DOCKETED	
Docket Number:	23-OPT-02
Project Title:	Darden Clean Energy Project
TN #:	254670
Document Title:	CEC Data Request Response Set 1_Darden Clean Energy
Description:	This section provides the first set of data responses to the CEC's data request on 23-OPT-02. Responses are provided for data requests for cultural and tribal cultural resources, geologic hazards, land use, noise, soils, visual resources, and worker safety.
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Darden Clean Energy Project (23-OPT-02)

CEC Data Request Response Set #1

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1 Introduction

1.1 Introduction

On December 11, 2023, IP Darden I, LLC and Affiliates (Applicant) received a Determination of Incomplete Application and Request for Information from the California Energy Commission (CEC) for the Darden Clean Energy Project (23-OPT-02) in response to the Applicant's application filed on November 10, 2023. This document provides the Applicant's first set of responses to the Data Requests received from the CEC. Table 1 lists all Data Requests for which a response is provided in Response Set #1.

Table 1 Data Responses Included in Response Set #1

Data Request Resources Area	Data Request Number
Air Quality	--
Biological Resources	--
Cultural and Tribal Cultural Resources	CUL/TRI-1 through CUL/TRI-17
Efficiency, Energy and Energy Resources	--
Geologic Hazards	GEO-1 and GEO-2
Greenhouse Gas Emission (Climate Change)	--
Hazardous Materials Handling	--
Land Use	LAND-1 through LAND-5
Noise	NOISE-1
Project Description	--
Public Health	--
Socioeconomics	--
Soils	SOIL-1
Traffic and Transportation	--
Transmission System Design	--
Visual Resources	VIS-1
Waste Management	--
Water Resources	--
Worker Safety	WS-1 through WS-6

The responses are grouped by individual discipline or topic area and are presented in the same order and with the same numbering provided by the CEC. New or revised graphics, tables, or attachments are provided throughout and as appendices to this document. The responses included in this document are considered complete responses to the corresponding individual Data Requests.

Table 2 provides a list of all remaining Data Requests received from the CEC that have not been addressed in Response Set #1.

Table 2 Data Responses Not Included in Response Set #1

Data Request Resources Area	Data Request Number
Air Quality	AQ 1 through AQ-12
Biological Resources	BIO-1 through BIO-47
Cultural and Tribal Cultural Resources	--
Efficiency, Energy and Energy Resources	EEF-1 through EEF-3
Geologic Hazards	--
Greenhouse Gas Emission (Climate Change)	GHG-1 through GHG-9
Hazardous Materials Handling	HAZ-1 through HAZ-7
Land Use	--
Noise	--
Project Description	PD-1 through PD-16
Public Health	PH-1 through PH-5
Socioeconomics	SOCIO-1 through SOCIO-8
Soils	--
Traffic and Transportation	TRANS-1 through TRANS-9
Transmission System Design	TSD-1 through TSD-8
Visual Resources	--
Waste Management	WASTE-1
Water Resources	WATER-1 through WATER-22
Worker Safety	--

Supplemental Data Request Response Sets will be provided to the CEC in response to the Data Requests not addressed in this document.

2 Cultural and Tribal Cultural Resources

2.1 Data Requests DR CUL/TRI-1 through DR CUL/TRI-17

2.1.1 Data Request DR CUL/TRI-1

DR CUL/TRI-1: Provide bibliographic information for these text citations: Bean 1968, California Geological Survey 2002, Chin et al. 1993, Fredrickson 1974, and Rolle 2003.

Response: The cultural resources technical report has been revised to include the references listed above. The updated confidential Appendix I Cultural Resources Technical Report will be uploaded to the Project docket concurrent with submittal of this response set.

2.1.2 Data Request DR CUL/TRI-2

DR CUL/TRI-2: Page 5.1-1 cites Waters (1983) but the References only lists Waters (1992, not cited in text). Please reconcile.

Response: The correct reference is Waters (1992). This has been reconciled in the updated cultural resources technical report. Refer to the response to DR CUL/TRI-1 above.

2.1.3 Data Request DR CUL/TRI-3

DR CUL/TRI-3: Page 5.1-10 cites DAHP without a publication year. Page 5.1-51, References, provides 2023 as the publication year (Washington State Department of Archaeology & Historic Preservation (DAHP) 2023). Please add the publication year to the text citation if 2023 is correct.

Response: The reference is a web page without a clear publication date. The reference was accessed in 2023, with link provided. Since the publication date is unclear, no date (n.d.) has been provided as the publication year in the updated cultural resources technical report. Refer to the response to DR CUL/TRI-1 above.

2.1.4 Data Request DR CUL/TRI-4

DR CUL/TRI-4: Page 5.1-7 cites Kyle (2002) instead of Hoover et al. (2002); see page 5.1-48, References. Please change the text citation of Kyle (2002) to Hoover et al. (2002).

Response: The text citation of Kyle (2002) has been changed to Hoover et al. (2002) in the updated cultural resources technical report. Refer to the response to DR CUL/TRI-1 above.

2.1.5 Data Request DR CUL/TRI-5

DR CUL/TRI-5: The digital object identifiers/universal resource locaters (DOI/URL) for two sources do not work. Please supply working DOIs/URLs for these references: Andreano (1970) and Fresno County General Plan (2000).

Response: The URLs for Andreano (1970) and Fresno County General Plan (2000) have been replaced to current, live links in references listed in the updated cultural resources technical report. Refer to the response to DR CUL/TRI-1 above.

2.1.6 Data Request DR CUL/TRI-6

DR CUL/TRI-6: The bibliographic entry for Hinton (2008) on page 5.1-48 gives the volume number of this source as 11, when it should read 111. Please correct the bibliographic entry.

Response: Bibliographic entry corrected in the updated cultural resources technical report. Refer to the response to DR CUL/TRI-1 above.

2.1.7 Data Request DR CUL/TRI-7

DR CUL/TRI-7: Provide the maps that are missing from Dallas. (1985)

Response: Dallas 1985 (FR-00367) was provided by the Southern San Joaquin Valley Information Center (SSJVIC). Missing pages cannot be located by the SSJVIC or Rincon, as confirmed by SSJVIC Coordinator Celeste Thompson by email on January 4, 2023.

2.1.8 Data Request DR CUL/TRI-8

DR CUL/TRI-8: Provide a copy of the table of contents and pages 3, 4, and 48 missing from Hector et al. (2003)

Response: Hector et al. 2003 (FR-01955) was provided by the Southern San Joaquin Valley Information Center (SSJVIC). Missing pages cannot be located by the SSJVIC or Rincon, as confirmed by SSJVIC Coordinator Celeste Thompson by email on January 4, 2023.

2.1.9 Data Request DR CUL/TRI-9

DR CUL/TRI-9: Figure 9 indicates that the 200-foot buffer surrounding the project site was not surveyed. If this is correct, explain why the buffer area was not surveyed. Reconcile the figure if necessary.

