

DOCKETED

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Project Title:	Business Meeting Agendas, Transcripts, Minutes, and Public Comments
TN #:	246592
Document Title:	Order and Resolutions for October 12, 2022 Business Meeting
Description:	N/A
Filer:	Liza Lopez
Organization:	California Energy Commission
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Docketed Date:	10/17/2022

STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION: Interstate Renewable Energy Council, Inc.

RESOLVED, that the State Energy Resources Conservation and Development Commission (CEC) adopts the staff CEQA findings contained in the Agreement or Amendment Request Form (as applicable); and

RESOLVED, that the CEC approves Agreement 200-22-009 with Interstate Renewable Energy Council, Inc. for a \$5,000 sponsorship contract to support the research and implementation of the 2021 National Solar Jobs Census, including California-specific data; and

FURTHER BE IT RESOLVED, that the Executive Director or their designee shall execute the same on behalf of the CEC.

CERTIFICATION

The undersigned Secretariat to the CEC does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the CEC held on October 12, 2022.

AYE: Hochschild, Gunda, McAllister, Monahan, Vaccaro
NAY: NONE
ABSENT: NONE
ABSTAIN: NONE

Dated: October 17, 2022

SIGNED BY:

Liza Lopez
Secretariat

STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

IN THE MATTER OF:

**SOLAR ENERGY GENERATING
SYSTEMS III-VII APPLICATION FOR
CERTIFICATION**

Docket No.:87-AFC-01C

**ORDER TERMINATING
CERTIFICATION**

I. BACKGROUND

On July 26, 2022, Luz Solar Partners III-VII (Luz Solar), submitted a request to terminate the California Energy Commission (CEC) certification (license) (TN 244279) for the Solar Energy Generating System (SEGS) III-VII (87-AFC-01C). Approval of this request would end the CEC's jurisdiction over the SEGS III-VII project and site.

The SEGS III-VII units are located one mile north of Kramer Junction in unincorporated San Bernardino County and consisted of five 30-megawatt (MW) solar-thermal and natural-gas-fired units. These units used parabolic mirrors to concentrate solar energy for transfer into heat transfer fluid, which was then used to create steam to generate up to 150 megawatts (MW) of electric power for the Southern California Edison transmission grid. The CEC certified SEGS III-VII in May 1988 and the facility went online in February 1989. SEGS III-VII is located at 43880 Harper Lake Road, 7 miles northeast of Highway 58 on a 500-acre site near Hinkley, California.

On June 1, 2021, CEC staff filed a Staff Analysis of the Final Decommissioning Plan recommending it be approved by the Commission (TN 238063). The Commission approved the Final Decommissioning Plan on June 9, 2021 (TN 238204) that incorporated the new and modified Conditions of Certification recommended by staff in its analysis. Luz Solar immediately began decommissioning activities on the site which included closure of evaporation ponds under the jurisdiction and permitting of the Lahontan Regional Water Quality Control Board.

On January 11, 2022, Luz Solar filed a petition to amend the boundary of the approved project site to reflect that it had completed decommissioning in accordance with the Final Decommissioning Plan for Units III-V. On February 16, 2022, the Commission approved the petition to remove the areas previously occupied by Units III-V.

On April 12, 2022, Luz Solar filed a second PTA the Boundary of the Site to reflect that it had completed decommissioning in accordance with the Final Decommissioning Plan for Unit VII. On May 24, 2022, the Commission approved the petition to remove the areas previously occupied by Unit VII.

Final decommissioning work consistent with the decommissioning plan and conditions of certification, which includes the process for final closure of the evaporation ponds under the jurisdiction and permitting of the Lahontan Regional Water Quality Control Board was completed on September 29, 2022.

II. STAFF RECOMMENDATION

The CEC has considered the application of CEQA to the petition and concluded that the project owner has completed the requirements of the approved Decommissioning Plan and is now requesting termination of the license. CEC technical staff reviewed the request to terminate and determined through a site inspection and review of documentation, that all requirements of the Decommissioning Plan have been met, and that no significant environmental impacts nor violation of applicable laws occurred during closure of the facility. On September 29, 2022, the Delegate Chief Building Official issued a final inspection report confirming decommissioning is complete. It is now appropriate to terminate the CEC's jurisdiction so the project site can be repurposed under the county's jurisdiction.

The California Environmental Quality Act (CEQA) applies to discretionary project approvals, and although a vote to terminate the facility's certification and jurisdiction over the site would be a discretionary act, the termination does not meet the definition of a "project" under the CEQA Guidelines. (See Cal. Code Regs., tit. 14, § 15378.) Under CEQA, the definition of "project does not include administrative activities of governments that will not result in direct or indirect physical changes in the environment." (Cal. Code Regs., tit. 14, § 15378(b)(5).) CEQA Guidelines sections 15060(c)(2)-(3) and 15378(a) further reinforce that CEQA does not apply to activities that will not result in a direct or reasonably foreseeable indirect physical change in the environment. In this case, the decision at issue relates to the jurisdiction of the decommissioned site and not approval of any changes to the physical nature of the site. Staff is recommending termination of the license as continuing jurisdiction over the site is no longer necessary with the removal of the thermal powerplant.

III. ENERGY COMMISSION FINDINGS AND ORDER

The CEC finds that the approved decommissioning plan was completed and the SEGS III-VII thermal powerplant is no longer in existence. Termination of the CEC's certification will allow the sites to be repurposed under the jurisdiction of San Bernardino County. Terminating the CEC's certification and jurisdiction over the site is not a project under CEQA because the action does not entail any physical change to the environment. Therefore, the CEC hereby adopts staff's recommendation and grants the petition for termination of SEGS III-VII's certification and jurisdiction over the project site, effective September 14, 2022.

IT IS SO ORDERED.

CERTIFICATION

The undersigned Secretariat to the CEC does hereby certify that the foregoing is a full, true, and correct copy of an order duly and regularly adopted at a meeting of the CEC held on October 12, 2022.

AYE: Hochschild, Gunda, McAllister, Monahan, Vaccaro

NAY: NONE

ABSENT: NONE

ABSTAIN: NONE

Dated: October 13, 2022

SIGNED BY:

Liza Lopez
Secretariat

STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

IN THE MATTER OF:

***Rulemaking on Appliance Efficiency
Regulations for Water Closets***

Docket No.: 22-AAER-05

ORDER INSTITUTING RULEMAKING

I. PURPOSE AND SCOPE OF THE PROCEEDING

Pursuant to Public Resources Code sections 25210, 25213, 25218(e), and 25402(c), and sections 1220-1225 of Title 20 of the California Code of Regulations (CCR), the California Energy Commission (CEC) hereby institutes a proceeding to consider amendments to the CEC's Appliance Efficiency Regulations (Title 20, CCR, sections 1601-1609).

In this proceeding, the CEC will consider establishing efficiency standards, test procedures, marking requirements, certification requirements, and any other appropriate regulations for water closets. The goal of this rulemaking is to reduce water and energy consumption in the state of California. Additional changes to the CEC's Appliance Efficiency Regulations may also be considered as necessary.

II. DELEGATION OF AUTHORITY

Commissioner J. Andrew McAllister is lead commissioner for this proceeding. The CEC delegates the authority to staff, under the direction of the lead commissioner, to take all actions reasonably necessary to present proposed regulations to the CEC for final adoption, including but not limited to, complying with requirements of the Administrative Procedure Act (Government Code sections 11340 et seq.) and the California Environmental Quality Act (Public Resources Code section 21000 et seq.). Adoption of any changes to the CEC's regulations pursuant to this Order Instituting Rulemaking will be by vote of the CEC at a noticed business meeting.

III. PUBLIC PARTICIPATION

The CEC encourages full and free public participation in this proceeding. Any person present at any hearing or workshop shall be afforded a reasonable opportunity to make oral comments on the subject matter of the proceeding. Petitions to intervene are not necessary. At present, no workshop or hearing dates have been specifically identified.

The executive director, in conjunction with the public advisor, shall ensure that this order and notices of hearings and workshops are distributed to all interested persons and that drafts of the regulations are made available sufficiently in advance of workshops, interim hearings, and final adoption by the CEC to allow timely participation. The CEC will establish a date for the receipt of written comments on draft regulations.

