of the proposed project with present and expected land uses, and conformity with any long-range land use plans and policies adopted by any federal, state, regional, or local planning agencies. The explanation shall identify the need, if any, for land use decisions by another public agency or as part of the commission's decision that would be necessary to make the project conform to adopted federal, state, regional, or local coastal plans, land use plans, or zoning ordinances. Examples of land use decisions include: general plan amendments, zoning changes, lot line adjustments, parcel mergers, subdivision maps, Agricultural Land Conservation Act contracts cancellation, and Airport Land Use Plan consistency determinations.

(E) A description of the legal status of the parcel(s) on which the project is proposed.

(F) A map at a scale of 1:24,000 and written description of agricultural land uses found within all areas affected by the proposed project. The description shall include:

(i) Land classifications as shown on the Farmland Mapping and Monitoring Program’s Important Farmland maps, crop types, irrigation systems, and any special cultivation practices; and

(ii) Whether agricultural land affected by the project was historically classified Farmland as defined by the California Department of Conservation (Prime Farmland, Farmland of Statewide Importance, or Unique Farmland);

(iii) Adverse effects on agricultural land uses. If the proposed site or related facilities are subject to an Agricultural Land Conservation contract, provide a

written copy and a discussion of the status of the expiration or canceling of such contract.

(3) Noise

(A) On the map submitted pursuant to (e)(2)(a), identify residences, hospitals, libraries, schools, places of worship, or other facilities where quiet is an important attribute of the environment within the area impacted by the proposed project. The area potentially impacted by the proposed project is that area where, during either construction or operation, there is a potential increase of 5 dB(A) or more, over existing background levels.

(B) A description of the existing ambient noise levels at those sites identified under subsection (e)(3)(A) that the applicant believes provide a representative characterization of the ambient noise levels in the project vicinity, and a discussion of the general atmospheric conditions, including temperature, humidity, and the presence of wind and rain at the time of the measurements. The existing noise levels shall be determined by taking noise measurements for a minimum of 25 consecutive hours at a minimum of one site. Other sites may be monitored for a lesser duration at the applicant's discretion, preferably during the same 25-hour period. The results of the noise level measurements shall be reported as hourly averages in L_{eq} (equivalent sound or noise level), L_{dn} (day-night sound or noise level) or CNEL (Community Noise Equivalent Level) in units of dB(A). The L_{10}, L_{50}, and L_{90} values (noise levels exceeded 10 percent, 50 percent, and 90 percent of the time, respectively) shall also be reported in units of dB(A).

(C) A description of the major noise sources of the project, including the range of noise levels and the tonal and frequency characteristics of the noise emitted.

(D) An estimate of the project noise levels, during both construction and operation, at residences, hospitals, libraries, schools, places of worship, or other facilities where quiet is an important attribute of the environment, within the area impacted by the proposed project.

(E) An estimate of the project noise levels within the project site boundary during both construction and operation and the impact to the workers at the site due to the estimated noise levels.

(F) The audible noise from existing switchyards and overhead transmission lines that would be affected by the project, and estimates of the future audible noise levels that would result from existing and proposed switchyards and transmission lines. Noise levels shall be calculated at the property boundary for switchyards and at the edge of the rights-of-way for transmission lines.

(4) Traffic and Transportation

(A) A regional transportation setting, on topographic maps (scale of 1:250,000), identifying the project location and major transportation facilities used during the construction or operation of the facility. Include a reference to the transportation element of any applicable local or regional plan.

(B) If the proposed project including any linear facility is to be located within four miles of an airport, a planned or proposed airport runway, or an airport runway under construction, discuss the project's compliance with the applicable sections of the current Federal Aviation Regulation Part 77 - Safe, Efficient Use, and Preservation of the Navigable Airspace, specifically any potential to obstruct or impede air navigation generated by the project during construction or operation; such as, a thermal plume, a visible water vapor plume, glare, electrical interference, or surface structure height. The discussion should include:

(i) A map at a scale of 1:24,000 that displays the airport or airstrip runway configuration, the airport influence area including all safety zones, and the proposed facilities;

(ii) A thermal plume analysis that describes the plume's velocity;

(iii) A discussion of the project's conformance with applicable Airport Land Use Compatibility Plan policies; and

(iv) Copies of FAA Form 7460-1, Notice of Proposed Construction or Alteration, that were submitted or approved for any project component requiring notice.

(C) An evaluation of the project's potential impacts, during construction and operation, related to vehicle miles traveled (VMT) that shall include one or more of the following:

(i) The local jurisdiction's thresholds of significance;

(ii) Methodologies (such as local VMT Evaluation Tool);

(iii) VMT heat maps; and

(iv) Transportation demand management plans and any documents supporting the project applicant's VMT evaluation.

(D) An identification, on topographic maps at a scale of 1:24,000 and a description of existing and planned roads, rail lines (including light rail), bike trails, airports, bus routes serving the project vicinity, pipelines, and canals in the project area affected by or serving the proposed facility. For each road identified, include the following information, where applicable:

(i) Road classification and design capacity;

(ii) Weight and load limitations;

(iii) An identification of any road features affecting public safety.

(E) An assessment of the construction and operation impacts of the proposed project on the transportation facilities identified in subsection (e)(4)(D). Also include anticipated project-specific traffic, estimated daily average and peak traffic trips and traffic/truck mix, and the impact of construction of any facilities identified in subsection (e)(4)(D). Include:

(i) Estimated one-way trip lengths for workers, deliveries, and truck haul trips generated by the construction of the project.

(ii) Description of public roadways and intersections temporarily or permanently altered by construction and operation including the duration of activities.

(F) A discussion of project-related hazardous materials to be transported to or from the project during construction and operation of the project, including the types, estimated quantities, estimated number of trips, anticipated routes, means of transportation, and any transportation hazards associated with such transport.

(5) Socioeconomics

(A) Provide a discussion of the socioeconomic impacts caused by the construction and operation of the project (note year of estimate, model, if used, and appropriate sources), including:

(i) An estimate of the number of workers to be employed each month by occupation during construction, and for operations, an estimate of the number of permanent operations workers during a year;

(ii) An estimate of the percentage of non-local workers who will relocate to the project area to work during the project construction and operation;

(iii) An estimate of the potential temporary and permanent population increase caused directly and indirectly by the project. For those additional persons, describe whether any political subdivisions serving residents and visitors are impacted by the population change. Include applicable impacts to school districts, hospital or ambulance districts, fire districts, parks and recreational districts, etc.

(6) Air Quality

(A) The information necessary for the air pollution control district where the project is located to complete a Determination of Compliance review to determine whether the proposed facility meets the requirements of the applicable new source review rule and all other applicable district regulations.

(B) The heating value and chemical characteristics of the proposed fuels, the stack height and diameter, the exhaust velocity and temperature, the heat rate and the expected capacity factor of the proposed facility.

(C) A description of the control technologies proposed to limit the emission of criteria pollutants.

(D) If applicable, a description of the cooling system, the estimated cooling tower drift rate, the rate of water flow through the cooling tower, and the maximum concentrations of total dissolved solids.

(E) The emission rates of criteria pollutants and greenhouse gases (CO2, CH4, N2O, and SF6) from the stack, cooling towers, fuels and materials handling processes, delivery and storage systems, and from all on-site secondary emission sources.

(F) A description of the following:

(i) typical operational modes, and start-up and shutdown modes for the proposed project, including the estimated frequency of occurrence and duration of each mode, and estimated emission rate for each criteria pollutant during each mode;

(ii) the project's planned initial commissioning phase, which is the phase between the first firing of emissions sources and the commercial operations date, including the types and durations of equipment tests, criteria pollutant emissions, and monitoring techniques to be used during such tests.

(G) Representative meteorological data approved by the California Air Resources Board or the local air pollution district.

(H) An evaluation of the project's air quality impacts, consisting of the following:

(i) An analysis of the criteria pollutant impacts of project construction activities, including fugitive dust (PM10) emissions from grading, excavation and site disturbance, as well as the combustion emissions [nitrogen oxides (NOx), sulfur dioxide (SO2), carbon monoxide (CO), and particulate matter less than 10 microns in diameter (PM10) and particulate matter less than 2.5 microns in diameter (PM2.5)] from construction-related equipment according to local air district requirements;

(ii) A screening level air quality modeling analysis, or a more detailed modeling analysis if so desired by the applicant, of the direct criteria pollutant (NOx, SO2, CO and PM10 and PM2.5) impacts on ambient air quality conditions of the project during typical (normal) operation, and during shutdown and startup modes of operation. Identify and include in the modeling of each operating mode the estimated maximum emissions rates and the assumed meteorological conditions; and

(iii) A cumulative air quality modeling impacts analysis of the project's typical operating mode in combination with sources in the vicinity of the project that are not adequately represented by ambient monitoring data;

(iv) an air dispersion modeling analyses of the impacts of the initial commissioning phase emissions on state and federal ambient air quality standards for NOx, SO2, CO, PM10 and PM2.5.

(I) If an emission offset strategy is proposed to mitigate the project's impacts under subsection (f)(1), provide the following information:

(i) The quantity of offsets or emission reductions that are needed to satisfy air permitting requirements of local permitting agencies (such as the air district), state and federal oversight air agencies, and the California Energy Commission. Identify by criteria air pollutant, and if appropriate, greenhouse gas; and

(ii) Potential offset sources, including location, and quantity of emission reductions.

(J) a detailed description of the mitigation, if any, that an applicant may propose, for all project impacts from criteria pollutants that currently exceed state or federal ambient air quality standards, but are not subject to offset requirements under the district's new source review rule.

(7) Public Health

(A) An assessment of the potential risk to human health from the project's hazardous air emissions using the Air Resources Board Hotspots Analysis and Reporting Program (HARP) (Health and Safety Code §§ 44360-44366) or its successor and Approved Risk Assessment Health Values. These values shall include the cancer potency values and noncancer reference exposure levels approved by the Office of Environmental Health Hazard Assessment (OEHHA Guidelines, Cal-EPA 2005).

(B) A listing of the input data and output results, in both electronic and print formats, used to prepare the HARP health risk assessment.

(C) A map showing sensitive receptors within the area exposed to the substances identified in subsection (e)(7)(A).

