

**DOCKETED**

<b>Docket Number:</b>	22-BUSMTG-01
<b>Project Title:</b>	Business Meeting Agendas, Transcripts, Minutes, and Public Comments
<b>TN #:</b>	246482
<b>Document Title:</b>	Presentation - Item 9_AB 205_209 ER Rulemaking Strategic Reliability Reserve Certification of DWR Facilities
<b>Description:</b>	*** THIS DOCUMENT SUPERSEDES TN 246432 ***
<b>Filer:</b>	Patty Paul
<b>Organization:</b>	California Energy Commission
<b>Submitter Role:</b>	Commission Staff
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# **Item 9: AB 205/209 Emergency Rulemaking Strategic Reliability Reserve Certification of DWR Facilities**

October 12, 2022 Business Meeting



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





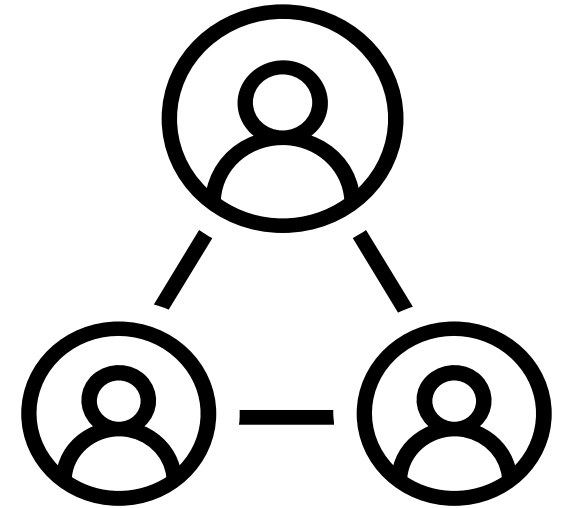
# Statutory Scope of DWR Program

- 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**
- 5) License valid for 5 years



# Steps **BEFORE** Application is Complete

- 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



# Steps **AFTER** Application is Complete

- 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

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- Environmental impact analysis
- Impacts on public health and safety
- Legal compliance
- Certification of compliance with per PRC 25794.6
- Respond to public and agency comments
- Provide recommendation to CEC





# Emergency Rulemaking Process

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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

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Approve resolution:

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