

**DOCKETED**

<b>Docket Number:</b>	16-OIR-06
<b>Project Title:</b>	Senate Bill 350 Disadvantaged Community Advisory Group
<b>TN #:</b>	248809
<b>Document Title:</b>	Item 5 Opt-In Certification Presentation
<b>Description:</b>	N/A
<b>Filer:</b>	Dorothy Murimi
<b>Organization:</b>	California Energy Commission
<b>Submitter Role:</b>	Commission Staff
<b>Submission Date:</b>	2/15/2023 3:35:55 PM
<b>Docketed Date:</b>	2/15/2023

# **Opt-in Certification**

## **Disadvantaged Communities Advisory Group**

February 17, 2023



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



# Legislation/Rulemaking Background







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- June 30, 2022: Assembly Bill 205 establishes a new program for certain non-fossil-fueled power plants, energy storage, and clean energy manufacturing facilities to optionally seek a permit from the CEC (“opt-in program”). CEC permit is in lieu of most other local, state, and regional permits, and federal permits to the extent allowed by federal law. Public Resources Code sections 25545-25545.13.
- October 12, 2022: Regulations to implement the opt-in program adopted as emergency regulations at CEC Business Meeting.
- October 24, 2022: OAL issued decision on emergency regulations and regulations took immediate effect. Cal. Code Regs., Title 20, sections 1875-1882.



# Overview

- Opt-in Program established until June 30, 2029
- Streamlined process for certain eligible facilities to optionally seek a permit (or certification) from the CEC to construct and operate

<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> 



# Process Outline

1. Pre-filing Meeting (at least 30 days prior to filing)
2. Docket Established (e.g., 23-OPT-01)
3. Application and Fees Submitted
4. Transmit application to local land use and interested agencies and publish summary in newspaper (per PRC 25545.8 referencing PRC 25119 subdivisions (f), (g), (j), and (k))
5. Data completeness review—CEC requests additional information if necessary within 30 days
6. Application Deemed Complete (Day 0)
7. Notice of Preparation of EIR (by Day 3)
8. Initiate Tribal Engagement (by Day 5)
9. Public Informational Meeting/Scoping Meeting (by Day 30)
10. Discovery—data requests and responses (30-day turn-around per PRC 25545.4(d))
11. Publish Notice of Availability & Draft EIR+ (on or before Day 150) which initiates 60-day public comment period
12. Public Workshop/Meeting on DEIR+ approx. 20-40 days after DEIR+ published
13. Final EIR+ (on or before Day 240)
14. Decision at CEC Business Meeting (on or before Day 270)
15. Other Agencies Issue Permits (if applicable) (Day 270-360)



# Opt-in Application Content (§1877)

- Appendix B (requirements for AFC)
- Information required for incidental take and lake and streambed alteration, if authorization being sought
- How the project is eligible under PRC section 25545(b)
- Certifications required under PRC section 25545.3.3 and 25545.3.5 (related to labor)
- Whether any required permits applications have been sought, and plan for obtaining other required permits
- Whether project is on a “prohibited” site under PRC section 25527 or 25528, and documentation of relevant agency approvals
- Preliminary information on overall net positive economic benefit to local government
- Plan or strategy to obtain binding agreements with or for the benefit of community-based organization(s)
- Whether project is eligible for streamlined judicial review



# Application Completeness (§1878)

- CEC may request additional information from the applicant
- Executive director will file a statement when the application is complete, the later of either:
  - 30 days after submission if CEC does not request additional information, or
  - Upon CEC acceptance of additional requested information
- Within 45 days after application complete or at a later date specified by the executive director, applicant must update information to support findings on:
  - The net positive economic benefit to local government
  - Agreement(s) with or to benefit community-based organization(s)



# Public Outreach (§1880)

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- Required Public Meetings (discussed at PRC 25545.7.2, 25545.7.6) must be held as close as practicable to the proposed site (PRC 25545.7.2, 25545.7.6)
- Meetings to allow for remote participation
- 10 days' notice of meetings





# Initial Staff Assessment (§1879(a))

- Draft Environmental Impact Report
- Whether project complies with minimum efficiency standards in Public Resources Code section 25402(d)
- Conformity with public safety standards, air and water quality standards, and otherwise applicable local, regional, state, and federal laws, ordinances, regulations, or standards (LORS)
- Potential for restoring the site if application is denied
- Public benefits of the project
- Identification of public agencies that received notice of the opt-in application
- Identification of whether site is in a “prohibited” area (PRC 25526 and 25527)
- Net economic impact to local government
- Binding agreements with or for the benefit of one or more community-based organizations
- Whether the project meets the requirements for streamlined judicial review (Pub. Resources Code sections 21183 and 21183.6)



# Final Staff Assessment (§1879(b))

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- Following 60-day minimum public comment period
- Final EIR
- Updates and changes to other findings in staff assessment
- Published at least 30 days before CEC business meeting
- Executive Director files recommendation to CEC



