

DOCKETED

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Item 7: Emergency Rulemaking for Assembly Bill 205 Opt-in Certification Provisions (22-OIR-01)

October 12, 2022 Business Meeting

Eric Knight, Manager
Siting and Environmental Branch
Siting, Transmission, and Environmental Protection Division

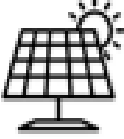

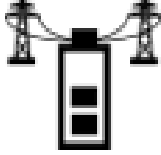


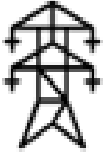


Benefits to Californians

- Increased clean energy resources
- Efficient application review
- Comprehensive environmental review
- Ensuring public transparency



Opt-in Certification Overview

<p>Solar photovoltaic power plant of at least 50 MW</p> 	<p>Terrestrial wind power plant of at least 50 MW</p> 	<p>Energy storage system of at least 200 MWh</p> 
<p>Non-fossil-fueled thermal power plant of at least 50 MW (i.e., jurisdictional facility)</p> 	<p>Manufacturing/assembly facility for renewable energy/energy storage systems or components with at least \$250 million investment</p> 	<p>Transmission from an eligible power plant or energy storage system to the first point of interconnection</p> 

PRC §§ 25545-25545.13 established program until 6/30/2029



Statutory Framework

1. Pre-filing Meeting (Day -60)
2. Application submitted (Day -30); CEC requests additional information if necessary
3. Transmit application to responsible and trustee agencies and publish summary in newspaper
4. Application deemed complete (Day 0)
5. Notice of Preparation of **Draft EIR+** (Day 3)
6. Initiate tribal engagement (**Day 5 or earlier**)
7. **Public EIR scoping meeting, informational meeting, workshop**
8. Publish Notice of Availability and Draft EIR+ (Day 30-150)
9. Public comment period and public meeting on Draft EIR+ (**60 days**)
10. Final EIR+ (Day 240)
11. **Business Meeting decision (Day 270)**
12. Other agencies issue permits (if applicable) (Day 270-360)



Opt-in Certification Regulations

§ 1875. Scope

§ 1876. Filing of Opt-in Application

§ 1876.5. Pre-filing Consultation

§ 1877. Contents of Opt-in Application

§ 1877.5. Withdrawal of Opt-in Application

§ 1878. Commission Review of Opt-in Application

§ 1878.5. Tribal Consultation

§ 1879. Staff Assessment and Executive Director's Recommendation

§ 1880. Public Outreach

§ 1880.5. Record of Proceedings and Request for Modification

§ 1881. Commission Certification of the Environmental Impact Report and Certification to Construct and Operate the Facility

§ 1882. Post Certification Project Changes



2022 Emergency Rulemaking Process

- June 30: AB 205 signed into law
- July-Sept: Informal meetings with stakeholders
- Sept: Consultation with California Native American tribes
- Sept 9: Notice of public workshop posted
- Sept 14: Draft emergency regulations posted
- Sept 19: Public workshop held (150+ attendees)
- Sept 30: Written public comment period ended
- Oct 13: If CEC adopts, file with Office of Administrative Law



Proposed Action

Approve Resolution No. 22-1012-7

- Find adoption of regulations is not a project under CEQA or alternatively exempt, and
- Adopt sections 1875-1882 of California Code of Regulations, title 20, article 4.1