(D) For purposes of this section, the following definitions apply:

(i) A sensitive receptor refers to infants and children, the elderly, and the chronically ill, and any other member of the general population who is more susceptible to the effects of the exposure than the population at large;

(ii) An acute exposure is one that occurs over a time period of less than or equal to one (1) hour;

(iii) A chronic exposure is one that occurs from one (1) year to a lifetime.

(8) Hazardous Materials Handling

(A) A list of all materials used or stored on-site that are hazardous or acutely hazardous, as defined in Title 22, California Code of Regulations, § 66261.20 et seq., and a discussion of the toxicity of each material.

(B) A map at a scale of 1:24,000 depicting the location of schools, hospitals, day-care facilities, and long-term health care facilities, within the area potentially affected by any release of hazardous materials.

(C) A discussion of the storage and handling system for each hazardous material used or stored at the site.

(D) The protocol that will be used in modeling potential consequences of accidental releases that could result in offsite impacts. Identify the model(s) to be used, a description of all input assumptions, including meteorological conditions. The results of the modeling analysis can be substituted after the application is complete.

(E) A discussion of whether a risk management plan (Health and Safety Code § 25531 et seq.) will be required, and if so, the requirements that will likely be incorporated into the plan.

(F) A discussion of measures proposed to reduce the risk of any release of hazardous materials.

(G) A discussion of the fire and explosion risks associated with the project.

(9) Worker Safety

(A) A description of the safety training programs that will be required for construction and operation personnel.

(B) A complete description of the fuel handling system and the fire suppression and fire alarm systems for the project.

(10) Waste Management

(A) A Phase I Environmental Site Assessment (ESA) for the proposed site using methods prescribed by the American Society for Testing and Materials (ASTM) document entitled "Standard Practice for Environmental Site Assessments: Phase 1 Environmental Site Assessment Process" (Designation: E 1527-93, May 1993), incorporated here by this reference, which is incorporated by reference in its entirety; or an equivalent method agreed upon by the applicant and the CEC staff that provides similar documentation of the potential level and extent of site contamination. The Phase I ESA shall have been completed no earlier than one year prior to the filing of the application.

(B) A description of each waste stream estimated to be generated during project construction and operation, including origin, hazardous or nonhazardous classification pursuant to Title 22, California Code of Regulations, § 66261.20 et seq., chemical composition, estimated annual weight or volume generated, and estimated frequency of generation.

(C) A description of all waste disposal sites that may feasibly be used for disposal of project wastes. For each site, include the name, location, classification under Title 23, California Code of Regulations, § 2530 et seq., the daily or annual permitted capacity, daily or annual amounts of waste currently being accepted, the estimated closure date and remaining capacity, and a description of any enforcement action taken by local or state agencies due to waste disposal activities at the site.

(D) A description of management methods for each waste stream, including methods used to minimize waste generation, length of on- and off-site waste storage, re-use and recycling opportunities, waste treatment methods used, and use of contractors for treatment.

(11) Biological Resources

(A) A regional overview and discussion of terrestrial and aquatic biological resources, with particular attention to sensitive biological resources within ten (10) miles of the project. In the discussion include a list of the USGS topographic quadrangle(s) utilized to search records from the California Natural Diversity Database (CNDDB), and a citation that includes the date the CNDDB was accessed. Include a map at a scale of 1:6,000 (under confidential cover) and at 1:350,000 (for public) showing sensitive biological resource location(s) in relation to the project site and related facilities and any boundaries of a local Habitat Conservation Plan or similar open space land use plan or designation. Label the biological resources and survey areas as well as the project facilities. Sensitive biological resources include the following:

(i) species listed under state or federal Endangered Species Acts;

(ii) species identified as state Fully Protected;

(iii) species covered by Migratory Bird Treaty Act;

(iv) species and habitats identified by local, state, and federal agencies as needing protection, including but not limited to those identified by the CNDDB, California Fish and Game Code, Title 14 of the California Code of Regulations, or where applicable, in Local Coastal Programs or in relevant decisions of the California Coastal Commission or other responsible agency;

(v) locally significant species that are rare or uncommon in a local context such as county or region or is so designated in local or regional plans, policies, or ordinances;

(vi) plant species listed as rare under the California Native Plant Protection Act;

(vii) established native resident or migratory wildlife corridors or wildlife nursery sites.

(B) Include a list of the species and habitat(s) actually observed and those with a potential to occur within 1 mile of the project site.

Maps or aerial photographs shall include the following:

(i) Detailed maps at a scale of 1:6,000 or color aerial photographs taken at a recommended scale of 1-inch equals 500 feet (1:6,000) with a 30 percent overlap (provided under confidential cover) that show the proposed project site and related facilities, biological resources including, but not limited to, those found during project-related field surveys and in records from the CNDDB, and the associated areas where biological surveys were conducted. Label the biological resources and survey areas as well as the project facilities;

(ii) Provide an aerial map of the isopleth graphic depicting modeled nitrogen deposition rates. The geographical extent of the nitrogen deposition map(s) should include the entire plume and a radius of 6 (six) miles from the source, specifically identifying acres of sensitive habitat(s) within each isopleth. Modeling parameters and files shall be provided;

(iii) An aerial photo map depicting state and federal jurisdictional aquatic features including waters of the US and waters of the state, delineated on maps at a scale of (1:2,400). Maps must depict any potential jurisdictional features delineated out to 250 feet past the edge of disturbance if jurisdictional features occur within 250 feet of the project site. Maps shall also depict any related features that would be subject to US Army Corps of Engineers jurisdiction pursuant to Section 404 of the Clean Water Act, state Regional Water Quality Control Board (RWQCB) jurisdiction, or California Department of Fish and Wildlife Section 1600 et seq. (Lake and Streambed Alteration) permit requirements. For projects proposed to be located within the coastal zone, also provide aerial photographs and maps as described above that identify wetlands as defined by the Coastal Act and under the jurisdiction of the California Coastal Commission;

(iv) Provide Geographic Information System (GIS) data (shape and/or geodatabase files) for all data mapped for biological resources.

(C) A discussion of the biological resources at the proposed project site and related facilities. Related facilities include, but are not limited to, laydown and parking areas, gas and water supply pipelines, transmission lines, and roads. The discussion shall address the distribution of vegetation community types, denning or nesting sites, population concentrations, migration corridors, breeding habitats, and other appropriate biological resources including the following:

(i) A list of sensitive species and habitats with a potential to occur (as defined in (A) above) and include status (state, federal, California Native Plant Society, global rank, state rank, etc.);

(ii) Perform nitrogen deposition modeling including the complete citation for references used in determining deposition rates and location. Specify the amount of total annual nitrogen deposition in kilograms of nitrogen per hectare per year (kg N/ha/yr) in special status species habitats and vegetation types for wet and dry deposition. Describe habitat and species potentially affected.

(D) A description and results of all field studies and specialized surveys (e.g., focused and protocol) used to provide biological baseline information about the project site and associated facilities. Include copies of the CNDDB records and field survey forms completed by the applicant's biologist(s). Identify the date(s) the surveys were completed, methods used to complete the surveys, and the name(s) and qualifications of the biologists conducting the surveys. Include:

(i) Current biological resources surveys conducted using appropriate field survey protocols (include references) during the appropriate season(s). State and federal agencies with jurisdiction shall be consulted for field survey protocol guidance prior to surveys if a protocol exists;

(ii) If the project or any related facilities could impact federal or state jurisdictional wetland, provide completed Army Corps of Engineers wetland delineation forms and/or determination of wetland status pursuant to Coastal Act or CDFW requirements, as applicable to the location, name(s) and qualifications of biologist(s) completing the delineation, the results of the delineation and a table showing jurisdictional features including state waters and wetland acreage amounts to be impacted.

(E) A Discussion of all impacts (direct, indirect, and cumulative) to biological resources from project site preparation, construction activities, plant operation, maintenance, closure, and decommissioning. Discussion shall also address sensitive species habitat impacts from air emissions (i.e., nitrogen deposition).

(F) A discussion of all feasible mitigation measures and an evaluation of their anticipated efficacy in reducing the level of impacts, including, but not limited to the following:

(i) All measures proposed to avoid and/or reduce adverse impacts to biological resources;

(ii) Educational programs to enhance employee awareness during construction and operation to protect biological resources.

(G) A discussion of compliance and monitoring programs to ensure the effectiveness of impact avoidance and mitigation measures incorporated into the project.

(H) Submit copies of any preliminary correspondence between the project applicant and state and federal resource agencies regarding whether federal or state permits from other agencies such as the U.S. Fish and Wildlife Service, the National Marine Fisheries Service, the U.S. Army Corps of Engineers, the CDFW, and the RWQCB will be required, or would be required but for the exclusive authority of the commission, for the proposed project.

(12) Water Resources

(A) All the information required to apply for the following permits, if applicable, including:

(i) Waste Discharge Requirements; National Pollutant Discharge Elimination System Permit(s); and/or a Section 401 Certification or Waiver from the appropriate Regional Water Quality Control Board (RWQCB);

(ii) Construction and Industrial Waste Discharge and/or Industrial Pretreatment permits from wastewater treatment agencies;

(iii) Nationwide Permits and/or Section 404 Permits from the U.S. Army Corps of Engineers, if applicable; and

(iv) Underground Injection Control Permit(s) from the U.S. Environmental Protection Agency, California Geologic Energy Management Division (CalGEM), and RWQCB.

(B) A detailed description of the hydrologic setting of the project. The information shall include a narrative discussion and on maps at a scale of 1:24,000 (or appropriate scale approved by staff), describing the chemical and physical characteristics of the following nearby water bodies that may be affected by the proposed project:

(i) Ground water bodies and related geologic structures;

(ii) Surface water bodies;

(iii) Water inundation zones, such as the 100-year flood plain and tsunami run-up zones;

(iv) Flood control facilities (existing and proposed); and

(v) Groundwater wells within 1/2 mile if the project will include groundwater pumping.

