

DOCKETED

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Project Title:	Business Meeting Agendas, Transcripts, Minutes, and Public Comments
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Item 9: AB 205/209 Emergency Rulemaking Strategic Reliability Reserve Certification of DWR Facilities

October 12, 2022 Business Meeting of the CEC



Kari Anderson, Senior Attorney, Chief Counsel's Office



Benefits to Californians

- Additional summer extreme event back-up power
- Expedited review and approval of facilities
- Thorough environmental review





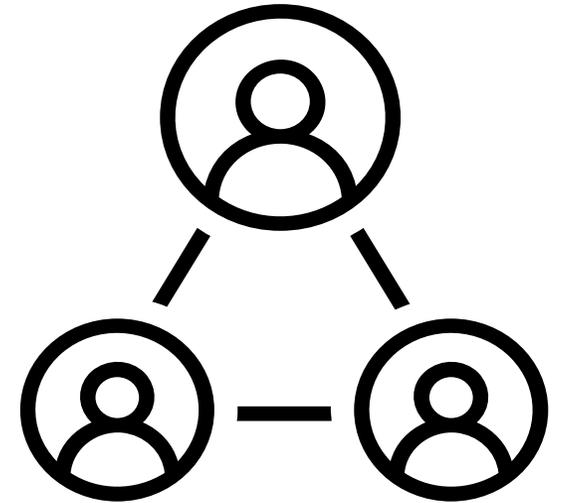
Scope of DWR Program

- 1) New emergency and temporary power generators of 5 or more MWs
 - No diesel fuel use after 7/31/2023
 - 2) New energy storage systems located outside coastal zone and jurisdiction of SF BCDC, of 20 or more MW, capable of discharging for at least 2 hours
 - Operational date no later than 12/31/2024
 - 3) Generation facilities located outside coastal zone and SF BCDC jurisdiction using clean, zero-emission fuel technology of any size to produce electricity
 - 4) Supporting development of zero-emission generation capacity with point of interconnection at CA balancing authority, with majority of its capacity contracted for by load-serving entity that has a service area primarily in CA
 - Operational date no later than 12/31/2024
- ❖ License valid for 5 years



Expedited Process

- 180-day review process
- Pre-filing meeting
- Application filed
- CEC gives notice to tribes; early consultation permitted
- 20-day staff review to deem complete or request more info
 - 30 days for DWR to provide more info
 - 5 days for staff to review
 - Continue request/review process until complete





Application Content

- Cultural Resources and Tribal Cultural Resources
- Land Use
- Noise
- Traffic and Transportation
- Socioeconomics
- Air Quality
- Public Health
- Hazardous Materials Handling
- Worker Safety
- Waste Management
- Biological Resources
- Water Resources
- Soils
- Paleontological Resources
- Geological Hazards and Resources
- Transmission System Safety and Nuisance
- Engineering
 - Transmission System Design
 - Reliability
 - Efficiency



Expedited Process

- Notice of application completeness filed and served on agencies
 - If comments received, staff meets with agency
- Tribal Consultation concludes
- Publish a Preliminary Staff Assessment – 60-day comment period
- Publish Final Staff Assessment that responds to comments
- Within 45 days, commission action to approve, deny application, or other action



Final Staff Assessment

- Environmental impact analysis
- Impacts on public health and safety
- Compliance with all applicable federal State and local laws, ordinances, regulations and standards
- Determine if the site and related facility cannot be certified per PRC 25794.6
- Respond to public and agency comments
- Provide a recommendation to the commission



Emergency Rulemaking Process

June 30: AB 205 signed into law

July-Sept: Meetings with DWR

Sept 20: Notice of Workshop

Sept 30: Workshop held - approximately 50 participants

Oct 3: Close of written comment period; Tribal listening session

Oct 7: Published notice of proposed action and
proposed emergency regulations

Oct 14: If CEC approves, submit proposed regulations to OAL
for 5-day comment period



Staff Recommendation

Approve the resolution:

- Finding that adoption of regulations in 22-OIR-02 is not a project under CEQA or alternatively exempt, and
- Adopting proposed regulations and the Appendix SRR, as Article 4.2 of title 20 of California Code of Regulations