The CEC will set forth a deadline for the receipt of written comments in a Notice of Proposed Action, which will be published later in this proceeding. Anyone who would like to participate in or receive information regarding this proceeding should register with the CEC [Appliance Efficiency Standards](#) subscription list at <https://www.energy.ca.gov/rules-and-regulations/appliance-efficiency-regulations-title-20/appliance-efficiency-proceedings>. All who are registered will receive automated email messages with information regarding hearings, workshops, and documents. Manage existing list subscriptions or sign up for others at [CEC Subscriptions](#), at <https://www.energy.ca.gov/subscriptions>.

The CEC encourages use of its electronic commenting system. Visit the [e-commenting page](#) at <https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=22-AAER-05>, which links to the comment page for this docket. Enter your contact information and a comment title describing the subject of your comment(s). Comments may be included in the “Comment Text” box or attached as a downloadable, searchable document consistent with 20 CCR section 1208.1. The maximum file size allowed is 10 MB.

Written comments may be submitted by email. Include docket number 22-AAER-05 and “Rulemaking on Appliance Efficiency Regulations for Water Closets” in the subject line and email to docket@energy.ca.gov. A paper copy may be sent to:

Docket No. 22-AAER-05
Docket Unit, MS-4
California Energy Commission
715 P Street
Sacramento, California 95814-5512

Written and oral comments, attachments, and associated contact information (including address, phone number, and email address) will become part of the public record of this proceeding with access available via any internet search engine.

The CEC’s public advisor assists the public with participating in CEC proceedings. Please call (916) 957-7910 or contact publicadvisor@energy.ca.gov for assistance.

CERTIFICATION

The undersigned Secretariat to the CEC does hereby certify that the foregoing is a full, true, and correct copy of an order duly and regularly adopted at a meeting of the CEC held on October 12, 2022.

AYE: Hochschild, Gunda, McAllister, Monahan, Vaccaro

NAY: NONE

ABSENT: NONE

ABSTAIN: NONE

Dated: October 17, 2022

SIGNED BY:

Liza Lopez
Secretariat

STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION OF THE CALIFORNIA ENERGY COMMISSION APPROVING THE
NATIONAL ENVIRONMENTAL MANAGEMENT INSTITUTE COMMITTEE
PROPOSED ACCEPTANCE TEST TECHNICIAN CERTIFICATION PROVIDER 2022
UPDATE REPORT FOR THE 2022 BUILDING ENERGY EFFICIENCY STANDARDS

WHEREAS, section 10-103.2(d)2 of the Building Energy Efficiency Standards (Energy Code) (codified in Title 24, Part 1, of the California Code of Regulations), requires acceptance test technician certification providers to submit an update report to address changes to the Energy Code; and

WHEREAS, update reports are subject to the Application Review and Determination process specified in section 10-103.2(e) of the 2022 Energy Code; and

WHEREAS, the National Environmental Management Institute Committee (NEMIC) submitted an update report to amend its approved application on June 29, 2022, which proposes to modify its application in compliance with the 2022 Energy Code; and

WHEREAS, the executive director evaluated NEMIC's update report and observed that that NEMIC has met the requirements in section 10-103.2(d)2 of the 2022 Energy Code; and

WHEREAS, on September 30, 2022, the executive director provided a copy of the staff evaluation to interested persons and provided an opportunity for public comment; and

WHEREAS, the executive director provided a written recommendation describing the review and validation of the NEMIC update report by CEC staff and recommending approval of the NEMIC update report; and

WHEREAS, the executive director's written recommendation was made available for public comment on September 30, 2022; and

WHEREAS, the CEC has considered the executive director's recommendation, all written comments submitted, oral comments made at today's business meeting, and CEC staff's responses to all comments on this matter.

THEREFORE, BE IT RESOLVED, that the CEC finds that the update report proposed by NEMIC meets the requirements in section 10-103.2(d)2 of the 2022 Energy Code; and

FURTHER BE IT RESOLVED, that the CEC confirms the executive director's determinations, adopts their recommendation, and approves the NEMIC proposed update report; and

FURTHER BE IT RESOLVED, that the Executive Director or their designee shall take all steps necessary to implement this resolution on behalf of the CEC.

CERTIFICATION

The undersigned Secretariat to the CEC does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the CEC held on October 12, 2022.

AYE: Hochschild, Gunda, McAllister, Monahan, Vaccaro

NAY: NONE

ABSENT: NONE

ABSTAIN: NONE

Dated: October 17, 2022

SIGNED BY:

Liza Lopez
Secretariat

STATE OF CALIFORNIA

STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION CERTIFYING THE SINGLE-FAMILY RESIDENTIAL ALTERNATIVE
CALCULATION REFERENCE MANUAL AND NONRESIDENTIAL AND
MULTIFAMILY ALTERNATIVE CALCULATION REFERENCE MANUAL FOR THE
2022 BUILDING ENERGY EFFICIENCY STANDARDS

WHEREAS, the 2022 Building Energy Efficiency Standards, amending California Code of Regulations, title 24, part 1 and 6, were adopted by the California Energy Commission (CEC) on August 11, 2021, with a proposed effective date of January 1, 2023, and

WHEREAS, these standards were approved by the California Building Standards Commission on December 14, 2021; and

WHEREAS, the Warren-Alquist Act, in Public Resources Code section 25402.1(e), requires the CEC to certify “an energy conservation manual for use by designers, builders, and contractors of residential and nonresidential buildings” no later than 180 days after the California Building Standards Commission approves the Building Energy Efficiency Standards; and

WHEREAS, in order to implement the requirement of section 25402.1(e), CEC staff has developed an energy conservation manual that is comprised of several documents, including residential and nonresidential compliance manuals, residential and nonresidential alternative compliance method reference manuals, a data registry requirements manual, and other compliance forms, all of which contain information to assist designers, builders, and contractors in meeting the Building Energy Efficiency Standards, including forms, charts, and other data; and

WHEREAS, the CEC certified the energy conservation manual at the May 11, 2022 and June 8, 2022, CEC business meetings; and

WHEREAS, to respond to necessary changes to California’s Building Energy Code Compliance Software (2022 compliance software), CEC staff developed updated content for the Single-Family Alternative Calculation Reference Manual, Publication Number CEC-400-2022-008-CMF-REV and the Nonresidential and Multifamily Alternative Calculation Reference Manual, Publication Number CEC-400-2022-009-CMF-REV (collectively the “ACM Reference Manuals”), which document the modeling methods used in the 2022 compliance software, which demonstrates performance compliance with the 2022 Building Energy Efficiency Standards; and

WHEREAS, CEC staff has considered the application of the California Environmental Quality Act (CEQA) to the updated ACM Reference Manuals and finds that the updated ACM Reference Manuals do not meet the definition of a “project” under Public Resources Code, section 21065, because the updated ACM Reference Manuals have no potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment, and even if the update ACM Reference Manuals were to considered a project, then the project would fall under the “common sense exemption” in California Code of Regulations, Title 14, section 15061(b)(3) because there is no reasonable possibility the updated ACM Reference Manuals would have an significant effect on the environment; and

WHEREAS, the CEC has considered staff’s proposed updates to the ACM Reference Manuals and staff’s finding that its adoption is exempt from CEQA.

THEREFORE, BE IT RESOLVED, that on the basis of the entire record before it, the CEC hereby adopts staff’s finding that the updated ACM Reference Manuals are not subject to CEQA because they do not meet the definition of a “project” as they are not an activity that has the potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, and even if they were a project, they are exempt from CEQA pursuant to the Common-Sense Exemption (Cal. Code Regs., tit 14, section 15061(b)(3)) because there is no reasonable possibility that the activity will have a significant effect on the environment, including unusual circumstances; and

THEREFORE, BE IT RESOLVED, that the CEC hereby certifies the updated Single-Family Alternative Calculation Reference Manual, Publication Number CEC-400-2022-008-CMF-REV, used to demonstrate compliance with the 2022 Building Energy Efficiency Standards; and

FURTHER BE IT RESOLVED, that the CEC hereby certifies the updated Nonresidential and Multifamily Alternative Calculation Reference Manual, Publication Number CEC-400-2022-009-CMF-REV, used to demonstrate compliance with the 2022 Building Energy Efficiency Standards; and

FURTHER BE IT RESOLVED, that the CEC directs the executive director or their designee to take all actions reasonably necessary to make the above-referenced documents available and in good form, including but not limited to correcting typographical and other non-substantive errors.