(C) A description of the water to be used and discharged by the project. This information shall include:

(i) Source(s) of the primary and back-up water supplies and the rationale for their selection;

(ii) The expected physical and chemical characteristics of the source and discharge water(s) including identification of both organic and inorganic constituents before and after any project-related treatment. For source waters with seasonal variation, provide seasonal ranges of the expected physical and chemical characteristics. Provide copies of background material used to create this description (e.g., laboratory analysis);

(iii) Average and maximum daily and annual water demand and wastewater discharge for both the construction and operation phases of the project;

(iv) A detailed description of all facilities to be used in water conveyance (from primary source to the site), water treatment, and wastewater discharge;

(v) For all water supplies intended for industrial uses to be provided from public or private water purveyors, a letter of intent or will-serve letter indicating that the purveyor is willing to serve the project, has adequate supplies available for the life of the project, and any conditions or restrictions under which water will be provided. In the event that a will-serve letter or letter of intent cannot be provided, identify the most likely water purveyor and discuss the necessary assurances from the water purveyor to serve the project;

(vi) For all water supplied that necessitates transfers and/or exchanges at any point, identify all parties and contracts/agreements involved, and provide the status of all appropriate agencies' approvals for the proposed use, environmental impact analysis on the specific transfers and/or exchanges required to obtain the proposed supplies, a copy of any agency regulations that govern the use of the water, and an explanation of how the project complies with the agency regulation(s);

(vii) Provide water mass balance and heat balance diagrams for both average and maximum flows that include all process and/or ancillary water supplies and wastewater streams. Highlight any water conservation measures on the diagram and the amount that they reduce water demand;

(viii) For all projects that have a discharge, provide a copy of a will-serve letter, permit or contract with the public or private entity that will be accepting the wastewater and contact (oil-contaminated) storm water from the project. The letter, permit or contract, if possible, shall identify the discharge volumes and

the chemical or physical characteristics under which the wastewater and contact storm water will be accepted.

In the event that a will-serve letter, permit, or contract cannot be provided, identify the most likely wastewater/storm water entity and discuss why the applicant was unable to secure the necessary assurances to serve the project's wastewater/storm water needs. Also, discuss the term of the wastewater service to the project, whether the wastewater entity has adequate permit capacity for the volume of wastewater from the project and has adequate permit levels for the chemical/physical characteristics of the project's wastewater and storm water for the life of the project, and any issues or conditions/restrictions the wastewater entity may impose on the project.

(D) Identify all project elements associated with stormwater drainage, including a description of the following:

(i) Monthly and/or seasonal precipitation and stormwater runoff and drainage patterns for the proposed site and surrounding area that may be affected by the project's construction and operation;

(ii) Drainage facilities and the design criteria used for the project site and ancillary facilities, including, but not limited to, capacity of designed system, design storm, and estimated runoff;

(iii) All assumptions and calculations used to calculate runoff and to estimate changes in flow rates between pre- and post- construction; and

(iv) A copy of applicable regional and local requirements regulating the drainage systems, and a discussion of how the project's drainage design complies with these requirements.

(E) An impacts analysis of the proposed project on water resources and a discussion of conformance with water-related Laws, Ordinances, Regulations, and Standards (LORS) and policy. This discussion shall include:

(i) The effects of project demand on the water supply and other users of this source, including, but not limited to, water availability for other uses during construction or after the facility begins operation, which includes preparation of a water supply assessment (WSA) by the water supplier if the project meets any of the criteria described in California Water Code, sections 10910-1091; consistency of the water use with applicable RWQCB basin plans or other applicable resource management plans, and any changes in the physical or chemical conditions of existing water supplies as a result of water use by the facility;

(ii) If the project will pump groundwater, an estimation of aquifer drawdown, including the estimated drawdown at neighboring wells within 0.5 mile of the

proposed well(s), based on mathematical or numerical modeling analysis conducted by a professional geologist, and an assessment of any effects on the migration of groundwater contaminants, and the likelihood of any changes in existing physical or chemical conditions of groundwater resources shall be provided;

(iii) The effects of construction activities and facility operation on water quality and to what extent these effects could be mitigated by implementation of best management practices;

(iv) Unless the facility will use a zero liquid discharge system for cooling and process waters, include an assessment of the effects of the proposed wastewater disposal method on receiving waters, the feasibility of using pre-treatment techniques to reduce impacts, and beneficial uses of the receiving waters. Include an explanation why a zero liquid discharge process is "environmentally undesirable," or "economically unsound;"

(v) If using fresh water, include a discussion of the cumulative impacts, alternative water supply sources and alternative cooling technologies considered as part of the project design. Include an explanation of why alternative water supplies and alternative cooling methods are environmentally undesirable, or economically unsound;

(vi) The effects of the project on the 100-year flood plain, flooding potential of adjacent lands or water bodies, or other water inundation zones;

(vii) All assumptions, evidence, references, and calculations used in the analysis to assess these effects.

(13) Soils

(A) A map at a scale of 1:24,000 and written description of soil types and all agricultural land uses that will be affected by the proposed project. The description shall include:

(i) The depth, texture, permeability, drainage, erosion hazard rating, and land capability class of the soil;

(ii) An identification of other physical and chemical characteristics of the soil necessary to allow an evaluation of soil erodibility, permeability, re-vegetation potential, and cycling of pollutants in the soil-vegetation system;

(iii) The location of any proposed fill disposal or fill procurement (borrow) sites; and

(iv) The location of any contaminated soils that could be disturbed by project construction.

(B) An assessment of the effects of the proposed project on soil resources and agricultural land uses. This discussion shall include:

(i) The quantification of accelerated soil loss due to wind and water erosion; and

(ii) The effect of facility emissions on surrounding soil-vegetation systems.

(14) Paleontologic Resources

(A) Identification of the Geomorphic Province, as defined by the California Department of Conservation, California Geologic Survey Note 36, dated December 2002, incorporated here by this reference, and a brief summary of the geologic setting, formations, and stratigraphy of the project area. The size of the paleonotological study area may vary depending on the depositional history of the region.

(B) A discussion of the sensitivity of the project area described in subsection (e)(14)(A) and the presence and significance of any known paleontologic localities or other paleontologic resources within or adjacent to the project. Include a discussion of sensitivity for each geologic unit identified on the most recent geologic map at a scale of 1:24,000. Provide rationale as to why the sensitivity was assigned.

(C) A summary of all local museums, literature searches and field surveys used to provide information about paleontologic resources in the project area described in subsection (e)(14)(A). Identify the dates of the surveys, methods used in completing the surveys, and the names and qualifications of the individuals conducting the surveys.

(D) Information on the specific location of known paleontologic resources, survey reports, locality records, and maps at a scale of 1:24,000, showing occurrences of fossil finds, if known, within a one-mile radius of the project and related facilities shall be included in a separate appendix to the Application and submitted to the Commission under a request for confidentiality, pursuant to Title 20, California Code of Regulations, § 2501 et seq.

(E) A discussion of any educational programs proposed to enhance employees' awareness of potential impacts to paleontological resources, measures proposed for mitigation of impacts to known paleontologic resources, and a set of contingency measures for mitigation of potential impacts to currently unknown paleontologic resources.

(15) Geological Hazards and Resources

(A) A summary of the geology, seismicity, and geologic resources of the project site and related facilities, including linear facilities.

(B) A map at a scale of 1:24,000 and description of all recognized stratigraphic units, geologic structures, and geomorphic features within two (2) miles of the project site and along proposed linear facilities. Include an analysis of the likelihood of ground rupture, seismic shaking, mass wasting and slope stability, liquefaction, subsidence, tsunami runup, and expansion or collapse of soil structures at the facility site. Describe known geologic hazards along or crossing linear facilities.

(C) A map and description of geologic resources of recreational, commercial, or scientific value that may be affected by the project. Include a discussion of the techniques used to identify and evaluate these resources.

(16) Transmission System Safety and Nuisance

(A) The locations and a description of the existing switchyards and overhead and underground transmission lines that would be affected by the proposed project.

(B) An estimate of the existing electric and magnetic fields from the facilities listed in (e)(16)(A) above and the future electric and magnetic fields that would be created by the proposed project, calculated at the property boundary of the site and at the edge of the rights of way for any transmission line. Also provide an estimate of the radio and television interference that could result from the project.

(C) Specific measures proposed to mitigate identified impacts, including a description of measures proposed to eliminate or reduce radio and television interference, and all measures taken to reduce electric and magnetic field levels.

(f) Engineering

(1) Transmission System Design

(A) A discussion of the need for any additional electric transmission lines, substations, or other equipment, the basis for selecting principal points of junction with the existing electric transmission system, and the capability and voltage levels of the proposed lines, along with the basis for selection of the capacity and voltage levels.

(B) A discussion of the extent to which the proposed electric transmission facilities have been designed, planned, and routed to meet the transmission requirements created by additional generating facilities planned by the applicant or any other entity.

(2) Reliability

(A) A discussion of the sources and availability of the fuel or fuels to be used over the estimated service life of the facilities.

(B) A discussion of the anticipated service life and degree of reliability expected to be achieved by the proposed facilities based on a consideration of:

(i) Expected overall availability factor, and annual and lifetime capacity factors;

(ii) The demonstrated or anticipated feasibility of the technologies, systems, components, and measures proposed to be employed in the facilities, including the power generation system, the energy storage system, and the heat dissipation system;

(iii) Geologic and flood hazards, meteorologic conditions and climatic extremes, and cooling water availability;

(iv) Special design features adopted by the applicant or resource supplier to ensure facility reliability including equipment redundancy; and

(v) For technologies not previously installed and operated in California, the expected facility maturation period.

(3) Efficiency

(A) Heat and mass balance diagrams for design conditions for each mode of operation.

(B) Annual fuel consumption in BTUs for each mode of operation, including hot restarts and cold starts.

(C) Annual net electrical energy produced in MWh for each mode of operation, including starts and shutdowns.

(D) Number of hours the plant will be operated in each design condition in each year.

(E) If the project will be a cogeneration facility, calculations showing compliance with applicable efficiency and operating standards.

(F) A discussion of alternative generating technologies available for the project, including the projected efficiency of each, and an explanation why the chosen equipment was selected over these alternatives.

(g) Compliance with Laws, Ordinances, Regulations and Standards

(1) Provide tables that identify:

(A) Laws, regulations, ordinances, standards, adopted local, regional, state, and federal land use plans, leases, and permits applicable to the proposed project, and a discussion of the applicability of, and conformance with each. The table or matrix shall explicitly reference pages in the application wherein conformance, with each law or standard during both construction and operation of the facility is discussed; and

(B) Each agency with jurisdiction to issue applicable permits, leases, and approvals or to enforce identified laws, regulations, standards, and adopted local,

regional, state, and federal land use plans, and agencies that would have permit approval or enforcement authority, but for the exclusive authority of the commission to certify sites and related facilities.