Response: The archaeological survey did not include a 200-foot buffer surrounding the Project site due to a lack of permission to access properties adjacent to the Project site. This explanation has been added to the survey results section (5.5) of the cultural resources technical report. Refer to the response to DR CUL/TRI-1 above. A historic architecture field reconnaissance ("windshield survey") was completed within 0.5-mile of the Project site, allowing for non-intensive field inventory of the Project vicinity. Since ground-disturbing work will only occur within the extent of the Project site, the archaeological survey within the Project site and the windshield survey within 0.5-mile of the Project site provide a comprehensive inventory of cultural resources and archaeological surveys within the 200-foot buffer surrounding the Project site are not necessary.

2.1.10 Data Request DR CUL/TRI-10

DR CUL/TRI-10: If the pedestrian archaeological survey did not include the 200-foot buffer around the Solar Facility or Utility Switchyard Parcel, please direct qualified archaeologists to survey the 200-foot buffer areas of the archaeological study area.

a. Space survey transects at 33 to 50-foot intervals.
b. Report survey methods and results in an addendum to the cultural resources report and section of the application.
c. The archaeologists shall record any cultural resources identified as a result of the survey on the appropriate Department of Parks and Recreation 523 forms.

d. Submit any sensitive cultural resources information, such as the location of archaeological resources and tribal cultural resources, under request for confidential designation.

Response: The archaeological survey did not include a 200-foot buffer surrounding the proposed solar facility or utility switchyard parcel due to a lack of permission to access properties adjacent to the Project site. However, historic architecture field reconnaissance ("windshield survey") was completed within 0.5-mile of the Project site, allowing for non-intensive field inventory of the Project vicinity. No archaeological sites were identified at or near the boundary of the Project site, therefore no additional surveys beyond the Project boundary were warranted. The cultural resources identified during the architectural field reconnaissance were recorded on the appropriate Department of Parks and Recreation 523 forms.

2.1.11 Data Request DR CUL/TRI-11

DR CUL/TRI-11: List the relevant USGS topographic quadrangles as well as the acreage of the study area on the cover/title page of the report (COHP 1990, page 5).

Response: The USGS 7.5-minute quadrangles and acreage of the study area has been added to the title page of the cultural resources technical report. Refer to the response to DR CUL/TRI-1 above.

2.1.12 Data Request DR CUL/TRI-12

DR CUL/TRI-12: Describe the approximate acreage of cultural resources study area, including the gen-tie line (COHP, page 7).

Response: The Project site, comprising the cultural resources study area, consists of approximately 9,500 acres in total, including the gen-tie line. Information has been added to Section 1.2, Location, of the cultural resources technical report. Refer to the response to DR CUL/TRI-1 above.

2.1.13 Data Request DR CUL/TRI-13

DR CUL/TRI-13: Add the quadrangle names to Figure 9, per COHP (1990, page 7).

Response: The quadrangle names have been added to Figure 9 of the cultural resources technical report. Refer to the response to DR CUL/TRI-1 above.

2.1.14 Data Request DR CUL/TRI-14

DR CUL/TRI-14: Several citations lack bibliographic entries in the References section of the report (Ogaz et al. 2023). The References section contains numerous entries that are not cited in the text. References and text citations suffer from inconsistencies as well.

a. Add bibliographic information to References for Bean (1968), Frame Finder (2023), Fredrickson (1974), Hoover et al. (1966), NPS (1997), Rolle (2003), and USGS (1956, 2022, 2023).
b. The report cites Waters (1983), but the References only lists Waters (1992, not cited in text). Please reconcile.

Response: Waters (1992) and Hoover et al. (2002) have been corrected. The USGS citation references an online database of topographic maps, Topoview, which is regularly maintained and published online as of 2023. Therefore, the online citation has been noted as a 2023 publication

date. The other references listed have been added to bibliographic references of the cultural resources technical report. Refer to the response to DR CUL/TRI-1 above.

2.1.15 Data Request DR CUL/TRI-15

DR CUL/TRI-15: Several citations lack bibliographic entries in the References section of the research design (Rincon 2022). Add bibliographic information to References for Bean (1968), Borejsa et al. (2014), Dibblee (1971), Dibblee and Minch (2007), GWH-WCM (1939), NETR Online (2022), Rolle (2003), USGS (2022), and Waters (1992).

Response: Citations have been added to the References section of research design (Rincon 2022), Appendix I-3 of the cultural resources technical report. Refer to the response to DR CUL/TRI-1 above. The Borejsa et al. 2014 citation has been removed, as preferred by the authors of the 2014 report.

2.1.16 Data Request DR CUL/TRI-16

DR CUL/TRI-16: Table 4 and Figure 10 of the Cultural Resources Technical Report shows a newly recorded archaeological resource, Darden-ISO-MRL-75, with no corresponding Department of Parks and Recreation 523 form provided. Please submit a copy of the Department of Parks and Recreation 523 form for Darden-ISO- MRL-75.

Response: A Department of Parks and Recreation 523 form has been provided for Darden-ISO-MRL-75, in Appendix I-4 of the cultural resources technical report. Refer to the response to DR CUL/TRI-1 above.

2.1.17 Data Request DR CUL/TRI-17

DR CUL/TRI-17: Per Subsection 5.1.6.2 and Table 5.1-5 of the application, the project would be subject to Section 7050.5 of the California Health and Safety Code which states that in the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the Coroner of the county in which the remains are discovered has determined if the remains are subject to the Coroner's authority. Please include in Table 5.1-6: The name, title, phone number, address (required), and email address (if known), of contact person for the Fresno County Coroner's office.

Response: Table 5.1-6, of the Opt-In Application, has been updated below with name, title, and phone number for previously missing contacts. The Fresno County Coroner's office primary contact is Lieutenant Jon Alvarado, Commander of Fresno County Sheriff Coroner's Office, 559-600-3400, coroner@fresnosheriff.org. The physical and mailing address for the primary contact is 3333 E. American Avenue, Suite G, Fresno, California 93725.

Table 5.1-6 Agency Contacts for Cultural Resources

Issue	Agency	Contact
Native American Tribal Cultural Resources, Traditional Cultural Properties, Most Likely Descendant Designation	Native American Heritage Commission	1550 Harbor Blvd. Suite 100, West Sacramento, CA 95691 (916) 373-3710
Local Regulatory Requirements	Fresno County Planning Department	2220 Tulare St #6, Fresno, CA 93721 (559) 600-4230
Human Remains	Fresno County Sheriff Coroner's Office	Lieutenant Jon Alvarado 3333 E. American Avenue, Suite G, Fresno, California 93725 (559) 600-3400

3 Geologic Hazards

3.1 Data Requests DR GEO-1 through DR GEO-2

3.1.1 Data Request DR GEO-1

DR GEO-1: Please provide a copy of the Darden Solar Facility Preliminary Geotechnical Engineering Report, prepared by Terracon, dated October 13, 2023, referenced in Section 5-16 Geological Hazards and Resources.

Response: This report, as well as the Geotechnical Engineering Report for the utility switchyard, is attached to this document as Appendix A.