CERTIFICATION

The undersigned Secretariat to the CEC does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the CEC held on October 12, 2022.

AYE: Hochschild, Gunda, McAllister, Monahan, Vaccaro

NAY: NONE

ABSENT: NONE

ABSTAIN: NONE

Dated: October 17, 2022

SIGNED BY:

Liza Lopez
Secretariat

STATE OF CALIFORNIA

STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION APPROVING UPDATED 2022 PUBLIC DOMAIN RESIDENTIAL
(CBECC-RES 2022.2.0) AND NONRESIDENTIAL AND MULTIFAMILY
(CBECC 2022.2.0) COMPLIANCE SOFTWARE

WHEREAS, the 2022 Building Energy Efficiency Standards, amending California Code of Regulations, Title 24, Parts 1 and 6, were adopted by the California Energy Commission (CEC) on August 11, 2021, with a proposed effective date of January 1, 2023, and

WHEREAS, these standards were approved by the California Building Standards Commission on December 14, 2021, and will go into effect January 1, 2023; and

WHEREAS, the Warren-Alquist Act, in Public Resources Code section 25402.1(a), requires the CEC to develop a public computer program which will enable contractors, builders, architects, engineers, and government officials to estimate the energy consumed by residential and nonresidential buildings; and

WHEREAS, in order to implement the requirement of section 25402.1(a), CEC staff developed a public domain computer program that is comprised of California's Building Energy Code Compliance residential software (CBECC-Res 2022.1.0), which is used to estimate energy consumed by single-family residential buildings and demonstrate compliance with the performance-based single-family residential provisions of the 2022 Building Energy Efficiency Standards, California Code of Regulations, Title 24, Parts 1, Chapter 10, and 6; and

WHEREAS, in order to implement the requirement of section 25402.1(a), CEC staff developed a public domain computer program that is comprised of California's Building Energy Code Compliance nonresidential software (CBECC 2022.1.0), which is used to estimate energy consumed by nonresidential and multifamily residential buildings and demonstrate compliance with the performance-based nonresidential and multifamily provisions of the 2022 Building Energy Efficiency Standards, California Code of Regulations, Title 24, Parts 1, Chapter 10, and 6; and

WHEREAS, CEC approved CBECC-Res 2022.1.0 and CBECC 2022.1.0 at the June 8, 2022, CEC business meeting; and

WHEREAS, to respond to stakeholder comments, CEC staff updated the CBECC-Res 2022.2.0 (CBECC-Res 2022.2.0) and CBECC 2022.1.0 (CBECC 2022.2.0); and

WHEREAS, as part of developing the updated public domain computer program, CEC staff has reviewed and tested CBECC-Res 2022.2.0 and CBECC 2022.2.0 to ensure they meet the requirements, specifications, and criteria for building energy models set forth in the 2022 Alternative Calculation Method (ACM) Approval Manuals; and

WHEREAS, CEC staff has considered the application of the California Environmental Quality Act (CEQA) to the CBECC-Res 2022.2.0 and the CBECC 2022.2.0 compliance software and finds that the compliance software does not meet the definition of a “project” under Public Resources Code section 21065, because the compliance software have no potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment, and even if the compliance software were considered a project, then the project would fall under the “common sense exemption” in California Code of Regulations, Title 14, section 15061(b)(3) because there is no reasonable possibility the compliance software would have an significant effect on the environment; and

WHEREAS, the CEC has considered staff’s proposed updates to the CBECC-Res 2022.2.0 and the CBECC 2022.2.0 compliance software and finding that its adoption is exempt from CEQA.

THEREFORE, BE IT RESOLVED, that on the basis of the entire record before it, the CEC hereby adopts staff’s finding that the CBECC-Res 2022.2.0 and the CBECC 2022.2.0 compliance software are not subject to CEQA because they do not meet the definition of a “project” as they are not an activity that has the potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, and even if they were a project, they are exempt from CEQA pursuant to the Common-Sense Exemption (California Code of Regulations, Title 14, section 15061(b)(3)) because there is no reasonable possibility that the activity will have a significant effect on the environment, including unusual circumstances; and

FURTHER BE IT RESOLVED, that the CEC approves CBECC-Res 2022.2.0 used for estimating energy consumed by single-family residential buildings as specified in Public Resources Code section 25402.1, subdivision (a), and for demonstrating compliance with the performance-based single-family residential provisions of the 2022 Building Energy Efficiency Standards, California Code of Regulations, Title 24, Parts 1 and 6; and

FURTHER BE IT RESOLVED, that the CEC approves CBECC 2022.2.0 used for estimating energy consumed by nonresidential and multifamily residential buildings as specified in Public Resources Code section 25402.1, subdivision (a), and for demonstrating compliance with the performance-based nonresidential and multifamily residential provisions of the 2022 Building Energy Efficiency Standards, California Code of Regulations, Title 24, Parts 1 and 6; and

FURTHER BE IT RESOLVED, that pursuant to the 2022 ACM Approval Manual, sections 1.3.1 and 1.5.1, the CEC rescinds its approval of CBECC-Res 2022.1.0 and any other alternative calculation methods incorporating the previously approved compliance software used for estimating energy consumed by single-family residential buildings as specified in Public Resources Code section 25402.1, subdivision (a), and for demonstrating compliance with the performance-based single-family residential provisions of the 2022 Building Energy Efficiency Standards, California Code of Regulations, Title 24, Parts 1 and 6 for permit applications made on or after January 16, 2023; and

FURTHER BE IT RESOLVED, that pursuant to the 2022 ACM Approval Manual, sections 1.3.1 and 1.5.1, the CEC rescinds its approval of CBECC 2022.1.0 and any other alternative calculation methods incorporating the previously approved compliance software used for estimating energy consumed by nonresidential and multifamily residential buildings as specified in Public Resources Code section 25402.1, subdivision (a), and for demonstrating compliance with the performance-based nonresidential and multifamily residential provisions of the 2022 Building Energy Efficiency Standards, California Code of Regulations, Title 24, Parts 1 and 6 for permit applications made on or after January 16, 2023; and

FURTHER BE IT RESOLVED, that the CEC directs the executive director or their designee to take all actions reasonably necessary to make the above-referenced software available and maintain the software in good form, including but not limited to releasing bug fixes, correcting calculation and analytical errors, necessary ongoing software updates, user interface changes, and other minor updates.

CERTIFICATION

The undersigned Secretariat to the CEC does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the CEC held on October 12, 2022.

AYE: Hochschild, Gunda, McAllister, Monahan, Vaccaro

NAY: NONE

ABSENT: NONE

ABSTAIN: NONE

Dated: October 17, 2022

SIGNED BY:

Liza Lopez
Secretariat

STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION: The Regents of the University of California, on behalf of the Irvine Campus.

RESOLVED, that the State Energy Resources Conservation and Development Commission (CEC) adopts the staff CEQA findings contained in the Agreement or Amendment Request Form (as applicable); and

RESOLVED, that the CEC approves Agreement 600-22-003 with The Regents of the University of California, on behalf of the Irvine Campus for a \$250,000 contract to analyze and update the projected cost and performance status of current and emerging green hydrogen production technology to support decarbonization strategies that promote deployment of heavy-duty fuel cell EVs, and support CEC planning aimed at maximizing the successful scale-up of the green hydrogen sector in California; and

FURTHER BE IT RESOLVED, that the Executive Director or their designee shall execute the same on behalf of the CEC.

CERTIFICATION

The undersigned Secretariat to the CEC does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the CEC held on October 12, 2022.

AYE: Hochschild, Gunda, McAllister, Vaccaro

NAY: NONE

ABSENT: Monahan

ABSTAIN: NONE

Dated: October 17, 2022

SIGNED BY:

Liza Lopez
Secretariat

STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION: City of Santa Cruz

RESOLVED, that the State Energy Resources Conservation and Development Commission (CEC) adopts the staff CEQA findings contained in the Agreement or Amendment Request Form (as applicable); and

RESOLVED, that the CEC approves Agreement 004-22-ECI with the City of Santa Cruz (City) for a \$2,424,224 loan at one percent simple interest to install three solar photovoltaic (PV) arrays totaling 449.3 kilowatts (kW) at three city sites and upgrade existing lighting to high efficiency LED lighting at one city site. Upon project completion, it is estimated to reduce about 721,424 kW-hour of grid electricity consumption in the first year of solar production, saving approximately \$144,236 in utility costs per year. The loan repayment term is approximately 17 years, which is within ECAA program requirements; and

FURTHER BE IT RESOLVED, that the Executive Director or their designee shall execute the same on behalf of the CEC.