(2) The name, title, phone number, address (required), and email address (if known), of an official who was contacted within each agency, and also provide the name of the official who will serve as a contact person for Commission staff.

(3) A schedule indicating when permits outside the authority of the commission will be obtained and the steps the applicant has taken or plans to take to obtain such permits.

(4) Compliance with visual standards:

(A) Explain the project's conformance with the city/county General Plan, and city municipal code or county government code (e.g., zoning) governing scenic quality.

(B) If any aspect of the facility is not in conformance with (g)(4)(A) provide the following:

(i) Show on a map the pinpoint location of the key observation point(s) (KOP) for the project. A KOP is a fixed position in a publicly accessible location where a public view of the project is analyzed and/or evaluated in the landscape. Objects of aesthetic significance are the primary focus in the KOP selection. You may look to local government planning thresholds for guidance when defining the visual impact standard (e.g., city/county General Plan, zoning);

(ii) If an object of aesthetic significance is not in the vicinity of the project, a KOP is to be selected based on importance to stakeholders, visibility, direct public selection, worst-case scenario, or other reason. Explain the reason the KOP was chosen. At a minimum two KOPs are to be selected;

(iii) Provide a color photograph(s) showing an actual line of sight at eye level during daytime and clear weather from the KOP to the project site prior to any alteration (existing condition). The photographer at the KOP is to use a "normal" lens. For each photograph provide the following information: camera type, lens focal length, viewing angle; date and time the photograph was taken, and the distance to the project site.

(C) Show and describe the project in the landscape. Include:

(i) Provide dimensioned elevation(s) of project buildings, structures, and major equipment; a table listing their dimensions (height, length, width, diameter);

(ii) Provide manufacturer brochure or cut sheets that include unit description, specifications, and renderings for major equipment;

(iii) Provide a table and description of the exterior surface treatments and finishes for the buildings, structures, major equipment (e.g., colors, flat and/or textured finishes), and structural materials;

(iv) Describe project specific architectural treatment or design technique mitigation unique to the project's siting at the location (e.g., camouflage, disguise, screen), if any;

(v) Provide a project specific conceptual landscape design plan that conforms with the city municipal code or county government code;

(vi) Provide a project specific conceptual outdoor lighting control and management plan (lighting plan) and explain the control of reflectance from exterior surfaces offsite that conform with the city municipal code or county government code.

(D) If the project is to use a cooling tower emitting a publicly visible water vapor plume (visible plume) in the atmosphere provide the following information:

(i) Provide the cooling tower's number of fan cells, the fan cell stack height and diameter, the exhaust mass flow rate, heat rejection rate, and exhaust temperature;

(ii) Provide fogging curves specific to the cooling tower's exhaust discharge for at least three ambient air temperature conditions (a low, average, and high temperature condition);

(iii) Explain if the project's forecasted visible plume emitted in the atmosphere by the cooling tower would eliminate or obstruct an existing public view of a designated or recognized scenic vista, scenic resource, and the existing visual character or quality of public views of the site and its surroundings.

Note: Authority cited: Sections 25213, 25216.5(a), 25218(e), Public Resources Code. Reference: Sections 21080.5, 25519(a), 25519(c), 25520, 25522(b), 25523(d)(1), 25540.1, 25540.2, 25540.6, and 25541, Public Resources Code.

STATE OF CALIFORNIA

CALIFORNIA ENERGY COMMISSION

ADOPTION OF EMERGENCY RULEMAKING ACTION

Docket No. 22-OIR-02

Certification Strategic Reliability Reserve Facilities
Chapter 8.9, Article 5, of Division 15 of the Public Resources Code

NOTICE OF PROPOSED EMERGENCY ACTION

Government Code section 11346.1(a)(2) requires that, at least five working days prior to submission of a proposed emergency action to the Office of Administrative Law (OAL), the adopting agency provide a notice of the proposed emergency action to every person who has filed a request for notice of regulatory action with the agency. After submission of the proposed emergency to the Office of Administrative Law (OAL), OAL shall allow interested persons five calendar days to submit comments on the proposed emergency regulations as set forth in Government Code section 11349.6.

The California Energy Commission (CEC) intends to submit this proposed emergency rulemaking action for OAL review on **October 13, 2022**. Upon submission, OAL will have 10 calendar days within which to review and decide on the proposed emergency rulemaking action. If approved, OAL will file the regulations with the Secretary of State, and the regulations will become effective. Under Public Resources Code section 25793(e) these emergency regulations remain in effect for three years or until replaced by non-emergency regulations, whichever is sooner.

The submitted emergency action, including the specific language of the proposed emergency regulations, will appear on the list of "Emergency Regulations Under Review" on OAL's website at:

https://oal.ca.gov/emergency_regulations/emergency_regulations_under_review/

and is included with this notice.

Comments must be submitted in writing to both CEC and OAL:

For CEC:

Comments should be e-filed in the 2022 Emergency Rulemaking Docket at: 22-OIR-02, California Energy Commission : e-comment : Submit Comment

For e-filing questions, contact docket@energy.ca.gov.

In the alternative, written comments may also be submitted by email. Include Docket Number 22-OIR-02 in the subject line and email to docket@energy.ca.gov.

A paper copy may be sent to:

California Energy Commission
Docket Unit
Docket No. 22-OIR-02
715 P Street, MS-4
Sacramento, CA 95814

and

For OAL:

Office of Administrative Law
300 Capitol Mall, Suite 1250
Sacramento, CA 95814
Fax: (916) 323-6826
Email: staff@oal.ca.gov

FINDING OF EMERGENCY

In June 2022, the Legislature enacted and the Governor signed Assembly Bill (AB) 205 (ch. 61, stats. 2022), which added Chapter 8.9 to Division 15 of the Public Resources Code. In enacting AB 205, Chapter 8.9, the legislature acknowledged that extreme events from climate change, including heat waves, wildfires, and drought, combined with other factors, such as supply chain disruptions, are jeopardizing California's ability to build out the electrical infrastructure needed to maintain affordability and reliability. The Legislature found that as California transitions to a clean energy future and contends with climate impacts and other challenges, sufficient capacity of new and existing generation assets will be required to maintain reliability during extreme events. Further, the Legislature declared that California must ensure electricity reliability during this period of heightened risk, which includes extraordinary near-term measures and substantive changes to mid-term energy policy. In his signing message, the Governor further noted that "as we have seen from the past two summers, climate change is causing unprecedented stress on California's energy system" and "action is needed now to maintain reliable energy service as the State accelerates the transition to clean energy."

To expedite efforts to address climate change induced electricity reliability issues, Public Resources Code section 25793(e) authorizes the CEC to adopt regulations to implement Chapter 8.9 of Division 15 of the Public Resources Code. Section 25793(e) specifically states,

> "The commission shall adopt emergency regulations to implement this chapter at a commission business meeting. Notwithstanding Sections 11346.1 and 11349.6 of the Government Code, a finding of emergency or necessity to address an emergency shall not be required. Notwithstanding any other law, these emergency regulations shall be valid for three years, or until replaced by nonemergency regulations, whichever is sooner."

Therefore, these regulations are deemed an emergency pursuant to statute and the CEC has express statutory authority to seek approval of these regulations implementing Chapter 8.9 of Division 15 of the Public Resources Code through OAL's emergency rulemaking procedures.

RELIED ON DOCUMENTS

The CEC did not rely on any documents in adopting these emergency regulations.

AUTHORITY

Public Resources Code sections 25213, 25218(e), and 25793.

REFERENCE

Public Resources Code sections 25793, 25794, 25794.1, 25794.2, 25794.3, 25794.4, 25794.5, 25794.6, 25794.8, 25794.9, and 25794.11; Water Code section 80710.

INFORMATIVE DIGEST

Prior to the June 30, 2022, signing of AB 205, the CEC's powerplant licensing jurisdiction was limited to thermal powerplants 50 MW or larger. To prevent potential shortfalls of electricity during extreme climate-change driven events and ensure actions to secure resources for summer reliability, AB 205, as modified by AB 209, expands the CEC's jurisdiction and uses the CEC's expertise in the environmental review and certification of powerplants to review specific types of facilities to be constructed or operated by the Department of Water Resources (DWR). AB 205 adds Chapter 8.9 (commencing with section 25790) to Division 15 of the Public Resources Code which authorizes the CEC to develop the Strategic Reliability Reserve suite of programs, including a program for the certification of strategic reliability reserve facilities constructed or operated by DWR under Article 5.

Article 5 directs the CEC to establish a process to expedite the review and issuance of a decision on applications submitted by DWR, from October 31, 2022, to October 31, 2026, for the certification of the following strategic reliability reserve facilities described in Water Code section 80710:

- new emergency and temporary power generators of five megawatts or more;
- new energy storage systems that are located outside the coastal zone and the jurisdiction of the San Francisco Bay Conservation and Development Commission of 20 megawatts or more that are capable of discharging for at least two hours and with an operational date no later than December 31, 2024;
- generation facilities that are located outside the coastal zone and the jurisdiction of the San Francisco Bay Conservation and Development Commission and use clean, zero-emission fuel technology of any size to produce electricity; and
- supporting the development of zero-emission generation capacity with a point of interconnection at a California balancing authority, with the majority of its capacity contracted for by a load serving entity that has a service area primarily in California with an operational date no later than December 31, 2024.

To implement a process to expedite the review and issuance of a decision on an application under the expedited timelines set forth in Chapter 8.9, Article 5, of Division 15 of the Public Resources Code, the CEC proposes to adopt emergency regulations to ensure that applications for certification of strategic reliability reserve facilities are reviewed in a timely and consistent manner in support of the state's comprehensive accelerated efforts to address climate change and grid reliability. Further, the regulations will benefit the state's grid reliability goals by deploying the CEC's exclusive jurisdiction and expertise to review and certify strategic reliability reserve facilities in a manner that ensures transparent public process and robust environmental protection in preparation for summer reliability.

The CEC's expanded authority through AB 205 is one portion of a systematic effort by the state to stabilize the grid as extreme heat events, wildfires, and drought present unprecedented and multifactorial challenges.