3.1.2 Data Request DR GEO-2

DR GEO-2: Please explain which of the two maps, Figure 5.15-1 or Figure 5.16-1a, is correct regarding geologic unit names and locations of geologic contacts in the western end of the project or explain the discrepancy in the mapping. app

Response: Figure 5.15-1 is the correct map regarding geologic unit names and locations of geologic contacts in the western end of the Project, because it was created using a higher-resolution reference map for the western end of the Project. Figure 5.15-1 combines two different published geology maps—Jennings & Strand 1958 and Dibblee and Minch 2007. The Jennings & Strand 1958 geology map covers the majority of the Project site within the valley and was used for the entire Figure 5.16-1a. The Dibblee and Minch 2007 geology map covers the western-most part of the Project area and is a higher scale map (1:24,000 vs. 1:250,000) and covers a more restrictive area (7.5-foot quadrangle vs. 1 x 2-degree area) than the Jennings & Strand 1958 map.

4 Land Use

4.1 Data Requests DR LAND-1 through DR LAND-5

4.1.1 Data Request DR LAND-1

DR LAND-1: Please confirm that the plan referenced is "Westside Subbasin Groundwater Sustainability Plan" (clarified and amended GSP) dated July 2022, and provide the website address of the plan. If not available on a website, please provide the document.

Response: The plan referenced is the Westside Subbasin Groundwater Sustainability Plan dated July 2022. The plan can be accessed at the California Department of Water Resources' SGMA Portal at the following link: https://sgma.water.ca.gov/portal/gsp/preview/8

4.1.2 Data Request DR LAND-2

DR LAND-2: Please provide the page numbers of the Groundwater Sustainability Plan that identify the project area as part of the agricultural land the Westlands Water District is planning to retire.

Response: Page 1 of Addendum C of the Westside Subbasin Groundwater Sustainability Plan states Westlands Water District is actively pursuing retirement of 100,000 acres of agricultural land within its boundaries. Parcels within the Project site are included as part of this retirement pursuant to the Sagouspe Settlement Agreement, executed September 15, 2015, which is discussed in Section 5.2.5.2 and included as a reference in Section 5.2.8 of the Opt-In Application.

4.1.3 Data Request DR LAND-3

DR LAND-3: Please provide the total acreage of Prime Farmland, Farmland of Statewide Importance, Unique Farmland, Farmland of Local Importance, and Grazing Land (FMMP agricultural land designations) impacted for each of the following project scenarios (shown in Figure 5.2-6a of the application on page 5.2-34):

- FMMP agricultural land designations by acreage for the entire project if "Option 1" is chosen (including the gen-tie line);
- FMMP agricultural land designations by acreage for the entire project if "Option 2" is chosen (including the gen-tie line);
- FMMP agricultural land designations by acreage for the entire project if "Option 1" and "Alternate Green Hydrogen Site" are combined; and
- FMMP agricultural land designations by acreage for the entire project if "Option 2" and "Alternative Green Hydrogen Site" are combined

Response: Farmland acreages for each of the scenarios are provided below:

1. FMMP agricultural land designations by acreage for the entire Project if "Option 1" is chosen (including the gen-tie line).

   Under this scenario, the Project would impact approximately 99 acres of Prime Farmland and 38 acres of Farmland of Statewide Importance.

2. FMMP agricultural land designations by acreage for the entire project if "Option 2" is chosen (including the gen-tie line).

   Under this scenario, the Project would impact approximately 99 acres of Prime Farmland and 38 acres of Farmland of Statewide Importance.

3. FMMP agricultural land designations by acreage for the entire project if "Option 1" and "Alternate Green Hydrogen Site" are combined.

   Under this scenario, the Project would impact approximately 200 acres of Prime Farmland and 38 acres of Farmland of Statewide Importance.

4. FMMP agricultural land designations by acreage for the entire project if "Option 2" and "Alternative Green Hydrogen Site" are combined.

   Under this scenario, the Project would impact approximately 200 acres of Prime Farmland and 38 acres of Farmland of Statewide Importance.

4.1.4 Data Request DR LAND-4

DR LAND-4: Please provide an analysis of the project's consistency with General Plan policies LU-A.3 and LU-B.3.

Response: The Project's consistency with Fresno County General Plan policies LU-A.3 and LU-B.3 is provided in Table 3 below.

Table 3 DR LAND-4 Fresno County General Plan Land Use Policies Consistency Matrix

Policy	Consistency
Policy LU-A.3 The County may allow by discretionary permit in areas designated Agriculture, special agricultural uses and agriculturally-related activities, including value added processing facilities, and certain non-agricultural uses listed in Table LU-3. Approval of these and similar uses in areas designated Agriculture shall be subject to the following criteria: a. The use shall provide a needed service to the surrounding agricultural area which cannot be provided more efficiently within urban areas or which requires location in a non-urban area because of unusual site requirements or operational characteristics; b. The use should not be sited on productive agricultural lands if less productive land is available in the vicinity; c. The operational or physical characteristics of the use shall not have a detrimental impact on water resources or the use or management of surrounding properties within at least one-quarter (1/4) mile radius; d. A probable workforce should be located nearby or be readily available; e. For proposed agricultural commercial center uses the following additional criteria shall apply: 1. Commercial uses should be clustered in centers instead of single uses. 2. To minimize proliferation of commercial centers and overlapping of trade areas, commercial centers	**Consistent.** Policy LU-A.3 recognizes that uses listed in Table LU-3 may be allowed by special permit. The uses listed in Table LU-3 are not exclusive but instead are described as "typical." (See Fresno County General Plan Policy Document, Agriculture and Land Use Element . p. 2-7 "Primary Land Use Designations": "Agriculture: This designation provides for the production of crops and livestock, and for location of necessary agriculture commercial centers, agricultural processing facilities, and certain nonagricultural activities. (See Table LU-3 for list of typical uses). Typical is understood to mean showing characteristics of a particular kind of thing and not necessary the thing itself. Solar energy generation is not specifically listed in Table LU-3 but it is similar in scope, character and impact to other uses listed, including "electrical substations" and "mineral extraction and oil and gas development" and thus could be allowed by special permit as "typical" of the non-agricultural uses allowed. Fresno County has granted special permits to multiple solar energy generation projects on lands designated Agriculture indicating that it interprets LU-A.3 as allowing such facilities on land