CERTIFICATION

The undersigned Secretariat to the CEC does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the CEC held on October 12, 2022.

AYE: Hochschild, Gunda, McAllister, Monahan, Vaccaro

NAY: NONE

ABSENT: NONE

ABSTAIN: NONE

Dated: October 17, 2022

SIGNED BY:

Liza Lopez
Secretariat

STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION: Yosemite Community College District

RESOLVED, that the State Energy Resources Conservation and Development Commission (CEC) adopts the staff CEQA findings contained in the Agreement or Amendment Request Form (as applicable); and

RESOLVED, that the CEC approves Agreement 005-22-ECI with the Yosemite Community College District for a \$3,000,000 loan at one percent simple interest to upgrade lighting fixtures to high efficiency LED lighting and install lighting controls at Modesto Junior College East Campus and Modesto Junior College West Campus. Upon project completion it is estimated to reduce about 2,276,384 kW-hour per year, saving approximately \$254,955 in utility costs per year. The loan repayment term is approximately 12 years, which is within ECAA program requirements; and

FURTHER BE IT RESOLVED, that the Executive Director or their designee shall execute the same on behalf of the CEC.

CERTIFICATION

The undersigned Secretariat to the CEC does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the CEC held on October 12, 2022.

AYE: Hochschild, Gunda, McAllister, Monahan, Vaccaro
NAY: NONE
ABSENT: NONE
ABSTAIN: NONE

Dated: October 17, 2022

SIGNED BY:

Liza Lopez
Secretariat

STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION: EV Charging Solutions, Inc.

RESOLVED, that the State Energy Resources Conservation and Development Commission (CEC) adopts the staff CEQA findings contained in the Agreement or Amendment Request Form (as applicable); and

RESOLVED, that the CEC approves Agreement ZVI-22-016 with EV Charging Solutions, Inc. for a \$1,882,500 grant to install 245 Level 2 chargers and two direct current fast chargers (DCFC) at three locations in Los Angeles to demonstrate replicable and scalable business and technology models to maximize access and EV miles traveled for multifamily housing residents; and

FURTHER BE IT RESOLVED, that the Executive Director or their designee shall execute the same on behalf of the CEC.

CERTIFICATION

The undersigned Secretariat to the CEC does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the CEC held on October 12, 2022.

AYE: Hochschild, Gunda, McAllister, Monahan, Vaccaro
NAY: NONE
ABSENT: NONE
ABSTAIN: NONE

Dated: October 17, 2022

SIGNED BY:

Liza Lopez
Secretariat

STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION: Veloz

RESOLVED, that the State Energy Resources Conservation and Development Commission (CEC) adopts the staff CEQA findings contained in the Agreement or Amendment Request Form (as applicable); and

RESOLVED, that the CEC approves Agreement 600-22-002 with Veloz for a \$100,000 contract that provides the CEC membership for one year. Membership allows the CEC to participate in member meetings, working groups, workshops, briefings, and other events; and to provide input on electric vehicle (EV) awareness campaigns including the prominent display of the CEC logo on related public-facing literature and displays. Veloz membership provides a forum collaborate with stakeholders in the EV community; and

FURTHER BE IT RESOLVED, that the Executive Director or their designee shall execute the same on behalf of the CEC.

CERTIFICATION

The undersigned Secretariat to the CEC does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the CEC held on October 12, 2022.

AYE: Gunda, McAllister, Monahan, Vaccaro
NAY: NONE
ABSENT: Hochschild
ABSTAIN: NONE

Dated: October 17, 2022

SIGNED BY:

Liza Lopez
Secretariat

STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

**RESOLUTION: ADOPTION OF PROPOSED AMENDMENTS TO LOAD
MANAGEMENT STANDARDS**

WHEREAS, on December 22, 2021, the State Energy Resources Conservation and Development Commission (“CEC”) mailed and posted on the CEC’s website a Notice of Proposed Action (NOPA) formally notifying the public of the CEC’s intent to adopt amendments to the Load Management Standards regulations, the Express Terms of the proposed amendments (Express Terms), an Initial Statement of Reasons (ISOR) describing the rationale for the proposal, a Market Informed Demand Automation Server (MIDAS) document relied on, an Economic and Fiscal Impact Statement, a Std. Form 399, and a Final Staff Report; and

WHEREAS, on December 24, 2021, the NOPA was published in the California Regulatory Notice Register and delivered to the Secretary of the California Natural Resources Agency. The NOPA stated that a Public Hearing to hear comments on the proposed amendments would be held on February 8, 2022, and that the CEC would consider and possibly adopt the proposed amendments at a May 11, 2022, Business Meeting of the CEC; and

WHEREAS, on February 7, 2022, the 45-day written comment period established by the NOPA closed; and

WHEREAS, on February 8, 2022, the Lead Commissioner for the rulemaking held a Public Hearing, as noticed in the NOPA, to receive oral comments on the proposed amendments; and

WHEREAS, on April 5, 2022, the CEC published a Notice of 15-Day Comment Period proposing changes to the Express Terms based on comments received during the 45-day comment period and the February 8, 2022, Public Hearing; and

WHEREAS, on April 20, 2022, the 15-day written comment period established by the Notice of 15-Day Comment Period closed; and

WHEREAS, on May 6, 2022, CEC staff posted a Notice of Postponement of Adoption Hearing, informing interested parties and the public that the proposed amendments to the Load Management Standards would be considered for adoption at a time later than the originally posted date of May 11, 2022; and

WHEREAS, on July 6, 2022, the CEC published a Second Notice of 15-Day Comment Period proposing additional changes to the Express Terms based on comments

received during the first 15-day comment period. The Second Notice of 15-Day Comment Period also noticed CEC would consider and possibly adopt the proposed amendments at the August 10, 2022, Business Meeting of the CEC; and

WHEREAS, on July 21, 2022, the comment period established by the Second Notice of 15-day Comment Period closed; and

WHEREAS, on July 29, 2022, CEC staff posted a Notice of Postponement of Adoption Hearing, informing interested parties and the public that the proposed amendments to the Load Management Standards would be considered for adoption at a time later than the posted date of August 10, 2022; and

WHEREAS, on September 12, 2022, the CEC published a Third Notice of 15-Day Comment Period proposing additional changes to the Express Terms based on comments received prior to the date of the September 12, 2022, notice. The Third Notice of 15-Day Comment Period also noticed CEC would consider and possibly adopt the proposed amendments at the October 12, 2022, Business Meeting of the CEC; and

WHEREAS, each of the above-referenced documents and notices was provided to every person on the CEC's Load Management, Decarbonization, and Rulemaking email subscription lists, and to every person who had requested notice of such matters; and

WHEREAS, on September 27, 2022, the comment period established by the Third Notice of 15-day Comment Period closed; and

WHEREAS, on October 12, 2022, the CEC considered adopting the proposed amendments at its Business Meeting and adopted the amendments as proposed in the Third Notice of 15-Day Comment Period.