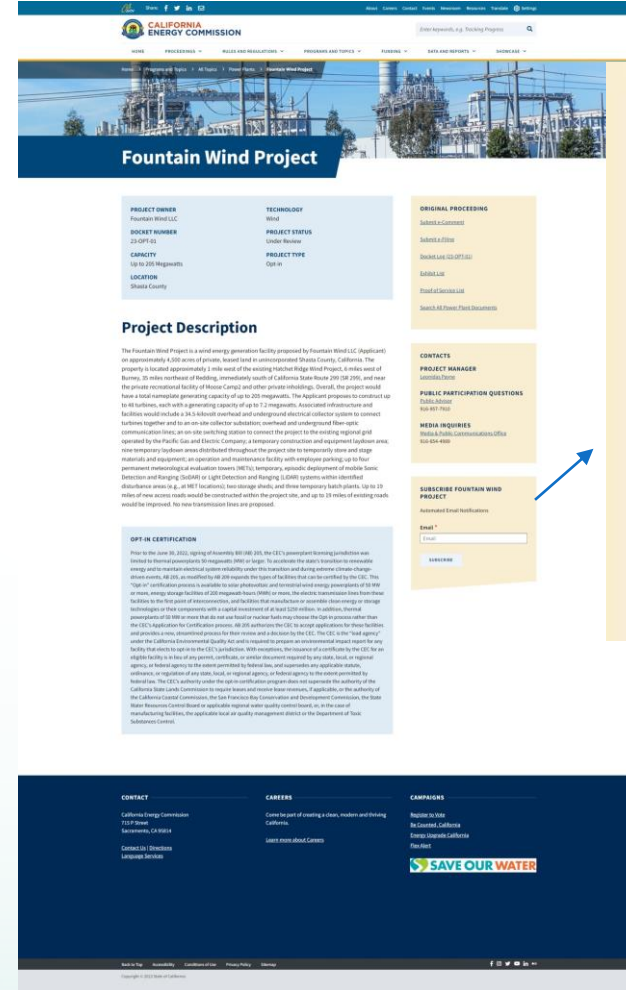
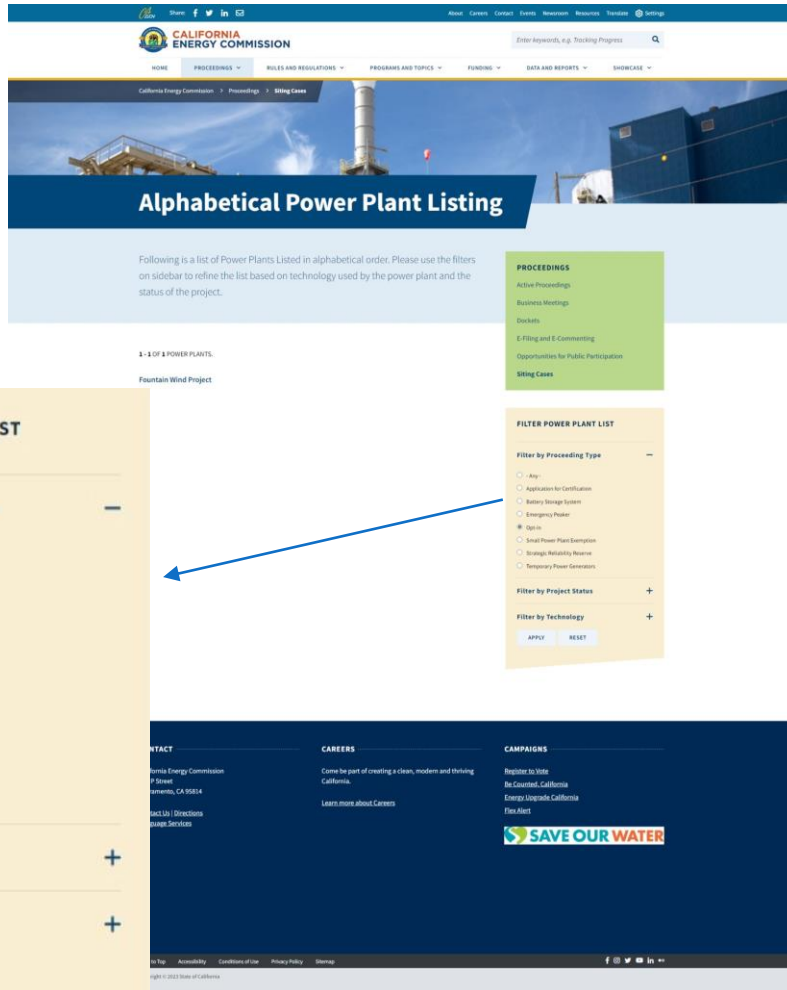
# Commission Decision (§1881)

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- Record includes the final EIR, staff's assessment, the Executive Director's recommendation, public comment
- Commission decision at business meeting



# CEC Website



**SUBSCRIBE FOUNTAIN WIND PROJECT**

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Email\*

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<https://www.energy.ca.gov/programs-and-topics/topics/power-plants/alphabetical-power-plant-listing>

<https://www.energy.ca.gov/powerplant/wind/fountain-wind-project>



**Thank You!**