The proposed regulations are not inconsistent or incompatible with existing regulations. Pursuant to Chapter 8.9 of Division 15 of the Public Resources Code, these regulations create a new permitting program specifically for DWR facilities implemented pursuant to the Strategic Reliability Reserve. Existing law and regulations directly related to the proposed action include the following:

Public Resources Code sections 25790-25806.

Public Resources Code section 25520.

Water Code section 80710.

California Code of Regulations, title 20, section 1208-1209.

California Code of Regulations, title 20, section 1707.

DOCUMENTS INCORPORATED BY REFERENCE

CEC incorporates by reference the following documents in adopting these regulations:

1. American Society for Testing and Materials (ASTM) document entitled "Standard Practice for Environmental Site Assessments: Phase 1 Environmental Site Assessment Process" (Designation: E 1527-93, May 1993). This document may be incorporated by reference because it meets the criteria for such incorporation as set forth in Cal. Code. Regs., tit. 1, § 20. First, it would be cumbersome and impractical to adopt this standard into the California Code of Regulations, as it is 59 pages long and contains all factors of good commercial and customary practice in the United States for conducting an environmental site assessment. Reproducing the online document in the regulations would be unduly burdensome as it is readily available elsewhere and would provide no greater access to those in need of reference to the standard than it currently does via online access. Second, the document is available to the regulated community from a commonly known source, specifically by entering the title of the document into a google search field and retrieving it from the ASTM website. Third, the Informative Digest here clearly identified this document as being relied upon. Fourth, the Appendix SRR, section (e)(10) includes the marker denoting the document is incorporated by reference. Fifth, the regulation, in Appendix SRR (e)(10) states the entire standard is applicable, thus clearly denoting the relevant portions. Since the document is a formal publication reasonably available from a commonly known and identified source, six duplicate copies of the document are not provided with this Notice of Proposed Action for adoption of emergency regulations.

2. Air Resources Board Hotspots Analysis and Reporting Program (HARP) (Health and Safety Code, §§ 44360-44366) as implemented through the Office of Environmental Health Hazard Assessment Guidelines (OEHHA Guidelines 2015). This document may be incorporated by reference because it meets the criteria for such incorporation as set forth in Cal. Code. Regs., tit. 1, § 20. First, it would be cumbersome and impractical to adopt this standard into the California Code of Regulations, as it is a reporting program that involves use of specifically designed computer software that applies the OEHHA Guidelines in an automated fashion. Second, the document is reasonably available throughout the rulemaking period as it is publicly available on the OEHHA website as "February 2015, Air Toxics Hot Spots Program Risk Assessment (ca.gov)" at http://www.oehha.ca.gov. Third, this Notice of Proposed Action clearly states that the OEHHA Guidelines, updated 2015, and the Hotspots Analysis and Reporting Program (HARP), are being incorporated by reference. Fourth, the text of the Appendix SRR makes clear the document is incorporated by reference, and includes the 2015 date of the current Guideline. Fifth, section (e)(7)(A) clarifies that the entire Guideline is

applicable. Since the document is a formal publication reasonably available from a commonly known and identified source, six duplicate copies of the document are not provided with this Notice of Proposed Action for adoption of emergency regulations.

3. California Department of Conservation, California Geologic Survey Note 36, dated December 2002. This document may be incorporated here by reference because it meets the criteria for such incorporation as set forth in Cal. Code. Regs., tit. 1, § 20. First, it would be impractical to adopt this standard into the California Code of Regulations, as it is a multipage map of California already published by the Department of Conservation on its website, and widely available to the general public, making publication here merely duplicative without additional benefit to DWR, the applicant to whom the requirement applies. Second, this document has been made available through the rulemaking process to anyone interested as it is publicly available at all times on the Department of Conservation website by merely typing in the title of the document into any internet search engine. Third, this Notice of Proposed Action is stating in this paragraph that the document is being incorporated by reference, and provided the date of its publication, specifically 2002. Fourth, the regulation text, in the Appendix SRR, section (e)(14), identifies the document by title and date, and states that the document is incorporated by reference. Fifth, the regulation text clarifies that the entire document entitled "Note 36" is incorporated by reference, thus clarifying the portions of the document being incorporated by reference. Since the document is a formal publication reasonably available from a commonly known and identified source, six duplicate copies of the document are not provided with this Notice of Proposed Action for adoption of emergency regulations.

OTHER MATTERS PRESCRIBED BY STATUTE

The CEC procedures for the certification of strategic reliability reserve facilities are exempt from California Environmental Quality Act, and are only subject to specified provisions of the Warren-Alquist Act, Public Resources Code sections 25000-25990.

LOCAL MANDATE DETERMINATION

The CEC has determined that the proposed changes do not impose a mandate on local agencies or school districts.

ESTIMATE OF COST OR SAVINGS

The CEC does not anticipate any costs to state agencies as a result of this emergency rulemaking action. The proposed emergency regulations set forth the process for the filing of an application seeking approval to construct and operate a strategic reliability reserve facility. The expansion of the CEC's authority to review applications for certification of these facilities, and the cost to DWR to develop these facilities are the result of statutory changes and not these emergency regulations.

The proposed regulations will not result in any reimbursable costs to local government agencies, school districts, nondiscretionary costs or savings to local government agencies, or costs or savings in federal funding to the state.

NECESSITY

The following description of facts demonstrates the need for the proposed regulations to effectuate Chapter 8.9, Article 5, of Division 15 of the Public Resources Code being implemented, interpreted, or made specific and to address the demonstrated emergency. The emergency regulations support and effectuate the Legislature's and Governor's stated purpose of addressing climate change and grid reliability by expediting the construction and operation of strategic reliability reserve facilities developed by DWR.

California Code of Regulations, Title 20, Article 4.2 Certification of Strategic Reliability Reserve Facilities

§ 1890. Scope and Definitions.

(a) This subdivision is necessary to orient a potential applicant as to which certification program this Article of Title 20 is implementing. The CEC has Articles addressing geothermal, small powerplant exemptions and other special cases. By clearly identifying the scope, those interested can quickly locate the relevant regulations.

(b) This subdivision is necessary to make clear that the regulations apply to any application submitted by DWR pursuant to Chapter 8.9, Article 5, of Division 15 of the Public Resources Code between the dates of October 31, 2022 and October 31, 2026, which is the timeframe established in statute. The CEC's authority over these projects extends beyond October 31, 2026 to include whatever time is needed to review the application and issue the permit plus the five years the permit is authorized for and includes permitting for any modifications that might be made within the permit term.

(c) This subdivision is necessary to make clear that DWR, during the time period specified above, is required to submit an application to the CEC for any site and related facility it proposes to implement under the Strategic Reliability Reserve program.

(d) This subdivision defines terms used frequently in the regulation to provide greater clarity. "Application" is defined to clearly separate out applications filed pursuant to these regulations from applications filed pursuant to other CEC programs. "Site and related facility" is defined to make clear the scope of the projects that are subject to

this permitting process. Projects for which a permit modification pursuant to California Code of Regulations, title 20, section 1769 of the CEC's regulations could be obtained will be subject to that process instead of the process outlined in these regulations. The section 1769 process for modifying an existing certificate for a power plant already under the jurisdiction of the CEC is equivalently protective of the environment to the processes in AB 205 and these regulations. Moreover, the section 1796 process is efficient and can be concluded in less than 180 days, as required under the Strategic Reliability Reserve program.

§ 1891. Prefiling Consultation.

This section is necessary to establish the procedure for the consultations among CEC and DWR required in the Strategic Reliability Reserve programs. The procedural requirements of regularly scheduled meetings, as well as a meeting of the CEC and DWR prior to filing an application, ensures consultation is adequate for each facility proposed.

(a) This subdivision specifies that DWR must meet with staff no less than quarterly to receive guidance on the optimal locations of SRR facilities. This frequency will allow for meaningful discussion and input to help ensure that the locations chosen for SRR facilities are optimal, as required by statute.

(b) This subdivision requires a prefiling meeting prior to DWR filing an application pursuant to these regulations. In addition, DWR is required to invite agencies that have or would have had jurisdiction over the site and related facility but for the CEC's jurisdiction over facilities certified under the Strategic Reliability Reserve program. Due to the variety of facility types permitted in the Strategic Reliability Reserve program, and their various physical features, a prefiling meeting to discuss the information required for an application, as set forth in Public Resources Code sections 25520 and 25794.2, and Appendix SRR, will help ensure the application is complete, or close to complete, when filed. Such prefiling meetings are common in other CEC permitting programs. To further ensure thorough assessment of issues, this section requires the department to include any willing public agencies in the pre-filing discussion to provide opportunity to raise potential issues very early in the process. Doings so is anticipated to reduce delays.

§ 1892. Contents of Application.

(a) This subdivision specifies what must be included in an application submitted under the Strategic Reliability Reserve program and provides that if any of the categories of information contained in Appendix SRR do not apply an explanation must be provided as to why. Public Resources Code section 25794 specifically directs the CEC to determine the form and content of an application, thus it is necessary to identify the information that must be included in the application so the CEC can

effectively and timely act on the application and reach a decision. Consistent with existing processes for approving power plants, the application consists of information contained in an appendix that makes specific the requirements in the statute. Here, Section 25794.2, requires the expedited process to consist of an application containing the information required by existing law (Public Resources Code section 25520) as well as other items deemed necessary by the CEC, and shall, at a minimum, contain five listed categories of information. This section implements this requirement by making specific the types of data to be submitted. Appendix SRR is referenced and incorporated into the regulations in this section as well. The necessity of the requirements within Appendix SRR are addressed in this Notice after the requirements of the proposed regulation are set forth in full. In addition, this section includes the requirement to file all documents in accordance with CEC existing document handling rules set forth in California Code of Regulations, title 20, section 1208. In addition, the section includes a statement that all information submitted with an application is public unless designated as confidential by the executive director upon proper application therefor. This provision restates and clarifies that the existing rules related to confidential information apply to the DWR application and supporting information.