Policy	Consistency
should be located a minimum of four (4) miles from any existing or approved agricultural or rural residential commercial center or designated commercial area of any city or unincorporated community. 3. New commercial uses should be located within or adjacent to existing centers. 4. Sites should be located on a major road serving the surrounding area. 5. Commercial centers should not encompass more than one-quarter (1/4) mile of road frontage, or one-eighth (1/8) mile if both sides of the road are involved, and should not provide potential for developments exceeding ten (10) separate business activities, exclusive of caretakers' residences; f. For proposed value-added agricultural processing facilities, the evaluation under criteria "a" above, shall consider the service requirements of the use and the capability and capacity of cities and unincorporated communities to provide the required services; and g. For proposed churches and schools, the evaluation under criteria LU-A.3a above shall include consideration of the size of the facility. Such facilities should be no larger than needed to serve the surrounding agricultural community. h. When approving a discretionary permit for an existing commercial use, the criteria listed above shall apply except for LU-A.3b, e2, e4, and e5	designated for Agriculture. Examples include the Scarlet Solar Project and the Little Bear Solar Project.[1] [2] Fresno County's General Plan allows certain non-agricultural uses on agricultural lands if the uses are sited to be consistent with the criteria in LU-A.3. The Project, due to its size, requires location in a non-urban area, consistent with Policy LU-A.3(a). Consistent with Policy LU-A.3(b), the Project would be sited primarily on land that is designated to be retired from agricultural use due to existing site and water constraints. As described in Section 5.13, *Water Resources*, of the Opt-In Application, the Project would not result in a detrimental impact on water resources and therefore would be consistent with Policy LU-A.3(c). As described in Section 5.6, *Socioeconomics*, local and regional workforces are available for the construction and operation of the Project, consistent with Policy LU-A.3(d). As the Project is not an agricultural commercial center, value-added agricultural processing facility, church, school, or existing commercial use, Policy LU-A.3(e), Policy LU-A.3(f), Policy LU-A.3(g), and Policy LU-A.3(h) are not applicable to the Project.
Policy LU-B.3 The County may allow by discretionary permit in areas designated Westside Rangeland special agricultural uses and agriculturally-related activities, and certain non-agricultural uses listed in Table LU-4. Approval of these or similar uses in areas designated Westside Rangeland shall be subject to the following criteria: a. The use shall provide a needed service to the surrounding agricultural area which cannot be provided more efficiently within urban areas or requires location in a non-urban area because of unusual site requirements or operational characteristics.; b. The use should not be sited on productive agricultural lands if less productive land is available in the vicinity; c. The operational or physical characteristics of the use shall not have a detrimental impact on water resources or the use or management of surrounding properties within at least one quarter (1/4) mile radius;	**Consistent.** Policy LU-B.3 recognizes that uses listed in Table LU-4 may be allowed by special permit. The uses listed in Table LU-4 are not exclusive but instead are described as "typical." (See Fresno County General Plan Policy Document, Agriculture and Land Use Element . p. 2-7 "Primary Land Use Designations": "Westside Rangeland: This designation provides for grazing and other agricultural operations, mining, oil and gas development, wildlife habitat, various recreational activities, and other appropriate open space uses. (See Table LU-4 for list of typical uses). Typical is understood to mean showing characteristics of a particular kind of thing and not necessary the thing itself. Solar energy generation is not specifically listed in Table LU-4 but it is similar in scope, character and impact to other uses listed, including "substations" and "mineral extraction and oil and gas development" and thus could be allowed by special permit as "typical" of the non-agricultural uses allowed. Fresno County has granted

[1] County of Fresno. 2021. Scarlet Solar Energy Project Draft Environmental Impact Report No. 7230. https://www.fresnocountyca.gov/files/sharedassets/county/v/1/vision-files/files/55418-scarlet-solar-draft-eir.pdf (accessed February 2024).

[2] County of Fresno. 2018. Little Bear Solar Project Draft Environmental Impact Report No. 7225. https://www.fresnocountyca.gov/files/sharedassets/county/v/1/vision-files/files/30154-little-bear-solar-deir.pdf (accessed February 2024).

Policy	Consistency
d. A probable workforce should be located nearby or be readily available; e. For proposed commercial uses the following additional criteria shall apply: 1. Commercial uses should be clustered in centers instead of single uses. 2. To minimize proliferation of commercial centers and overlapping of trade areas, commercial centers should be located a minimum of four (4) miles from any existing or approved agricultural or rural residential commercial center or designated commercial area of any city or unincorporated community. 3. New commercial uses should be located within or adjacent to existing centers. 4. Sites should be located on a major road serving the surrounding area. 5. Commercial centers should not encompass more than one quarter (1/4) mile of road frontage, or one eighth (1/8) mile if both sides of the road are involved, and should not provide potential for developments exceeding ten (10) separate business activities, exclusive of caretakers' residences; f. For proposed churches and schools, the evaluation under criteria LU-B.3a above shall include consideration of the size of the facility. Such facilities should be no larger than needed to serve the surrounding agricultural community. g. When approving a discretionary permit for an existing use, the criteria listed above shall apply except for LU-B.3b, e2, e4, and e5.	special permits to solar energy generation projects on lands designated Westside Rangelands indicating that it interprets LU-B.3 as allowing such facilities on land designated Westside Rangelands. An example includes CUP 3607.[3] Fresno County's General Plan allows certain non-agricultural uses on areas designated Westside Rangeland if the uses are sited to be consistent with the criteria in LU-B.3. The Project, due to its size, requires location in a non-urban area, consistent with Policy LU-B.3(a). Consistent with Policy LU-B.3(b), the Project would be sited primarily on land that is designated to be retired from agricultural use due to existing site and water constraints. As described in Section 5.13, *Water Resources*, of the Opt-In Application, the Project would not result in a detrimental impact on water resources and therefore would be consistent with Policy LU-B.3(c). As described in Section 5.6, *Socioeconomics*, local and regional workforces are available for the construction and operation of the Project, consistent with Policy LU-B.3(d). As the Project is not proposed commercial use, church, school, or existing use, Policy LU-B.3(e), Policy LU-B.3(f), and Policy LU-A.3(g), are not applicable to the Project.

4.1.5 Data Request DR LAND-5

DR LAND-5: Please discuss how the project would meet the County's Conditional Use Permit findings listed in Chapter 4, Section 873 (F.) of the County of Fresno Zoning Code. Include an itemized discussion that addresses each requirement of the County of Fresno Solar Facility Guidelines (as revised by the Board of Supervisors on 12/12/17).

Response: The Project's consistency with the County's Conditional Use Permit findings listed in Chapter 4, Section 873 (F.) of the County of Fresno Zoning Code is discussed in Table 4 below.

[3] County of Fresno. 2019. Initial Study CUP 3607. https://files.ceqanet.opr.ca.gov/251775-2/attachment/T6DUTviHX4rohD0HMPooN-R0BXSxcusOHmlRNkUfUxZESIM-aEAEAviquhMcMvQeU0OkiZ9yZty0xS-O0 (accessed February 2024).