THEREFORE, THE CALIFORNIA ENERGY COMMISSION FINDS:

With regard to the California Environmental Quality Act (CEQA):

- The CEC has considered the application of CEQA to the proposed amendments and concluded that the proposed amendments are exempt from CEQA under Class 7 (Cal. Code Regs., tit. 14, § 15307) and Class 8 (Cal. Code Regs., tit. 14, § 15308) because they constitute a regulatory action that would protect natural resources and the environment, and the commonsense exemption (Cal. Code Regs., tit. 14, § 15061 subd. (b)(3)) because there is no reasonable possibility that the proposed amendments would have a significant effect on the environment, even due to unusual circumstances; and

With regard to the Warren-Alquist Act:

- The proposed amendments will result in adjustments to rate structures in the affected utility service areas to encourage and facilitate the use of electrical energy at off-peak hours, alignment of daily electrical use with available energy supply, and use of renewable energy; and

- The proposed amendments are cost-effective when compared with the costs for new electrical capacity, and storage; and
- The proposed amendments are technologically feasible and attainable; and
- The proposed amendments will result in benefits on a statewide level, such as reductions in air pollution, greenhouse gas emissions, and energy use and demand, and increased electrical system reliability; and

With regard to the Administrative Procedure Act:

- The proposed amendments will not result in the creation of new businesses or elimination of existing businesses, will not result in the expansion of businesses currently doing business in California, and will not result in a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states; and
- The proposed amendments will not result in the creation or elimination of a significant number of jobs within California; and
- The proposed amendments will impose no direct costs, or direct or indirect requirements or mandates, on state agencies, local agencies, or school districts, including but not limited to costs that are required to be reimbursed under Part 7 (commencing with section 17500) of Division 4 of the Government Code; and
- The proposed amendments will result in no costs or savings in federal funding to the State of California; and
- The proposed amendments will result in marginal costs to the CEC for implementation, but no costs or savings to any other state agency; and
- The proposed amendments will result in no nondiscretionary costs or savings to local agencies or school districts; and
- The proposed amendments will have no impact on housing costs; and
- The proposed amendments will not have a significant adverse effect on businesses in general or small businesses in particular and no alternatives were proposed that would lessen any adverse economic impact on businesses or small businesses; and
- The proposed amendments will not adversely affect the health and welfare of California residents, worker safety, or the state's environment; and
- The proposed amendments will result in benefits on a statewide level, such as reductions in air pollution, greenhouse gas emissions, and electricity use and demand, and increased electrical system reliability; and

- The proposed amendments have no alternatives that would be more effective in carrying out the purposes of the statutes for which they are proposed, that would be as effective and less burdensome to affected private persons in carrying out those purposes, or that would be more cost-effective to affected private persons and equally effective in implementing those purposes; and
- The proposed amendments require new reports regarding compliance with the regulations' requirements. This information is necessary for consumers and the CEC to confirm the standards are met and energy, environmental, and cost benefits will actually be achieved. Accordingly, it is necessary that these reporting requirements apply to businesses in order to protect the health, safety, and welfare of the people of California, as required by Government Code section 11346.3, subdivision (d). It is also necessary for the CEC and the public have an understanding of load management efforts as the state endeavors to achieve its aggressive decarbonization goals; and
- None of the comments received during the comment periods or at the adoption hearing, and nothing else in the record, justified any changes to the proposed amendments as published in the Third Notice of 15-Day Comment Period.

THEREFORE, BE IT RESOLVED, that, based on the entire record before it, the CEC finds that the proposed regulations are exempt from CEQA under Class 7 (Cal. Code Regs., tit. 14, § 15307) and Class 8 (Cal. Code Regs., tit. 14, § 15308) because they constitute a regulatory action that would protect natural resources and the environment, and the commonsense exemption (Cal. Code Regs., tit. 14, § 15061 subd. (b)(3)) because there is no reasonable possibility that the proposed amendments will have a significant effect on the environment; and

FURTHER BE IT RESOLVED, after considering all comments received and staff's responses, and based on the entire record of this proceeding, the CEC hereby adopts the amendments to its Load Management Standards regulations, as set forth in the express terms that were published in the Third Notice of 15-Day Comment Period (Cal. Code of Regs., tit. 20, §§ 1621 and 1623). The CEC takes this action under the authority of, and to implement, interpret, and make specific sections 25132, 25213, 25218(e), and 254023.5 of the Public Resources Code; and

FURTHER BE IT RESOLVED, that documents and other material that constitute the rulemaking record can be found at the California Natural Resources Agency Building, 715 P Street, Sacramento, California, 94814, in the custody of the Docket Unit and online at [Load Management Rulemaking \(ca.gov\)](#); and

FURTHER BE IT RESOLVED, the CEC delegates the authority and directs CEC staff to take, on behalf of the CEC, all actions reasonably necessary to put the adopted regulations into effect, including but not limited to making any appropriate non-substantive or non-substantial changes to the regulations; preparing all appropriate documents, such as the Final Statement of Reasons; compiling and submitting the rulemaking file to the Office of Administrative Law (OAL); making any changes to the

rulemaking file required by OAL; and preparing and filing the Notice of Exemption with the State Clearinghouse.

CERTIFICATION

The undersigned Secretariat to the CEC does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the CEC held on October 12, 2022.

AYE: Hochschild, Gunda, McAllister, Monahan, Vaccaro

NAY: NONE

ABSENT: NONE

ABSTAIN: NONE

Dated: October 17, 2022

SIGNED BY:

Liza Lopez
Secretariat

STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

IN THE MATTER OF:

Emergency Rulemaking to Implement
Opt-in Program

Docket No. 22-OIR-01

RESOLUTION ADOPTING
EMERGENCY REGULATIONS

WHEREAS, on June 30, 2022, the Legislature enacted, and the Governor signed Assembly Bill (AB) 205 (ch. 61, stats. 2022), which, among other things, added Chapter 6.2 to Division 15 of the Public Resources Code; and

WHEREAS, to expedite the State's transition to clean energy projects and maintain energy reliability in the face of climate change, Public Resources Code section 25545.12 authorizes the CEC to adopt regulations to implement a new optional permitting program (opt-in) for non-fossil fueled power plants, energy storage facilities, and related facilities; and

WHEREAS, Section 25545.12 states that the adoption of these regulations shall be considered by the Office of Administrative Law (OAL) as an emergency, and necessary for the immediate preservation of the public peace, health, safety, and general welfare. Notwithstanding any other area of law, the emergency regulations adopted to implement this chapter shall remain in effect until amended by the commission; and

WHEREAS, on September 9, 2022, the CEC mailed a Notice of a Webinar to the subscription service, including to a representative number of small business enterprises or their representatives that are likely to be affected by the proposed action, and posted it on the CEC's website to present the proposed emergency regulations and take public comments on the regulatory language and opt-in program; and

WHEREAS, on September 19, 2022, the CEC held the webinar, and accepted written public comment until September 30, 2022; and

WHEREAS, on September 30, 2022, in the proceeding's docket and business meeting webpage, the CEC provided notice that it designated October 12, 2022, as the date for the business meeting to consider adoption of the proposed emergency regulations; and

WHEREAS, on October 6, 2022, at least five working days prior to submission of the proposed emergency action to OAL, the CEC provided notice of the proposed action, which included the proposed emergency regulations, to every person who has filed a request for notice of regulatory action with the agency; and

WHEREAS, on October 12, 2022, the CEC considered the proposed emergency regulations at its business meeting and adopted the proposed emergency regulations as published on October 6, 2022.

THEREFORE, THE CALIFORNIA ENERGY COMMISSION FINDS:

With regard to the California Environmental Quality Act (CEQA):

- The CEC has considered the application of CEQA to the proposed emergency regulations and concluded that adoption of the proposed emergency regulations is not a project under CEQA (Cal. Code Regs., tit. 14, § 15378(a)) because the regulations will not result in a physical change to the environment or reasonably foreseeable indirect physical change to the environment. In the alternative, adoption is exempt from the CEQA as a categorical exemption under the Class 6 Information Collection exemption (Pub. Resources Code, § 15061(b)(2); Cal. Code Regs., tit. 14, § 15306) and adoption of the regulations would also be exempt from CEQA under the common sense exemption. (Cal. Code Regs., tit. 14, § 15061(b)(3).); and

With regard to the Administrative Procedure Act:

- The proposed regulations are deemed an emergency by statute, and the CEC has express statutory authority to seek approval of these regulations implementing Chapter 6.2 of Division 15 of the Public Resources Code through OAL's emergency rulemaking procedures; and
- The proposed emergency regulations will impose no direct costs or savings, or direct or indirect requirements or mandates, on state agencies, local agencies, or school districts, including but not limited to costs that are required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of the Government Code; and
- The proposed emergency regulations will result in no costs or savings in federal funding to the State of California; and
- The proposed emergency regulations will result in no nondiscretionary costs or savings to any state agencies, local agencies, or school districts; and
- None of the comments received at the business meeting on October 12, 2022, and nothing else in the record, justified any changes to the proposed emergency regulations.