(b) This subdivision requires the application to contain a list of federal, state, regional, and local laws, ordinances, regulations and standards (LORS) applicable to the facility and site and the relevant contact person at each agency. This information is necessary to help organize the CEC's analysis, ensures that staff know who to contact to obtain more information about application of the LORS, and, with the substantive requirements already contained in Public Resources Code section 25794.2(b)(5), ensures the CEC has the information it needs to reach a conclusion about a facility's conformance with LORS and consult with the relevant agencies as necessary to resolve any potential non-conformance.

(c) This subdivision requires that DWR certify the accuracy of the information submitted in accordance with California Code of Regulations, title 20, section 1707. That regulation requires every notice and application be dated and signed under penalty of perjury. This requirement already applies to other CEC permitting programs and is necessary to ensure the validity of the information provided. The requirement is necessary because it is the only process available to ensure the reasonable accuracy and truthfulness of information provided as part of the application on which the CEC must rely when making its factual determinations regarding impacts of the proposed site and related facility.

(d) This subdivision specifies that the executive director may ask for supporting evidence as necessary. This requirement, along with subdivision (c) will ensure the analysis and conclusions reached by CEC staff are supported by substantial evidence.

§ 1893. Review of Application for Completeness.

Subdivisions (a), (b), and (c) establish administrative procedural steps the executive director shall take during and following the 20-day statutory review period for a determination of application completeness. These procedures are necessary to ensure clarity in how it will be determined that an application is complete. Requiring a statement be filed if the executive director determines that no additional information is necessary serves to give notice to both the applicant and the general public of these findings and creates a clear starting point for the statutory review period. To maintain the expedited nature of the proceeding, any requested additional information is required to be submitted within 30-days of a request. Thirty days is a reasonable amount of time to allow for the gathering of additional information while also ensuring that the process moves forward in as expeditious manner as possible. Procedures for submitting outstanding information are necessary to establish a process for DWR to supply what it can in response to requests for needed additional information, and a process to publicly explain, through a docketed filing, any instances where it will not be able to comply with a request for further information. Moreover, the short time frames for responding to requests are adopted in order to maintain the expedited nature of these proceedings and to ensure necessary back up generation is brought online quickly to meet summer reliability needs. A process for further cooperative meetings to ensure necessary and available information is provided to the CEC is included to meet these shortened timelines.

Subdivisions (d) and (e) establish the procedure the executive director will follow to officially deem the application complete and notify agencies of this important event. A publicly filed notice is determined to be the most efficient and transparent method of communicating to interested parties that this important determination has been reached. The CEC will also email an internet link for the application to agency staff within ten days of issuing the notification of completeness to assist those agencies in exercising their option to provide comments and meet with staff to discuss LORS compliance issues they may identify.

§ 1894. Tribal Consultation.

This section is necessary to establish a procedure for informing California Native American tribes of proposed facilities, and for ensuring engagement as required occurs on an expedited basis. These requirements impose notification requirements on the CEC and ensure early engagement with California Native American Tribes, if desired, in order to maintain the expedited nature of these proceedings.

§ 1895. Agency Review and Consultation.

This section establishes the process by which agencies that are responsible for implementing any LORS may comment on an application and how the CEC will ensure such comments are addressed, and any potential noncompliance by a site and related

facility is resolved, satisfying the consultation requirement contained in Public Resources Code section 25794.5(d). These provisions are necessary to establish a procedure to ensure participation by affected local agencies is meaningful and timely given the shortened timeframes in this expedited process. Participation by such agencies is voluntary, but if they choose to do so, submitting the information listed here is particularly helpful to supporting CEC's obligation to expedite its review of DWR applications as it requires a description of the agency's jurisdiction over the facility. The requirement for a follow up meeting with any agency that elects to respond ensures CEC staff will have a clear understanding of any agency comments or concerns. These procedures ensure CEC staff will be fully informed regarding any impacted laws, ordinances, regulations or standards governing the facility and site, and that compliance therewith may be determined without unnecessary delay in the course of these expedited proceedings. The CEC has found that oftentimes one meeting with an agency who has identified potential issues is sufficient to resolve such issues. The regulations would allow more meetings if necessary to resolve noncompliance as required by statute.

§ 1896. Preliminary Staff Analysis.

This section establishes the required elements of a preliminary staff analysis pursuant to these regulations. These provisions are necessary to ensure the preliminary analysis meets the basic statutory requirements and provides sufficient information and analysis to inform the public of impacts created by the proposal, and provide a framework for public comment on the application. This section lists all of the various topics on which the CEC staff and executive director are required to receive information and make recommended findings, as they appear in AB 205 (as amended by AB 209) and in these regulations. By listing the various topics that comprise a completed preliminary staff analysis in this regulation, DWR and the public are assured the analysis is sufficiently comprehensive. In addition, this section clarifies that there will be a 60-day comment period following publication. This clarification is necessary because the statute requires a 30-day comment period after a 30-day posting period. Staff will review and accept any comment received in the 60 days after posting.

§ 1897. Final Staff Analysis.

This section specifies what the executive director must do after the public comment period and what must be included in the final staff analysis. These provisions are necessary to describe the components of the final staff analysis, which shall include the executive director's recommendation to the CEC regarding issuance of the certification for the DWR facility. The section clarifies that the document shall respond to all comments received that raise substantive issues concerning the impact of the site and related facility on the environment, public health and safety, nonconformance with LORS and other pertinent issues during the comment period. Lastly, the requirement that the final staff analysis contain an analysis of whether the site and related facility

avoid the criteria specified in Public Resources Code section 25794.6 that would prohibit the CEC from certifying the project is necessary to ensure the CEC is presented with a complete analysis for consideration and has sufficient evidence on which to base its required findings.

§ 1898. Commission Determination and Issuance of a Certificate.

This section is necessary to set forth the procedures the CEC will use to issue any certificate based on a final staff analysis. The 45-day time limit in which to vote to grant the certification, deny the application, require additional information or analysis, or take other action, ensures the expedited nature of these proceedings is retained during the CEC's deliberative step. However, the procedure retains adequate flexibility to permit the CEC to request additional information and extend the schedule for a final decision as needed.

§ 1898.5. Withdrawal or Recommendation to Reject Application for Non-Compliance.

This section sets forth procedures to terminate the processing of the application under two circumstances: upon request of DWR, or upon a recommendation from the executive director that Public Resources Code section 25794.6 prohibits approval of the application. First, consistent with other certification programs at the CEC, an applicant may withdraw an application at its discretion. To do so, DWR may submit a request, which will be followed by a notice filed by the Chair approving the request. This process adequately maintains the transparency of the proceeding, and precludes spending unnecessary resources to process an application when the applicant no longer seeks to develop the site and related facility. Second, since Public Resources Code section 25794.6 lists the circumstances that prohibit the issuance of a certificate, a notice to the public of the executive director's recommendation, an opportunity for comments regarding the recommendation, and approval, denial, or other action taken by the CEC regarding the executive director's recommendation, provides an efficient and transparent process for concluding or continuing the processing of an application.

§ 1899. Post Certification Changes.

This section establishes procedures in the event DWR seeks to change a facility after a certificate is issued. These procedures generally mirror procedures for modifying a permit in other CEC certification programs, but do so in a slightly expedited manner to ensure the CEC reviews any proposed changes for their impact on the environment, public health and safety, and other elements of concern in AB 205 (as modified by AB 209).

(a) This subdivision requires DWR to submit a petition to the CEC for any change to a site and related facility and specifies what must be included in the petition, including a statement of changes, statements and evidence, as needed, of any impact resulting from the changes, any changes required to the conditions of

certification necessitated by the proposed change to the facility, and an analysis of the site and related facility's compliance with any laws, ordinances, regulations and standards with the proposed modification. These provisions are necessary to ensure the CEC has the information it needs to review any permit modifications in compliance with Chapter 8.9, Article 5, of Division 15 of the Public Resources Code.

(b) This subdivision requires DWR to provide payment for the CEC's review of the petition. This is the same payment the CEC has established for the review of modifications to its permits in other permitting programs and represents a fair estimate of the cost to review such petitions.

(c) This subdivision requires staff to review a petition within 30 days and either act on the petition in accordance with section 1899(d)(1) or refer it to CEC consideration under section 1899(d)(2). Staff has determined that 30 days is a reasonable amount of time to review such petitions while also expediting decisions in accordance with the intent of the statute.

Since these facilities need to be readily available for emergency summer back up generation in case of strains on the electrical grid over the next several years resulting from climate change and the development of cleaner energy sources, and away from conventional generation sources, a 30-day review period after a complete application for a change of facility ensures facilities may be altered as needed without substantial delay.

(d) This subdivision establishes a two-track procedure for the review and approval, or other decision, of petitions submitted under this section.

(d)(1) This subdivision allows for petitions to be approved by CEC staff if several criteria are met, including that the modification would not result in a substantial effect on the environment, would not result in a LORS nonconformance, and would not require a change to a condition of certification unless that change involves an air quality condition of certification, the local air district has been consulted, and no emission limit would be increased as a result of the change. The CEC has determined that, unless staff concludes otherwise, any modification that meets the established criteria warrants approval, and a staff action in this circumstance is ministerial. If staff does not believe it should approve a petition under these circumstances, it may submit the petition to the CEC for consideration.

(d)(2) This subdivision provides for review of a petition by the commissioners when the criteria established in (d)(1)(A) and (B) are not met or when staff elects to present the matter to the CEC under subdivision (d)(1)(D). The provision establishes that a petition subject to this process shall be considered by the CEC at a noticed business meeting and the CEC may approve, reject, or modify the petition or establish a schedule for subsequent actions on the petition. Under either path, the

resulting amended certificate will continue to comply with all aspects of AB 205 (as amended by AB 209).

§ 1899.1. Notification of DWR-Permitted Facilities.

This section requires DWR to provide information on any facilities it self-certifies under its own permitting authority prior to the effective date of the CEC jurisdiction under the SRR statutes, which is October 31, 2022. This update to CEC on DWR facilities is necessary so that the CEC is informed of any changes that may occur on the site of a CEC-certified facility as a result of DWR locating a facility for purposes of back up generation under its authority to do so under Water Code section 80710 and Assembly Bill 178 (Stats. 2022, ch. 45). The Water Code requires the CEC be consulted in the course of DWR developing any facility, and the CEC considers this notice requirement, regarding its SRR permitting activities that may affect power plants that have existing CEC permits, to be an important part of this consultation requirement. The CEC has regulatory responsibility over such sites, and has determined that this notice process is necessary and adequate to alert CEC staff of any changes that may impact a certificate issued by the CEC. The CEC has determined that requiring this information within 30 days of the issuance of a DWR permit is sufficient time for such notification, and ensures the CEC obtains the information in a timely manner.