Table 4 DR LAND-5 Fresno County Conditional Use Permit Findings Consistency Matrix

Guideline	Consistency
That the site for the proposed use is adequate in size and shape to accommodate said use and all yards, spaces, walls and fences, parking, loading, landscaping and other features required by this Division, to adjust said use with land and uses in the neighborhood.	**Consistent.** The Project site is adequate in size and shape to accommodate the Proposed Project and all features required to construct and operate the Proposed Project.
That the site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use.	**Consistent.** Section 5.4, *Traffic and Transportation*, of the Opt-In Application discusses the Project's circulation system. As described therein, the Project would not involve changes to existing roadways or intersections surrounding the Project site that would introduce hazards and would include the annual reconditioning of interior roadways as part of operational site maintenance activities.
That the proposed use will have no adverse impact on abutting property and surrounding neighborhood or permitted use thereof.	**Consistent.** The Opt-In Application includes an analysis of the potential for the Project to impact surrounding land uses, including noise, air quality, and traffic. As described therein, the Project would not result in an adverse impact to surrounding land uses.
That the proposed development is consistent with the General Plan.	**Consistent.** As described in Section 5.2, *Land Use*, of the Opt-In application, the Project would be consistent with the Fresno County General Plan.
That the conditions stated in the resolution are deemed necessary to protect the public health, safety and general welfare. Such conditions may include: a. Special yards, spaces and buffers. b. Fences and walls. c. Surfacing or parking areas subject to specifications. d. Requiring street dedications and improvements (or bonds) subject to the provisions of "Site Plan Review," Section 874, including service roads or alleys when practical. e. Regulation of points of vehicular ingress and egress. f. Regulation of signs. g. Requiring landscaping and maintenance thereof. h. Requiring maintenance of the grounds. i. Regulation of noise, vibration, odors, etc. j. Regulation of time for certain activities. k. Time period within which the proposed use shall be developed (See Section 873-I). l. A bond for removal of such use within a specified period of time. m. A request for a site plan for purposes of review, said site plan to be submitted by the applicant. n. And such other conditions as will make possible the development of the County in an orderly and efficient manner and in conformity with the intent and purposes set forth in this Division.	**Not Applicable.** This section pertains to conditions that the County would implement in their resolution approving the special use. Given the authority granted to the CEC by AB 205, a Conditional Use Permit will not be required for the Project and no resolution will be prepared by the County. However, the Project is consistent with the intent and purposes of the zoning code, as the Project has incorporated design measures to minimize potential impacts to public health, safety, and general welfare, as described throughout the Opt-In application.

The Project's consistency with the County's Solar Facilities Guidelines is discussed in Table 5 below.

Table 5 DR LAND-5 Fresno County Solar Facilities Guidelines Consistency Matrix

Guideline	Consistency
Information shall be submitted regarding the historical agricultural operational/usage of the parcel, including specific crop type and crop yield, for the last ten years (if no agricultural operation in the last ten years, specify when land was last in agricultural use);	**Consistent.** Table 5.2-1 of Section 5.2, *Land Use,* provides information on agricultural operations of the Project site for the past ten years.
Information shall be submitted that identifies the source of water for the subject parcel (surface water from irrigation district, individual well(s), conjunctive system). If the source of water is via district delivery, the applicant shall submit information documenting the allocations received from the irrigation district and the actual disposition of the water (i.e. utilized on-site or moved to other locations) for the last ten years. If an individual well system is used, provide production capacity of each well, water quality data and data regarding the existing water table depth;	**Consistent.** Appendix S, *Water Supply Assessment*, of the Opt-In Application identifies the source of water for the subject parcels.
Identify the current status of the parcel (Williamson Act Contract, Conservation Easement, retired land, etc.), the purpose of any easement and limitations of the parcel. The applicant shall submit a Title Report or Lot Book Guarantee for verification.	**Consistent.** Figure 5.2-7a through Figure 5.2-7h show parcels currently subject to a Williamson Act Contract, based upon a review of Title reports and the Fresno County Assessor's parcel maps. Title reports are available upon request.
Identify (with supporting data) the current soil type and mapping units of the parcel pursuant to the standards of the California State Department of Conservation and the Natural Resources Conservation Service;	**Consistent.** Table 5.14-1 and Figure 5.14-1a through 5.14-1h in Section 5.14, *Soils*, provides current soil type and mapping units of soils within the Project site.
List all proposed measures and improvements intended to create a buffer between the proposed solar facility and adjacent agricultural operations (detailed information must be shown on Site Plan) and provide factual/technical data supporting the effectiveness of said proposed buffering measures;	**Consistent.** As described in Section 2.3.1, *Project Description,* the Project would achieve a minimum 50-foot buffer to adjacent properties by excluding structural improvements and equipment (excluding fencing) from within 50 feet of the outside boundary of the Project site, in accordance with the Fresno County Solar Facility Guidelines.
Provide a Reclamation Plan detailing the lease life, timeline for removal of the improvements and specific measures to return the site to the agricultural capability prior to installation of solar improvements;	**Consistent.** A Reclamation Plan has been submitted as Appendix H of the Opt-In Application and contains the anticipated Project life, timeline for decommissioning, and measures for returning the Project site to its previous agricultural capability.
Provide information documenting efforts to locate the proposed solar facility on non-agricultural lands and non-contracted parcels and detailed information explaining why the subject site was selected.	**Consistent.** Section 6, *Alternatives*, provides information on Project site selection, including efforts to avoid conflicts with existing agriculture.
Develop and submit a project site Pest Management Plan to identify methods and frequency to manage weeds, insects, disease and vertebrate pests that may impact adjacent sites.	**Consistent.** A Pest Management Plan will be developed prior to construction of the Project, that includes methods and frequency to manage weeds, insects, disease and vertebrate pests on and adjacent to the Project site.

Guideline	Consistency
The applicant must acknowledge the County's Right to Farm Ordinance and shall be required to record a Right to Farm Notice prior to issuance of any permits. This shall be included as a recommended Condition of Approval of the land use entitlement.	**Consistent.** The Applicant hereby acknowledges the County's Right to Farm Ordinance within the County's Solar Facilities Guidelines as applicable to the Project.
Note: The life of the approved land use permit will expire upon expiration of the initial life of the solar lease. If the solar lease is to be extended, approval of new land use permit will need to be obtained.	**Not Applicable.** The Applicant is seeking Project approval from the California Energy Commission under the Opt-In Application process and will not be obtaining a land use permit from the County of Fresno.
If the project is approved, the applicant shall make all reasonable efforts to establish a point of sale in Fresno County for equipment and construction related items necessary for the project.	**Consistent.** The Applicant hereby acknowledges this stipulation within the County's Solar Facilities Guidelines as applicable to the Project.
If the project is approved, the applicant shall make all reasonable efforts to conduct local recruitment efforts and/or coordinate with employment agencies in an attempt to hire from the local workforce.	**Consistent.** The Applicant hereby acknowledges this stipulation within the County's Solar Facilities Guidelines as applicable to the Project.
In addition to disclosing the number of trips in the required project Operational Statement, the applicant shall disclose the weight of the shipments anticipated to the site. If the project is approved, pursuant to the CEQA analysis and based upon the existing road conditions and the weight/frequency of shipments to the site, the applicant shall mitigate impacts to County roads.	**Consistent.** The Applicant acknowledges the stipulation to mitigate impacts to County roads that directly result from operational shipments to the facilities.
If the project is approved, the applicant shall make all reasonable efforts to purchase products and equipment from local (Fresno County) manufacturing facilities and/or vendors.	**Consistent.** The Applicant hereby acknowledges this stipulation within the County's Solar Facilities Guidelines as applicable to the Project.

5 Noise

5.1 Data Request DR NOISE-1

5.1.1 Data Request DR NOISE-1

DR NOISE-1: Please provide a range of anticipated noise levels from the operation of the green hydrogen facility for each option.