THEREFORE, BE IT RESOLVED that, based on the entire record before it, the CEC finds that adoption of the proposed emergency regulations is not a project under CEQA (Cal. Code Regs., tit. 14, § 15378(a)) because the regulations will not result in a direct physical change to the environment or reasonably foreseeable indirect physical change to the environment. The adoption of the propose emergency regulations is also exempt from CEQA as a categorical exemption under the Class 6 Information Collection exemption (Pub. Resources Code, § 15061(b)(2); Cal. Code Regs., tit. 14, §15306) and adoption of the regulations would also be exempt from CEQA under the common sense exemption. (Cal. Code Regs., tit. 14, § 15061(b)(3).); and

FURTHER BE IT RESOLVED that, after considering all comments received and based on the entire record of this proceeding, the CEC hereby adopts emergency regulations implementing the opt-in program. The CEC takes this action under the authority of sections 25213, 25218(e) and 25545.12 of the Public Resources Code, which authorize the CEC to adopt emergency regulations, as reasonable and necessary, to implement the opt-in program; and

FURTHER BE IT RESOLVED that documents and other materials that constitute the rulemaking record can be found at the CEC, 715 P Street, Sacramento, California, 95814 in the custody of the Docket Unit and online in Docket Number 22-OIR-01, at <https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=22-OIR-01> and posted on the CEC's website; and

FURTHER BE IT RESOLVED that, the CEC delegates the authority and directs CEC staff to take, on behalf of the CEC, all actions reasonably necessary to have the proposed emergency regulations go into effect, including but not limited to making any appropriate non-substantive changes to the regulations; preparing all appropriate documents; compiling and submitting the rulemaking file to the Office of Administrative Law (OAL); making any changes to the rulemaking file required by OAL; and filing a notice of exemption with the Office of Planning and Research.

CERTIFICATION

The undersigned Secretariat to the CEC does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the CEC held on October 12, 2022.

AYE: Hochschild, Gunda, McAllister, Monahan, Vaccaro
NAY: NONE
ABSENT: NONE
ABSTAIN: NONE

Dated: October 13, 2022

SIGNED BY:

Liza Lopez
SecretariaT

STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

IN THE MATTER OF:

Emergency Rulemaking to Implement
Strategic Reliability Reserve DWR
Permit Procedures

Docket No. 22-OIR-02

RESOLUTION ADOPTING
EMERGENCY REGULATIONS

WHEREAS, on June 30, 2022, the Legislature enacted, and the Governor signed Assembly Bill (AB) 205 (ch. 61, stats. 2022), which, among other things, added Chapter 8.9 to Division 15 of the Public Resources Code; and on September 6, 2022, the Legislature enacted, and the Governor signed Assembly Bill (AB) 209 (ch. 251, stats. 2022), which, among other things, modified portions of AB 205; and

WHEREAS, to provide Strategic Reliability Reserve (SRR) facilities to support statewide electrical demands during extreme events, Chapter 8.9 (commencing with section 25794) to Division 15 of the Public Resources Code authorizes the CEC to implement an expedited process to review applications submitted by the Department of Water Resources (DWR) for certification of SRR facilities; and

WHEREAS, Public Resources Code section 25793 states that the CEC shall adopt emergency regulations to implement Chapter 8.9 at a CEC business meeting, that 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, and that notwithstanding any other area of law, the emergency regulations adopted to implement this chapter shall remain valid for three years, or until replaced by nonemergency regulations, whichever is sooner; and

WHEREAS, on September 20, 2022, the CEC mailed a Notice of a Webinar to the subscription service and posted it on the CEC's website to present the emergency regulations and take public comments on the regulatory language for the SRR DWR facilities program and;

WHEREAS, on September 30, 2022, the CEC held the webinar and accepted written public comment until October 3, 2022; and

WHEREAS, on September 30, 2022, in the proceeding’s docket and business meeting webpage, the CEC provided notice that it designated October 12, 2022, as the date for the business meeting to consider adoption of the proposed emergency regulations; and

WHEREAS, on October 7, 2022, at least five working days prior to submission of the proposed emergency action to the Office of Administrative Law (OAL), the CEC provided notice of the proposed emergency action to every person who has filed a request for notice of regulatory action with the agency; and

WHEREAS, on October 12, 2022, the CEC considered the proposed emergency regulations at its business meeting and adopted the proposed emergency regulations as published on October 7, 2022.

THEREFORE, THE CALIFORNIA ENERGY COMMISSION FINDS:

With regard to the California Environmental Quality Act (CEQA):

- The CEC has considered the application of CEQA to the proposed regulations and concluded that the action is not a project under CEQA, and that CEQA therefore does not apply. In any event, were CEQA to apply, the adoption of these proposed regulations are exempt from CEQA based on the common sense exception, the categorical exemption as a category 6 activity, and pursuant to the intent of the legislature exempting the SRR DWR certification process from CEQA;

With regard to the Administrative Procedure Act:

- The proposed regulations are deemed an emergency by 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; and
- The proposed emergency regulations will impose no direct costs or savings, or direct or indirect requirements or mandates, on state agencies, local agencies, or school districts, including but not limited to costs that are required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of the Government Code; and
- The proposed emergency regulations will result in no costs or savings in federal funding to the State of California; and
- The proposed emergency regulations will result in no nondiscretionary costs or savings to any state agencies, local agencies, or school districts; and
- None of the comments received at the business meeting on October 12, 2022, and nothing else in the record, justified any changes to the proposed emergency regulations.

THEREFORE, BE IT RESOLVED, that, based on the entire record before it, the CEC finds that the proposed emergency regulations are exempt from CEQA because the rulemaking is not a project. In the alternative, adoption of the proposed emergency regulations is exempt from CEQA pursuant to the common sense exemption (Cal. Code Regs., tit. 14, § 15061(b)(3)), the categorical exemption under an information collection activity (Cal. Code Regs., tit. 14, §§ 15061(b)(2) and 15306), and the legislative intent contained in AB 205 (Pub. Resources Code, § 25794.1); and

FURTHER BE IT RESOLVED, that, after considering all comments received and based on the entire record of this proceeding, the CEC hereby adopts emergency regulations implementing the SRR DWR expedited certification procedures. The CEC takes this action under the authority of sections 25213, 25218(e) and 25545.12 of the Public Resources Code, which authorize the CEC to adopt rules or regulations, as reasonable and necessary, to implement the SRR DWR program; and

FURTHER BE IT RESOLVED, that documents and other materials that constitute the rulemaking record can be found at the CEC, 715 P Street, Sacramento, California, 95814 in the custody of the Docket Unit and online in 22-OIR-02, at and posted on the CEC's [SRR DWR docket page](#) and posted on the CEC's website.

FURTHER BE IT RESOLVED, the CEC delegates the authority and directs CEC staff to take, on behalf of the CEC, all actions reasonably necessary to have the proposed emergency regulations go into effect, including but not limited to making any appropriate non-substantive changes to the regulations; preparing all appropriate documents, such as the Notice of Proposed Emergency Action; compiling and submitting the rulemaking file to OAL; and making any changes to the rulemaking file required by OAL.

CERTIFICATION

The undersigned Secretariat to the CEC does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the CEC held on October 12, 2022.

AYE: Hochschild, Gunda, McAllister, Monahan, Vaccaro
NAY: NONE
ABSENT: NONE
ABSTAIN: NONE

Dated: October 13, 2022

SIGNED BY:

Liza Lopez
Secretariat

STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

IN THE MATTER OF:

Rulemaking to Amend Regulations
for Small Powerplant Exemptions

Docket No. 21-OIR-04

RESOLUTION ADOPTING
REGULATIONS

WHEREAS, on December 8, 2021, the California Energy Commission (CEC) adopted an order instituting rulemaking proceeding to consider amending its existing processes and procedures for, among other things, the small powerplant exemption (SPPE) proceedings (Cal. Code Regs., tit. 20, §§ 1934-1948); and

WHEREAS, on July 14, 2022, the CEC mailed to the subscription service, including to a representative number of small business enterprises or their representatives that are likely to be affected by the proposed action, and posted on the CEC's website a Notice of Proposed Action (NOPA) formally notifying the public of the CEC's intent to adopt proposed regulations amending the process for reviewing SPPE applications, the Express Terms of the proposed regulations, an Initial Statement of Reasons (ISOR) describing the rationale for the proposal, and the fiscal and economic impact analysis; and

WHEREAS, on July 15, 2022, the NOPA was published in the California Regulatory Notice Register, and delivered to the Secretary of the California Natural Resources Agency; and

WHEREAS, each of these documents and notices were provided to every person on the CEC's Siting General subscription and Rulemaking subscription and to every person who had requested notice of such matters; were posted to the project docket; and were mailed to a representative number of entities that are likely to be affected by the proposed action; and

WHEREAS, on August 29, 2022, the 45-day written comment period established by the NOPA closed; and

WHEREAS, on August 30, 2022, the CEC held a public hearing to receive comments on the proposed regulations; and

WHEREAS, on September 6, 2022, a Notice of Postponement of Adoption Hearing was sent out to inform interested parties and the public that the proposed regulations would be considered for adoption at a time later than the originally posted date identified in the NOPA; and

WHEREAS, on September 30, 2022, the CEC provided notice designating October 12, 2022, as the date for the business meeting to consider adoption of the proposed regulations; and

WHEREAS, on October 12, 2022, the CEC considered adopting the proposed regulations at its business meeting and adopted the proposed regulations as published on July 14, 2022.