Appendix DWR

The requirements in the Appendix are necessary in order to specify the types of data that staff must receive and evaluate in order to determine the potential impacts of the proposed facility on the environment and public health and safety and the facility's compliance with applicable laws, ordinances, regulations and standards (LORS). This analysis is required by Public Resources Code section 25794.5 to be included in the preliminary staff analysis (PSA).

(a) Project Design, Operation and Location: Detailed descriptions of all aspects of the project are necessary to enable staff to evaluate the proposal. Staff must review the design of the major structures, including excavations if any, and the construction methods, covering all aspects of the proposed power generation site and facility. Understanding how the proposal will impact the environment, both during the construction and operational phases, requires a full explanation of what will be built and how it will operate. Any water usage, air emissions, fuels delivered and stored, waste handling, safety planning, as well as the power systems themselves, alter the physical space of the site in a specific way. Staff is required to describe the impacts of all aspects, and as such, must have a thorough and detailed description of all aspects of the site and related facility.

In addition, this section requires the applicant to describe how the site and related facility is an optimal facility based on factors appearing in Public Resources Code

section 25794.2, regarding which an applicant must consult the CEC. The requirement here is necessary to document and provide a public record of the determinations that the applicant has made regarding these important location-related factors.

In addition, this section requires the application contain a description of how the proposed facility will be capable of providing needed energy during peak energy usage events. Reviewing this information is necessary for staff to conclude the facility can provide strategic energy reliability during peak demand times to ensure energy is available throughout the state during summer months, which is the purpose for the program. To that end, a description of how the facility is connected to the statewide energy infrastructure is also required in this portion of the appendix.

(b) Project Schedule. This provision requires the application to contain the proposed initiation and completion dates for construction. This program is time-limited, requiring some facility types to be operational by specified dates (in 2024). To ensure the CEC does not approve a facility that cannot meet these statutory limits, it is necessary to know the planned dates of construction and operation.

(c) Project Ownership: This provision requires an application to contain a list of all owners and operators of the site, including adjacent owners such as a thermal host. This requirement is necessary to inform the CEC about who is a responsible party for purposes of compliance with conditions of certification that will be issued. Conditions imposed can govern construction and operational activities, and are imposed in order to protect the environment and public health during construction and operation. To enforce the conditions on site owners and facility operators, the identity of responsible parties is required.

(d) Facility Closure: This provision requires an application to contain a discussion of how the facility will be closed upon the expiration of the license or how the permits will be obtained to allow the facility to operate past the expiration of the CEC's permit. The benefit and necessity of this requirement is to be able to ascertain the long-term environmental impact of these facilities, in order to effectively mitigate them through conditions imposed at the time the permit is issued. Uniquely, for these facilities, the permits are not open ended, but rather expire by operation of law, at most, 5 years from issuance. For each, the post-permit state of the site is something staff needs to understand so that those indefinite impacts can be mitigated. Staff anticipates that some related facilities may be dismantled after the permit period. Some may seek local permitting to continue to operate, which is allowed by Public Resources Code section 25794.8. The duration of the change to the environment, and the fact of the environmental conditions at the end of the permit period, are

environmental impacts that must be assessed. As such, the application requests information germane to that topic.

(e) Environmental information: This section of the Appendix contains 16 categories of environmental information and requests information about plans to mitigate the anticipated impacts to each. For each category, the unique scientific evidence upon which qualified scientists and other experts rely to determine the current state of an environment, and the potential impact of disruptions anticipated by the design and construction of the site and related facility, are set forth. These data are the kind of evidence staff scientists and experts regularly rely on to determine the current state of the site of a proposed power generation facility and its impacts on the environment, and public health and safety. For the Department of Water Resources (DWR) facilities that must obtain a permit from the CEC, this same data is reasonably necessary to make similar required assessments of the current state of the environment, and the impact of the facility proposed by the permit applicant.

1. Cultural Resources and Tribal Cultural Resources: The Appendix SRR defines these resources and lists the sources of existing documentary information that accurately describes the cultural features of the environment. The applicant is required to provide this information. The benefit and necessity of requiring a search of existing records is that it is an effective and efficient way to establish the current state of the proposed location. In addition, since in staff's experience a records-only review is not always complete, new surveys are required when there is an inadequacy in existing records. The benefit of this requirement is to ensure current and comprehensive evidence about the site is available for staff who must determine the impact of the proposed site on this baseline environmental condition. This section of the appendix has specific instructions on the types of reports to provide and steps to follow to obtain necessary confidential designations for the location of sensitive resources. For example, copies of California Department of Parks and Recreation (DPR) 523 forms are required because they are standardized reports completed pursuant to existing regulations and their use ensures consistent and reliable data will be available to CEC reviewers. When additional surveys are required, existing standards prescribe the information to be included on DPR 523 forms that adequately describe the resource. Also, these requirements rely on United States Geological Survey maps for describing the locations of a site and related facilities because these are reliable, objective sources of data assembled in accordance with longstanding and universally acceptable methods. CEC staff have relied on this data for many years in evaluating energy facilities' impacts on the environment, and for these reasons are also requiring their use for this program. These prescriptions are necessary to ensure adequate information is

provided to support staff's assessment, and that inappropriate public disclosure of the resources can be avoided. These steps ensure the preservation of the resource location information, and therefore, the resource.

In addition, this section requires mitigation plans for any identified resources, as well as plans for training construction and operational staff to identify any found resources. Since these facilities are limited to previously disturbed sites, some of which may be currently paved, it is anticipated that some resources may be located under long-paved portions of the site. The requirement to provide, in the application, plans to train construction and operational staff is necessary to ensure resources that could not be identified prior to construction can be identified should they be encountered during construction.

This section also requires maps of located cultural and tribal cultural resources, and information on the qualifications of the experts gathering the resource information. The benefit and necessity of these requirements is to enable staff to quickly and thoroughly understand the array of resources at the site, and to be able to rely on the data received. This allows a swift evaluation of the impacts on these environmental resources, and enables the expedited review of the application.

2. Land Use: Application requirements include providing information identifying land and property owners within 1000 feet of the site and related facilities, as well as maps of the same area. This information is reasonably necessary in order to evaluate the setting in which the facility will be located. Zoning, land uses within a quarter mile, general plan information, and other informational items are the types of data staff typically refer to and rely on when assessing the state of the environment of a power plant, and based on experience, are determined to be needed for these evaluations. For example, Mapping and Monitoring Program's Important Farmland maps are required because they are standardized and reliable sources of the current and intended uses of agricultural land. All current uses put to nearby land may be impacted by the construction and operation of these sites and related facilities. In order to mitigate the impact of the facility on the existing environment, a full understanding of the nearby land use rules, regulations, plans, designations, zoning, and actual uses is required. As well, the sections require the applicant to describe the compatibility of the proposed facility with existing land uses. Public Resources Code 25794.5 requires the CEC to resolve any noncompliance with any local laws or ordinances. This information is necessary to ensure no permits are issued when land use laws or standards would conflict with the construction or operation of the facility.

3. Noise: Information on the types of facilities located near the proposed site that are sensitive to noise is required to understand the impact of noise emitted from a power plant on the surrounding environment. People and animals are impacted by noise, and so noise testing requirements used to evaluate the environmental impacts of similar facilities are also required here. To understand and mitigate any impacts resulting from noise, staff needs to know the current ambient noise level of the site, and the additional proposed noise generated from the facility. Noise testing as described has been found by staff to be valid in other power plant siting processes, and so these same tests are required here. These are reasonably necessary to evaluate the impact on the environment caused by the noise emitted by the facility.

4. Traffic and Transportation: This section requires traffic information, including maps identifying transportation facilities to be used during construction and operation of the facility. Again, this is useful baseline data the staff rely on to assess impacts on traffic caused by a facility. Additional federal rules are implicated for facilities located near airports, so information regarding proximity to such facilities is required to assess compliance therewith. Information related to compliance with Federal Aviation Regulation Part 77 is required as staff are required to confirm all LORS are complied with by the applicant when developing the site and related facility. Federal compliance forms are requested, if applicable, to ensure this compliance has been attained. This is the typical data staff obtain when assessing the environmental impacts of any power plant, and based on this experience, staff has determined these data points are necessary to provide a complete factual bases for a recommendation on whether or not to approve an application for a facility. In addition, a series of data points related to vehicle miles traveled as a result of the construction and operation of the facility is required. Currently, vehicle miles traveled is a widely used measurement on which to predict the impact of a project on the environment. It is reasonably necessary to obtain this information for these facilities because staff is obligated to undertake the same assessment of the impacts to the environment when processing applications for DWR facilities. Using familiar and reliable data for these assessments enable staff to quickly and accurately assess impacts created by transportation.

5. Socioeconomics: Information requested here is necessary to evaluate the anticipated changes in population, both temporary and permanent, resulting from the construction and operation of the facility, because changes in population impact the environment in a variety of ways. Staff's experience is that LORS such as those affecting school districts and other local government entities can have per capita sensitivity. For these two reasons, a clear

understanding of population changes over the duration of the project and facility is necessary. The data requested is of the type that is adequate for staff to be able to make these needed determinations related to environmental impact and compliance with LORS required by AB 205, as amended by AB 209.

6. Air Quality: The application must include data, including modeling, related to the various ways a facility can impact air quality. The data requested in this subsection is the same data type staff regularly rely on to assess a power plant's impact on air quality, including compliance with applicable federal and local air quality standards. For example, historical meteorological data maintained by California Air Resources Board relevant to the site is a reliable data source and applicant is required to review, collect and provide relevant information as part of its application. Again, these are reliably collected data staff typically reviews when evaluating the impacts of a facility on air resources. Requiring that this data be approved by either the California Air Resources Board or the local air pollution district is a status conferred situation and ensures that the data presented in the application is approved as valid by one of the agencies responsible for regulating air quality in the state. The CEC is required to ensure any licensed facility complies with all air quality standards, and in order to do so, must have data regarding the facility, its technology and emissions, information on the existing local air quality and cumulative impacts of existing emission sources, and detailed modeling and mitigation plans the applicant will undertake to ensure maintenance of the air quality impacted by the site and related facility.