Response: Specific noise levels will be determined as continued detailed design and engineering progresses and are not available at this time. The green hydrogen facility will be designed with consideration for Occupational Safety and Health Administration regulations and all noise-generating equipment, such as compressors, will be specified and procured to 85 dBA or less at a three-foot distance. Acoustic insulation will be used where needed to meet such noise levels in the facility. A plant-wide noise level study will be performed during the design phase to identify any locations within the facility that require further noise control and to confirm that sound levels at the fence line are compliant with all federal, state, and local regulations.

6 Soils

6.1 Data Request DR SOIL-1

6.1.1 Data Request DR SOIL-1

DR SOIL-1: DR SOIL-1. Please revise Figures 5.14-1b to 5.14-1h to include agricultural land use at a scale of 1:24,000.

Response: Agricultural uses within the Project site are shown at a scale of 1:24,000 in Figures 5.2-5b through 5.2-5h of Section 5.2, *Land Use* of the Opt-In Application.

7 Visual Resources

7.1 Data Request DR VIS-1

7.1.1 Data Request DR VIS-1

DR VIS-1: Provide an electronic file via Kiteworks containing all key observation point(s) (KOP) photograph(s) and photo-realistic simulation(s) capable of 11" x 17" color print at a minimum 600 dpi output resolution.

Response: KOP photographs and photo-realistic simulations meeting these specifications were provided via Kiteworks on February 13, 2024.

8 Worker Safety

8.1 Data Requests DR WS-1 through DR WS-6

8.1.1 Data Request DR WS-1

DR WS-1: Please include a discussion of the implementation of California Code of Regulations, Title 8, section 3395 Heat Illness Prevention in Outside Places of Employment.

Response: Title 8, Section 3395 of the California Code of Regulations includes requirements that address heat illness prevention. As noted on page 5.10-4 of Section 5.10 of the Opt-In Application, heat illness prevention during general construction activities would be addressed in the Construction IIPP and Construction PPE Programs. As noted on page 5.10-6 of Section 5.10, heat illness prevention during general Project operations would be addressed in the O&M IIPP and O&M PPE Programs. Thus, the Project would comply with the requirements set forth in 8 CCR § 3395, et seq.

Table 5.10-5 from Section 5.10, *Worker Safety*, of the Opt-In Application has been updated to include a row for CCR Title 8, Section 3395, which is provided as the last row in the table.

Table 5.10-5 LORS Applicable to Worker Health and Safety

Jurisdiction	LORS	Applicability	Opt-In Application Reference	Project Conformity
Federal	29 CFR Part 1910	Contains the minimum occupational safety and health standards for general industry in the United States	Throughout this Opt-In Application	The Project would implement occupational safety and health protocols during construction, operation, and decommissioning activities in compliance with 29 CFR Part 1910
Federal	29 CFR Part 1926	Contains the minimum occupational safety and health standards for the construction industry in the United States	Throughout this Opt-In Application	The Project would implement occupational safety and health protocols during construction, operation, and decommissioning activities in compliance with 29 CFR Part 1926
Federal	National Institute for Occupational Safety and Health (NIOSH)	Conducts research and makes recommendations for prevention of work-related injury and illness	Throughout this Opt-In Application	The Project would comply with the health and safety requirements set forth by NIOSH

Jurisdiction	LORS	Applicability	Opt-In Application Reference	Project Conformity
Federal	American National Standards Institute (ANSI) / American Society of Mechanical Engineers (ASME), Boiler and Pressure Vessel Code	Specifications and requirements for pressure vessels	Throughout this Opt-In Application	The use of pressure vessels associated with the Project would comply with the requirements set forth in the Boiler and Pressure Vessel Code
Federal	ANSI/ASME, B31.2	Specifications and requirements for fuel gas piping	Throughout this Opt-In Application	The Project would comply with the requirements for fuel gas piping set forth in American National Standards Institute, B31.2
Federal	29 CFR Part 1910	Outlines procedures for employees in the event of an emergency	Section 5.10, *Worker Safety* Section 5.9, *Hazardous Materials Handling*	The Project would comply with the requirements set forth in 29 CFR Part 1910 to prepare an Emergency Action Plan
State	California HSC § 25500, et seq. And the related regulations of 19 CCR 2620 et seq.	Outlines identified hazardous materials, emergency response procedures for releases of hazardous materials, and training requirements	Section 5.10, *Worker Safety* Section 5.11, *Waste Management* Section 5.9, *Hazardous Materials Handling*	The Project would implement a Hazardous Materials Business Plan to comply with California HSC 25500
State	California Occupational Safety and Health Act of 1973	Establishes minimum safety and health standards for construction and general industry operations in California	Throughout this Opt-In Application	The Project would implement occupational safety and health protocols during construction, operation, and decommissioning activities in compliance with the California Occupational Safety and Health Act of 1973
State	8 CCR § 339	Requires list of hazardous chemicals relating to the Hazardous Substance Information and Training Act	Section 5.9, *Hazardous Materials Handling* Section 5.11, *Waste Management*	Hazardous chemicals stored at the facility would be reported in accordance with the requirements set forth in 8 CCR § 339
State	8 CCR § 450	Addresses hazards associated with pressurized vessels	Section 5.9, *Hazardous Materials Handling*	Design, construction, installation, inspection, operation, and repair activities applying to compressed and liquefied natural gas or air tanks would be conducted in compliance with the requirements set forth in 8 CCR § 450

Jurisdiction	LORS	Applicability	Opt-In Application Reference	Project Conformity
State	8 CCR § 750	Addresses hazards associated with high-pressure steam	Section 5.9, *Hazardous Materials Handling*	Design, construction, installation, inspection, operation, and repair activities applying to pressurized vessels would be conducted in compliance with the requirements set forth in 8 CCR § 750
State	8 CCR, Construction Safety Orders, § 1500	Establishes safety orders for construction work	Throughout this Opt-In Application	Construction activities would comply with the applicable requirements set forth in 8 CCR § 1500
State	8 CCR § 1509	Addresses requirements for construction, accident, and prevention plans	Throughout this Opt-In Application	An IIPP would be prepared and implemented for Project construction activities in compliance with 8 CCR § 1509
State	8 CCR § 1528, et seq., and § 3380, et seq.	Requirements for PPE	Section 5.7, *Air Quality* Section 5.9, *Hazardous Materials Handling*	Respiratory protection would be required under circumstances defined in 8 CCR § 1528, et seq., and § 3380, et seq. When required, respiratory protection would comply with 8 CCR § 1528, et seq., and § 3380, et seq.
State	8 CCR § 1597, et seq., and § 1590, et seq.	Requirements addressing the hazards associated with traffic accidents and earthmoving	Section 5.4, *Traffic and Transportation*	Vehicle usage during construction, operation, and decommissioning activities associated with the Project would comply with the requirements set forth in 8 CCR § 1597, et seq., and § 1590, et seq.
State	8 CCR § 1604, et seq.	Requirements for construction hoist equipment	Throughout this Opt-In Application	The use of personnel hoists during construction and maintenance activities associated with the Project would comply with the requirements set forth in 8 CCR § 1604, et seq.
State	8 CCR § 1620, et seq., and § 1723, et seq.	Addresses miscellaneous hazards	Throughout this Opt-In Application	Construction of roofing and railings associated with temporary and permanent structures at the Project site would comply with the requirements set forth in 8 CCR § 1620, et seq., and § 1723, et seq.
State	8 CCR § 1709, et seq.	Requirements for steel reinforcing, concrete pouring, and structural steel erection operations	Throughout this Opt-In Application	Construction of facilities associated with the Project would comply with the requirements set forth in 8 CCR § 1709, et seq.
State	8 CCR § 1900, et seq.	Requirements for use of helicopters	Section 5.4, *Traffic and Transportation*	Helicopter usage associated with construction activities at the Project site would comply with the requirements set forth in 8 CCR § 1900, et seq.