THEREFORE, THE CALIFORNIA ENERGY COMMISSION FINDS:

With regard to the California Environmental Quality Act (CEQA):

- The CEC has considered the application of CEQA to the proposed regulations and concluded that the proposed regulations are not a project under CEQA (Cal. Code Regs., tit. 14, § 15378(a)) because the regulations will not result in a physical change to the environment or reasonably foreseeable indirect physical change to the environment. In the alternative, adoption is exempt from the CEQA under the common sense exemption. (Cal. Code Regs., tit. 14, § 15061(b)(3).); and

With regard to the Administrative Procedure Act:

- The proposed regulations will not result in the creation of new businesses or elimination of existing businesses, will not result in the expansion of businesses currently doing business in California, and will not result in a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states; and
- The proposed regulations will impose no direct costs or savings, or direct or indirect requirements or mandates, on state agencies, local agencies, or school districts, including but not limited to costs that are required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of the Government Code; and
- The proposed regulations will not result in the creation or elimination of jobs within California; and
- The proposed regulations will result in no costs or savings in federal funding to the State of California; and
- The proposed regulations will result in no nondiscretionary costs or savings to any state agencies, local agencies, or school districts; and

- The proposed regulations will have no impact on housing costs; and
- The proposed regulations will result in no cost impacts to representative private persons or businesses in reasonable compliance with the regulations; and
- The proposed regulations will not adversely impact the health and welfare of California residents, worker safety, or the state's environment; and
- The proposed regulations have no alternatives that would be more effective in carrying out the purposes of the statutes for which they are proposed, that would be as effective and less burdensome to affected private persons in carrying out those purposes, or that would be more cost effective to affected private persons and equally effective in implementing those purposes; and
- The proposed regulations will not have a significant adverse economic impact on small business; and
- The proposed regulations will not require completion of any new report; and
- None of the comments received during the comment period, at the public hearing on August 30, 2022, or at the business meeting on October 12, 2022, and nothing else in the record, justified any changes to the proposed regulations as published on July 14, 2022.

THEREFORE, BE IT RESOLVED that, based on the entire record before it, the CEC finds that the proposed regulations are not a project under CEQA (Cal. Code Regs., tit. 14, § 15378(a)) because the regulations will not result in a direct physical change to the environment or reasonably foreseeable indirect physical change to the environment. In the alternative, adoption is exempt from the CEQA under the common sense exemption. (Cal. Code Regs., tit. 14, § 15061(b)(3).); and

FURTHER BE IT RESOLVED that, after considering all comments received and based on the entire record of this proceeding, the CEC hereby adopts the amendments to its SPPE regulations, as set forth in the Express Terms that were published on July 14, 2022. The CEC takes this action under the authority of sections 25213 and 25218(e) of the Public Resources Code, which authorize the CEC to adopt rules or regulations, as reasonable and necessary, to implement Public Resources Code section 25541; and

FURTHER BE IT RESOLVED that documents and other materials that constitute the rulemaking record can be found at the CEC, 715 P Street, Sacramento, California, 95814 in the custody of the Docket Unit and online in [Docket Number 21-OIR-04](https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=21-OIR-04), at <https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=21-OIR-04> and posted on the CEC's website.

FURTHER BE IT RESOLVED that the CEC delegates the authority and directs CEC staff to take, on behalf of the CEC, all actions reasonably necessary to have the proposed regulations go into effect, including but not limited to making any appropriate

non-substantive changes to the regulations; preparing all appropriate documents, such as the Final Statement of Reasons; compiling and submitting the rulemaking file to the Office of Administrative Law (OAL); making any changes to the rulemaking file required by OAL; and filing a notice of exemption with the Office of Planning and Research.

CERTIFICATION

The undersigned Secretariat to the CEC does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the CEC held on October 12, 2022.

AYE: Hochschild, Gunda, McAllister, Monahan, Vaccaro

NAY: NONE

ABSENT: NONE

ABSTAIN: NONE

Dated: October 13, 2022

SIGNED BY:

Liza Lopez
Secretariat

STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

IN THE MATTER OF:

LOS MEDANOS ENERGY CENTER

Docket No.: 98-AFC-01C

**ORDER APPROVING POST
CERTIFICATION PETITION**

I. INTRODUCTION

On April 23, 2021, Los Medanos Energy Center (LMEC), LLC (project owner) filed a post-certification petition with the California Energy Commission (CEC) for the Los Medanos Energy Center (LMEC).

LMEC is an operational 500-megawatt (MW) natural gas-fired combined cycle energy facility that includes heat recovery steam generator (HRSG) units, steam turbine generator units, transformers, and water treatment and cooling towers. The 500 MW project was certified by the CEC on August 17, 1999, and began commercial operation in October 2001. The facility, formerly known as Pittsburg District Energy Facility, is in the City of Pittsburg, in eastern Contra Costa County, California.

The project owner seeks approval for a petition that would allow the LMEC to work with ION Clean Energy (ION) to demonstrate, on a pilot scale, its solvent technology to capture carbon dioxide (CO₂) from a small portion of flue gas from a single turbine exhaust at LMEC. The project would require LMEC to supply approximately 0.04 percent of its stack gas via above-ground pipeline to an onsite carbon capture and utilization pilot project. The pilot project would be in operation for approximately 15 months with the equipment removed from the site after the pilot project is completed.

Seven new Air Quality Conditions of Certification are being added to the AFC License to address increases in emissions of ammonia and Volatile Organic Compounds also called Primary Organic Contaminants (VOCs or POCs) resulting from the CO₂ pilot project.

II. BACKGROUND

California Code of Regulations, title 20, section 1769 requires a project owner to petition the CEC for the approval of any change it proposes to the project design, operation, or performance requirements of a certified facility.

California Code of Regulations, title 20, section 1769(a)(4)(A) requires the CEC to issue an order approving, rejecting, or modifying the petition or assign the matter for further proceedings before the CEC or an assigned committee or hearing officer and, additionally if applicable, requires the CEC to approve the proposed change only if it can make the findings specified in California Code of Regulations, title 20, section 1748(b).

Lastly, Public Resources Code section 21166 specifies that when an environmental impact report has been prepared for a project pursuant to this division, no subsequent or supplemental environmental impact report shall be required by the lead agency or by any responsible agency, unless one or more of the following events occurs: (a) Substantial changes are proposed in the project which will require major revisions of the environmental impact report; (b) Substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report; (c) New information, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available.

III. STAFF RECOMMENDATION

The CEC has considered the application of CEQA to the proposed regulations and concluded that on September 30, 2022, staff filed a review of the petition recommending the addition of new Conditions of Certification **AQ-ION 1** through **AQ-ION 7** for consistency with the new Authority to Construct permit issued by the Bay Area Air Quality Management District (BAAMQD) to make the effect on the environment less than significant.

Staff also concludes that none of the findings specified in California Code of Regulations, title 20, section 1748(b) apply to the proposed change. Lastly, staff concludes the proposed changes do not meet any of the criteria requiring the production of a subsequent or supplemental environmental impact report pursuant to Public Resources Code section 21166.

Staff concludes that, with the adoption of the conditions of certification, LMEC would remain in compliance with applicable LORS, and the proposed changes to LMEC would not result in any significant adverse direct, indirect, or cumulative impacts to the environment. Staff recommends approval of the petition.

IV. ENERGY COMMISSION FINDINGS

Pursuant to California Code of Regulations, title 20, section 1769(a)(4), the CEC concurs with staff's recommendation and finds that the petition will: (1) not have a significant effect on the environment and (2) not cause the project to fail to comply with any applicable laws, ordinances, regulations, and standards.