7. Public Health: This section requires the application include additional data related to emissions anticipated by the facility, specifically data regarding public health effects of emissions as required in Public Resources Code section 25794.5(c)(1). The data requested in this subsection is the same data type staff regularly rely on to assess a power plant's impact on public health, including references to existing statewide guidelines related to measuring and assessing cancer and other health risks associated with anticipated emissions, and is the same type of data used in public health analyses irrespective of the technology or specific facility involved. Specifically, the information requested includes cancer potency values and noncancer reference exposure levels assessed and publicized by the Office of Environmental Health Hazard Assessment (OEHHA Guidelines, Cal-EPA 2005), and is incorporated by reference in this section. State laws require OEHHA to monitor and evaluate health impacts of airborne substances for toxicity, and to establish reliable scientific methods for the use and knowledge of the public. This is a reliable source of valid, current information regarding the existing public health factors at a location, and are necessary to establish the required baseline for the site.

It is reasonable to require the same type of evaluative data in this licensing process.

8. Hazardous Materials Handling: This section requires the applicant to identify hazardous materials used at the site and related facility, and to explain the anticipated materials handling processes, including those processes required by governing laws. As well, a discussion of any fire or explosion risk, and plans to mitigate or address such risk, are also required in this section. The CEC is required to assess the impact of the proposed facility on public health (Pub. Resources Code sec. 25794.5(c)(1)) and in its experience assessing the public health impacts of similar facilities, relies on the type of data requested in this section. This data is reasonably necessary to permit staff to fully assess the public health impacts of the proposed facility.

9. Worker Safety: This section requires the applicant to provide its worker safety and training plans, including fuel handling and fire suppression systems planned for the facility, including during the construction phase. The CEC is required to assess the impact of the proposed facility on public health (Pub. Resources Code sec. 25794.5(c)(1)) and in its experience, relies on this type of data to do so. This data is reasonably necessary to permit staff to fully assess the public health impacts of the proposed facility.

10. Waste Management: This section requires applicant to provide various data regarding the waste streams created by the construction and operation of the facility, and its plans for managing proper disposal of these various waste streams. In the experience of staff, waste from construction and operation of power generating facilities can impact both the environment and public health. This section also requires an applicant to follow American Society for Testing and Material (ASTM) standards in assessing waste impacts. This standard has been relied on in other siting procedures of long-standing duration at the CEC, and is incorporated by reference in this section. Not only is the ASTM standard independently validated, but reliance on this standard has led to efficiencies in CEC's regulations by avoiding recreating the lengthy scientific and best practices standards in these regulations. In its experience assessing the public health and environmental impacts of similar facilities, staff rely on the type of data requested in this section. This data is reasonably necessary to permit staff to fully assess the public health and environmental impacts of the proposed facility.

11. Biological Resources: This section requires the applicant to provide existing information regarding the myriad biological resources potentially impacted by

the construction and operation of the facility. The data includes research and provision of existing biological surveys in various state databases, and requirements to undertake additional surveys to supplement existing evidence, including seasonal surveys as appropriate given the type of plant and animal species within the impacted area in and surrounding the proposed site. Habitat maps, narrative reports, summaries as described, individual counts, etc., included here are all of the same type of data staff typically relies on to assess the current state of the biological environment for similar power plant siting applications. For example, research into the California Natural Diversity Database (CNDDB), consideration of the species listed as rare under the California Native Plant Protection Act, review of information on established native resident or migratory wildlife corridors or wildlife nursery sites, lists of sensitive species and habitats (including their status) etc., are included as the types of information gathering activities that create a robust and valid picture of the current state of biological resources. In addition, this section requests any maps that would be included in state and federal permitting application considerations. As the DWR facility certification must ensure all LORS are complied with, verifying the jurisdictional scope of these state and federal permitting entities through these map requests enables staff to scope the projects and make further inquiry into any needed permit compliance facts. Likewise, if the California Coastal Act of 1976 or California Department of Fish and Wildlife require the applicant to complete Army Corps of Engineers wetland delineation forms, these are to be provided. These data sources stem from requirements in existing laws that protect and assess the environment. CEC staff have, for many years, relied on these data sources to analyze the environmental impacts of similar facilities. This data is reasonably necessary to enable staff to fully assess the environmental impacts of the proposed facility as required by the SRR program.

12. Water Resources: This section requires the applicant to provide data relating to qualification for various federal and state water permits, information about the hydraulic setting of the facility, including maps, and the chemical and physical characteristics of the water at the site. The section also requires information about the facility's use of water during construction and operation, and characteristics of the water and of methods of conveyance as applicable. Data and narrative explanation regarding how water currently flows on and around the site, and how that may be impacted by the construction and operation of the facility are also required. For example, this section requires information regarding water inundation zones, such as the 100-year floodplain and tsunami run-up zones, if applicable. As well, details regarding compliance with LORS regarding water must be provided. In its experience assessing the

public health and environmental impacts of similar facilities, staff rely on the type of data requested in this section. This data is reasonably necessary to enable staff to fully assess the public health and environmental impacts of the proposed facility.

13. Soils: This section requires applicant to provide data regarding the existing state of the soils and an assessment of the effects of the project on soil resources and agricultural land uses. Data regarding any existing contaminated soils must be provided. Impacts to soil affect both the environment and public health, and must be considered when evaluating an application. In its experience assessing the public health and environmental impacts of similar facilities, staff rely on the type of data requested in this section. This data is reasonably necessary to enable staff to fully assess the public health and environmental impacts of the proposed facility.

14. Paleontological Resources: This section requires applicant to provide data and discussion regarding the geologic setting, formations, and stratigraphy of the project area. As well, various data regarding any known or likely paleontological resources in the area, and plans to mitigate disruption of those resources during construction and operation of the facility. For example, the section requires an identification of the Geomorphic Province as defined by California Department of Conservation, California Geologic Survey Note 36, which is incorporated by reference in this section, among other items of information. This reference information is independently assembled by other state agencies, and is the type CEC staff have relied on for many years in the course of its various permitting programs. These physical features of the environment are considered by staff when evaluating the impact of similar projects on the environment. In its experience assessing the environmental impacts of similar facilities, staff rely on the type of data requested in this section. This data is reasonably necessary to enable staff to fully assess the environmental impacts of the proposed facility.

15. Geological Hazards and Resources: This section requires the applicant to provide a summary and supporting data, including maps, regarding the geology, seismicity and geologic resources within 2 miles of the project site. The potential hazards created by the construction and operation of the facility in light of a possible seismic event must be evaluated by staff to determine the environmental and public health impact of the project. A 2-mile radius for this data is consistent with requirements currently applicable to similar facility assessments performed by the CEC. In its experience assessing the public health and environmental impacts of similar facilities, staff rely on the type of

data requested in this section. This data is reasonably necessary to permit staff to fully assess the public health and environmental impacts of the proposed facility.

16. Transmission System Safety Nuisance: This section requires the applicant to provide locations and descriptions of existing electrical features, such as switchyards, transmission lines, existing electromagnetic field measures, and potential disruption of television and radio signals. Also, mitigation measures proposed by the applicant must be disclosed. Hazards created by development near such structures can impact the environment and public health and safety, and must be considered by staff when reviewing an application. In its experience assessing the public health/safety and environmental impacts of similar facilities, staff rely on the type of data requested in this section. This data is reasonably necessary to permit staff to fully assess the public health and environmental impacts of the proposed facility.

(f) Engineering

1. Transmission System Design: This section requires the applicant to provide information about planned electrical system features to be constructed or altered on the site, including voltage and location of connection to existing infrastructure. This information will help inform staff's conclusions regarding the facility's capability of delivering energy during net peak hours in response to a dispatch by the California Independent System Operator or another balancing authority during extreme events and whether it has access to infrastructure needed to operate, in accordance with Public Resources Code section 25794.2(b)(1). Additionally, construction and operation of new electrical system features can impact the environment and public and worker safety. In its experience assessing the public health/safety and environmental impacts of similar facilities, staff rely on the type of data requested in this section. This data is reasonably necessary to permit staff to fully assess a proposed facility's compliance with Public Resources Code section 25794.2(b)(1) and any potential public health and environmental impacts related to its interconnection with the electrical grid.

2. Reliability: This section requires the applicant to provide information regarding availability of fuels, equipment factors related to reliability during weather events, energy storage systems, and various lifetime capacity factors. This information is required to understand whether the proposal adequately meets the purpose of the facility, which here is for emergency and back up generation needed during extreme events, as described in Public Resources Code

section 25794.2(b)(2). In its experience assessing the public health and environmental impacts of similar facilities, staff rely on the type of data requested in this section. This data is reasonably necessary to permit staff to fully assess the facility's ability to meet the reliability needs for which it is being proposed and assess public health and environmental impacts of the proposed facility.

3. Efficiency: This section requires the applicant to provide data describing the efficiency of the equipment, such as heat and mass balances, fuel consumption, net energy production, hours of operation, and a discussion of alternative generation options for this facility. Electrical generating equipment is subject to efficiency standards, and demonstrated compliance therewith is a necessary finding staff must make. As well, these requirements inform the applicant of the need to select generating equipment that efficiently produces energy. In its experience assessing the public health and environmental impacts of similar facilities, staff rely on the type of data requested in this section. This data is reasonably necessary to permit staff to fully assess the public health and environmental impacts of the proposed facility.

(g) Compliance with Laws, Ordinances, Regulations and Standards:

This section requires the applicant to provide tables containing information regarding all (LORS) that would apply to the facility but for the Public Resources Code establishing the CEC's authority to issue a permit for the facility in lieu of those LORS. These include any LORS relating to the visual and aesthetic aspects of the project over which local requirements have been implemented. The table must make reference to the information in the application relevant to each LORS listed, and provide the contact name of agencies responsible for enforcing those LORS. AB 205, as amended by AB 209, requires all applicable LORS be complied with prior to the issuance of a certification (Pub. Resources Code, § 25794.5(d).) In its experience assessing the LORS compliance of similar facilities, staff rely on the type of data requested in this section. All of this data is reasonably necessary to allow staff to verify the project remains in compliance with all LORS during construction and operation of the facility.