Jurisdiction	LORS	Applicability	Opt-In Application Reference	Project Conformity
State	8 CCR § 1920, et seq.	Requirements for fire protection systems	Throughout this Opt-In Application	A Fire Protection and Prevention Plan would be prepared for both construction and O&M activities associated with the Project that would comply with the requirements set forth in 8 CCR § 1920, et seq.
State	8 CCR, Electrical Safety Orders § 2300, et seq., and § 2320, et seq.	Requirements for addressing low-voltage electrical hazards	Throughout this Opt-In Application	Electrical equipment used during construction, operation, and decommissioning activities would be operated in compliance with the requirements set forth in 8 CCR § 2300, et seq., and § 2320, et seq.
State	8 CCR § 2395, et seq.	Addresses electrical installation requirements	Throughout this Opt-In Application	Electrical equipment connected by cord and plug used during construction, operation, and decommissioning activities would be operated in compliance with the requirements set forth in 8 CCR § 2395, et seq.
State	8 CCR § 2700, et seq.	Addresses high-voltage electrical hazards	Throughout this Opt-In Application	High voltage electrical equipment used during construction, operation, and decommissioning activities would be operated in compliance with the requirements set forth in 8 CCR § 2700, et seq.
State	8 CCR, § 5139, et seq.	Requirements for control of hazardous substances	Section 5.7, *Air Quality* Section 5.9, *Hazardous Materials Handling*	Handling of hazardous substances during construction, operation, and decommissioning of the Project would comply with the requirements set forth in 8 CCR § 5139, et seq.
State	8 CCR, General Industry Safety Orders § 3200, et seq.	Requirements for control of hazardous substances	Throughout this Opt-In Application	Handling of hazardous substances during construction, operation, and decommissioning of the Project would comply with the requirements set forth in 8 CCR § 3200, et seq.
State	8 CCR § 3203, et seq.	Requirements for operational accident prevention programs	Throughout this Opt-In Application	An IIPP would be prepared and implemented for O&M activities associated with the Project in compliance with 8 CCR § 3203
State	8 CCR § 3270, et seq.	Requirements for the use of compressed air or gases	Section 5.9, *Hazardous Materials Handling*	The use of compressed air or gases during construction, operation, or decommissioning of the Project would comply with the requirements set forth in 8 CCR § 3270, et seq.

Jurisdiction	LORS	Applicability	Opt-In Application Reference	Project Conformity
State	8 CCR § 3209, et seq.	Requirements for evacuation plans and procedures	Throughout this Opt-In Application	Evacuation procedures associated with Project activities would comply with the requirements set forth in 8 CCR § 3209, et seq.
State	8 CCR § 3301, et seq.	Requirements for addressing miscellaneous hazards, including hot pipes, hot surfaces, compressed air systems, relief valves, enclosed areas containing flammable or hazardous materials, rotation equipment, pipelines, and vehicle-loading dock operations	Section 5.9, *Hazardous Materials Handling*	The use of compressed air or gases during construction, operation, or decommissioning of the Project would comply with the requirements set forth in 8 CCR § 3301, et seq.
State	8 CCR § 3360, et seq.	Addresses requirements for sanitary conditions	Throughout this Opt-In Application	Access to sanitary facilities would be provided during construction, operation, and decommissioning of the Project and facilities would comply with the requirements set forth in 8 CCR § 3360, et seq.
State	8 CCR § 3511, et seq., and § 3555, et seq.	Requirements for addressing hazards associated with stationary engines and compressors, as well as portable, pneumatic, and electrically powered tools	Throughout this Opt-In Application	The usage of stationary engines and compressors associated with the Project would comply with the requirements set forth in 8 CCR § 3s511, et seq., and § 3555, et seq.
State	8 CCR § 3649, et seq., and § 3700, et seq.	Requirements for addressing hazards associated with field vehicles	Throughout this Opt-In Application	The Project would comply with the requirements set forth in 8 CCR § 3649, et seq., and § 3700, et seq.
State	8 CCR § 3940, et seq.	Requirements for addressing hazards associated with power transmission, compressed air, and gas equipment	Throughout this Opt-In Application	Power transmission associated with the Project would comply with the requirements set forth in 8 CCR § 3940, et seq.
State	8 CCR § 5095, et seq.	Requirements for controlling noise exposure	Section 5.3, *Noise*	Noise exposure would be controlled in compliance with the requirements set forth in 8 CCR § 5095, et seq.
State	8 CCR § 5109, et seq.	Requirements for addressing construction accident and prevention programs	Throughout this Opt-In Application	The IIPP prepared for the Project would include provisions related to construction accident and prevention programs and would comply with the requirements set forth in 8 CCR § 5109, et seq.

Jurisdiction	LORS	Applicability	Opt-In Application Reference	Project Conformity
State	8 CCR § 5110, et seq.	Requirements for the implementation of an ergonomics program	Throughout this Opt-In Application	The IIPP prepared for the Project would include provisions related to ergonomics and would comply with the requirements set forth in 8 CCR § 5110, et seq.
State	8 CCR § 5139, et seq.	Requirements for employee exposure to dusts, fumes, mists, vapors, and gases	Section 5.3, *Noise*	The IIPP prepared for the Project would include provisions related to dust, fumes, mists, vapors, and gases and would comply with the requirements set forth in 8 CCR § 5139, et seq.
State	8 CCR § 5139, et seq.	Requirements for addressing hazards associated with welding, sandblasting, grinding, and spray-coating	Throughout this Opt-In Application	Welding, sandblasting, grinding, and spray-coating activities associated with the Project would comply with the requirements set forth in 8 CCR § 5139, et seq.
State	8 CCR § 5156, et seq.	Requirements for confined space entry	Throughout this Opt-In Application	Confined space entry that would occur in association with the Project would comply with the requirements set forth in 8 CCR § 5156, et seq.
State	8 CCR § 5155, et seq.	Requirements for use of respirators and for controlling employee exposure to airborne contaminants	Throughout this Opt-In Application	Employee exposure to airborne contaminants would be minimized through the use of respirators in compliance with the requirements set forth in 8 CCR § 5155, et seq.
State	8 CCR § 5160, et seq.	Requirements for addressing hot, flammable, poisonous, corrosive, and irritant substances	Throughout this Opt-In Application	Hot, flammable, poisonous, corrosive, and/or irritant substances used during construction, operation, maintenance, or decommissioning activities associated with the Project would comply with the requirements set forth in 8 CCR § 5160, et seq.
State	8 CCR § 5184 and § 5185	Requirements for storage battery systems and charging storage batteries	Throughout this Opt-In Application	Storage battery systems associated with the Project would comply with the requirements set forth in 8 CCR § 5184 and § 5185
State	8 CCR § 5189, et seq.	Requirements regarding process safety management of acutely hazardous materials.	Throughout this Opt-In Application	Training for construction, operation, and maintenance processes would occur under the Construction IIPP, O&M IIPP, and the HMBP.