V. CONCLUSION AND ORDER

The CEC also concurs with staff's recommendation that the findings required to be made by the CEC pursuant to California Code of Regulations, title 20, section 1769(a)(4)(A), and as specified in California Code of Regulations, title 20, section 1748(b), do not apply. Lastly, the CEC concurs with staff and finds that the proposed change does not meet the criteria requiring the production of a subsequent or supplemental environmental impact report consistent with Public Resources Code section 21166.

The CEC hereby adopts staff's recommendation and grants the petition allowing for the demonstration carbon capture project.

IT IS SO ORDERED.

CERTIFICATION

The undersigned Secretariat to the CEC does hereby certify that the foregoing is a full, true, and correct copy of an order duly and regularly adopted at a meeting of the CEC held on October 12, 2022.

AYE: Hochschild, Gunda, McAllister, Monahan, Vaccaro

NAY: NONE

ABSENT: NONE

ABSTAIN: NONE

Dated: October 13, 2022

SIGNED BY:

Liza Lopez
Secretariat

STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION: GAS RESEARCH AND DEVELOPMENT PROGRAM 2022 ANNUAL REPORT

RESOLVED, CPUC Decision 04-08-010 requires that the CEC files an Annual Report to the CPUC and provide information on costs, balances of approved project budgets and expenses, benefits and progress of R&D projects. The reports should be filed annually with the Energy Division by October 31; and

RESOLVED, CPUC Decision 04-08-010 establishes criteria for gas research and development (Gas R&D) projects to be approved under this program, namely that the projects: 1) Focus on energy efficiency, renewable technologies, conservation and environmental issues 2) Support state energy policy 3) Offer a reasonable probability of providing benefits to the general public, and 4) Consider opportunities for collaboration and co-funding opportunities with other entities.

RESOLVED, AB 148 Section 71 Section 25620.8 of the Public Resources Code is amended to read: "The commission shall prepare and submit to the relevant policy committees of the Legislature and the Joint Legislative Budget Committee an annual report, that includes, but is not limited to, all of the following information: recommendations for improvements in the program, a summary of impacts and benefits, funding allocation to each gas investment areas, descriptions of successful or promising projects funded in gas investment areas, funding initiatives and activities over the next year, information on approved project budgets and benefits, all active projects, and recently completed projects, descriptions of any recent changes to spending guidelines or eligible projects. As part of each annual report submitted pursuant to this section, the commission may include information that has been previously provided in reports submitted to the Public Utilities Commission. The commission shall establish procedures for protecting confidential or proprietary information and shall consult with all interested parties in the preparation of each annual report submitted pursuant to this section, and a report to be submitted pursuant to this section shall be submitted in compliance with Section 9795 of the Government Code."

THEREFORE, BE IT RESOLVED, that the CEC approves the *Gas Research and Development Program 2022 Annual Report* and directs the Executive Director, or his designee, to take the following action:

- Finalize the *Gas Research and Development Program 2022 Annual Report*, including but not limited to incorporating any changes presented and adopted

today along with any non-substantive changes such as typographical corrections and graphical formatting;

- Forward the final report to the Legislature and to the CPUC;
- Make the final report available to the public on the Energy Commission's website; and

FURTHER BE IT RESOLVED, that the Executive Director or their designee shall execute the same on behalf of the CEC.

FURTHER BE IT RESOLVED, that the final report can be found in the custody of the Docket Unit online in [Docket Number 16-PIER-01](https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=16-PIER-01), <https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=16-PIER-01>; and

FURTHER BE IT RESOLVED, that the Executive Director or their designee shall execute the same on behalf of the CEC.

CERTIFICATION

The undersigned Secretariat to the CEC does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the CEC held on October 12, 2022.

AYE: Hochschild, Gunda, McAllister, Monahan, Vaccaro
NAY: NONE
ABSENT: NONE
ABSTAIN: NONE

Dated: October 17, 2022

SIGNED BY:

Liza Lopez
Secretariat

STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION: Indian Energy LLC

RESOLVED, that the State Energy Resources Conservation and Development Commission (CEC) adopts the staff CEQA findings contained in the Agreement or Amendment Request Form (as applicable); and

RESOLVED, that the CEC approves Agreement LDS-22-001 with Indian Energy LLC for a grant of up to \$31,259,680 to deploy a 60 megawatt-hour hybrid long-duration energy storage battery system, which is the first award under the Long-Duration Energy Storage Program. This project will use vanadium flow batteries and zinc hybrid cathode batteries in a hybrid-module arrangement combined with carport-mounted solar photovoltaics in a behind-the-meter microgrid to demonstrate sustained critical operations for the Viejas Tribe of Kumeyaay Indians; and

FURTHER BE IT RESOLVED, that the Executive Director or their designee shall execute the same on behalf of the CEC.

CERTIFICATION

The undersigned Secretariat to the CEC does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the CEC held on October 12, 2022.

AYE: Hochschild, Gunda, McAllister, Monahan, Vaccaro
NAY: NONE
ABSENT: NONE
ABSTAIN: NONE

Dated: October 12, 2022

SIGNED BY:

Liza Lopez
Secretariat

STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION: The Latino Equity Advocacy & Policy Institute, the LEAP Institute

RESOLVED, that the State Energy Resources Conservation and Development Commission (CEC) adopts the staff CEQA findings contained in the Agreement or Amendment Request Form (as applicable); and

RESOLVED, that the CEC approves Agreement EPC-22-008 with The Latino Equity Advocacy & Policy Institute for a \$675,103 grant to develop and demonstrate the mobile renewable backup generation of more than 12 kWh of lithium-ion batteries with renewable power generation. Backup generation technologies will be demonstrated in three different climate zones in an investor-owned utility service territory located in either a disadvantaged or low-income community; and

FURTHER BE IT RESOLVED, that the Executive Director or their designee shall execute the same on behalf of the CEC.

CERTIFICATION

The undersigned Secretariat to the CEC does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the CEC held on October 12, 2022.

AYE: Hochschild, Gunda, McAllister, Monahan, Vaccaro
NAY: NONE
ABSENT: NONE
ABSTAIN: NONE

Dated: October 17, 2022

SIGNED BY:

Liza Lopez
Secretariat

STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION: San Joaquin Valley Air Pollution Control District

RESOLVED, that the State Energy Resources Conservation and Development Commission (CEC) adopts the staff CEQA findings contained in the Agreement or Amendment Request Form (as applicable); and

RESOLVED, that the CEC approves Agreement ZVI-22-014 with San Joaquin Valley Air Pollution Control District for a \$10,348,873 grant to install a minimum of 25 DCFC and a battery energy storage system (BESS) to support 50 on-road Class 8 battery-electric trucks and to conduct workforce training and development and community outreach. The proposed DCFC and BESS will be capable of charging and supporting the pilot of 50 on-road, Class 8 Volvo battery-electric trucks that are being funded by the California Air Resources Board (CARB); and

FURTHER BE IT RESOLVED, that the Executive Director or their designee shall execute the same on behalf of the CEC.

CERTIFICATION

The undersigned Secretariat to the CEC does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the CEC held on October 12, 2022.

AYE: Hochschild, Gunda, McAllister, Monahan, Vaccaro
NAY: NONE
ABSENT: NONE
ABSTAIN: NONE

Dated: October 17, 2022

SIGNED BY:

Liza Lopez
Secretariat

STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION: San Joaquin Valley Air Pollution Control District

RESOLVED, that the State Energy Resources Conservation and Development Commission (CEC) adopts the staff CEQA findings contained in the Agreement or Amendment Request Form (as applicable); and

RESOLVED, that the CEC approves Agreement ZVI-22-015 with San Joaquin Valley Air Pollution Control District for \$4,550,710 grant to purchase and install at least eight DCFC and a BESS, to conduct workforce training and development, and to perform community outreach in Fresno, California. The proposed DCFC and BESS will be capable of charging and supporting the pilot of 50 on-road, Class 8 Tesla battery-electric trucks that are being funded by CARB; and

FURTHER BE IT RESOLVED, that the Executive Director or their designee shall execute the same on behalf of the CEC.

CERTIFICATION

The undersigned Secretariat to the CEC does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the CEC held on October 12, 2022.

AYE: Hochschild, Gunda, McAllister, Monahan, Vaccaro
NAY: NONE
ABSENT: NONE
ABSTAIN: NONE

Dated: October 17, 2022

SIGNED BY:

Liza Lopez
Secretariat