Jurisdiction	LORS	Applicability	Opt-In Application Reference	Project Conformity
State	8 CCR § 5192, et seq.	Requirements for conducting emergency response procedures	Throughout this Opt-In Application	Emergency response procedures would be included in the IIPP prepared for the Project and would be developed and implemented in compliance with the requirements set forth in 8 CCR § 5192, et seq.
State	8 CCR § 5193, et seq.	Requirements for controlling employee exposure to bloodborne pathogens associated with exposure to raw sewage water and bodily fluids associated with first aid/cardiopulmonary resuscitation (CPR) duties	Throughout this Opt-In Application	Exposure to bloodborne pathogens would be controlled through implementation of requirements set forth in 8 CCR § 5193, et seq.
State	8 CCR § 5405, et seq.; § 5426, et seq.; § 5465 et seq.; § 5500, et seq.; § 5530, et seq.; § 5531, et seq., § 5545, et seq.; § 5554, et seq.; § 5565, et seq.; § 5583, et seq.; § 5606, et seq.	Requirements for flammable liquids, gases, and vapors	Section 5.9, *Hazardous Materials Handling*	Use of flammable liquids, gases, and vapors associated with the Project would comply with the requirements set forth in 8 CCR § 5405, et seq., § 5426, et seq., § 5465, et seq., § 5500, et seq., § 5530, et seq., § 5531, et seq., § 5545, et seq., § 5554, et seq., § 5565, et seq., § 5583, et seq., § 5606, et seq.
State	8 CCR § 5583, et seq.	Requirements for design, construction, and installation of venting, diking, valving, and supports	Throughout this Opt-In Application	Design, construction, and installation of venting, diking, valving, and supports associated with flammable liquids, gases, and vapors would comply with the requirements set forth in 8 CCR § 5583, et seq.
State	8 CCR § 6150, et seq.; § 6151, et seq.; § 6165, et seq.; § 6170, et seq.; § 6175, et seq.; § 6183, et seq.; § 6184, et seq.	Requirements for fire protection	Throughout this Opt-In Application	A Fire Prevention and Protection Plan would be developed in compliance with the requirements set forth in 8 CCR § 6150, et seq.; § 6151, et seq.; § 6165, et seq.; § 6170, et seq.; § 6175, et seq.; § 6183, et seq.; § 6184, et seq.
State	24, Part 3, California Electrical Code	Requirements for electrical safety, which include the Uniform Electrical Code, Title 24, Part 3	Throughout this Opt-In Application	Electrical work associated with the Project would comply with the requirements set forth in the California Electrical Code, Title 24, Part 3

Jurisdiction	LORS	Applicability	Opt-In Application Reference	Project Conformity
State	24, Part 9, California Fire Code, Chapter 12, § 1205 through § 1207	Requirements for solar photovoltaic power systems, stationary fuel cell power systems, and electrical energy storage systems (ESS)	Throughout this Opt-In Application	The Project would comply with the requirements for photovoltaic power systems and energy storage systems set forth in the California Fire Code, Title 24, Part 9, Chapter 12, Sections § 1205 through § 1207
State	California Health and Safety Code (HSC) § 25500 through § 25541	Requirements for the preparation of a HMBP that details emergency response plans for a hazardous materials emergency at the facility	Section 5.9, *Hazardous Materials Handling*	An HMBP would be prepared in accordance with HSC Sections § 25500 through § 25541
Local	Fresno County General Plan Policy HS A.1-HS-A.4	Outlines policies, standards, and programs to related to emergency management and response.	▪ Section 5.10.3.3 ▪ Section 5.10.3.4	The Project would include preparation and implementation of an Emergency Action Plan during construction and O&M activities that would be consistent with these General Plan policies.
Local	Fresno County General Plan Policy HS B.1-HS-B.13	Outlines policies, standards, and programs to related to fire hazards.	▪ Section 5.10.3.3 ▪ Section 5.10.3.4	The Project would include preparation and implementation of Fire Protection and Prevention Plans during construction and O&M activities that would be consistent with these General Plan policies.
Local	Fresno County General Plan Policy HS F.1-HS-F.8	Outlines policies, standards, and programs to related to hazardous materials.	Section 5.9, *Hazardous Materials Handling*	The Project's conformity with these policies is discussed in Section 5.9, *Hazardous Materials Handling*.
Local	Fresno County General Plan Policy HS G.1-HS-G.9	Outlines policies, standards, and programs to related to noise.	Section 5.3, *Noise*	The Project's conformity with these policies is discussed in Section 5.3, *Noise*.
Local	Fresno County Code of Ordinances, Title 8	Establishes minimum health and safety standards for Fresno County	Throughout this Opt-In Application	The Project would conform with the health and safety requirements set forth in the Fresno County Code of Ordinances, Title 8

Jurisdiction	LORS	Applicability	Opt-In Application Reference	Project Conformity
Local	Fresno County Code of Ordinances, Title 15	Establishes minimum building and construction standards for Fresno County	Section 5.10, *Worker Safety* Section 5.11, *Waste Management* Section 5.16, *Geological Hazards and Resources* Section 5.9, *Hazardous Materials Handling*	The Project would conform with the requirements set forth in the Fresno County Code of Ordinances, Title 15
State	8 CCR § 3395, et seq.	Addresses heat illness prevention in outside places of employment.	Throughout this Opt-In Application	Heat illness prevention would be addressed in the Construction IIPP, Construction PPE Program, O&M IIPP, and O&M PPE Program. The Project would comply with the requirements set forth in 8 CCR § 3395, et seq.

Source: Code of Federal Regulations, California Occupational Safety and Health Act of 1973, CCR, California Health and Safety Code, American National Standards Institute/American Society of Mechanical Engineers

8.1.2 Data Request DR WS-2

DR WS-2: Please provide a complete description of how the project would comply with California Code of Regulations, Title 8, section 5189 Process Safety Management including training and section (e) of the standard regarding Process Hazard Analysis.

Response: Title 8, Section 5189 of the California Code of Regulations includes requirements regarding process safety management of acutely hazardous materials. Training for construction, operation, and maintenance processes would occur under the Construction IIPP, O&M IIPP, and the HMBP, and would include initial training, refresher and supplemental training, training certification, and testing procedures, which would directly satisfy CCR Title 8, Section 5189(g). In accordance with Title 8, Section 5189 (e), the hazards analysis will address process hazards, engineering and administrative controls, consequences of failure of these controls, facility siting, human factors, possible health and safety effects of failure, and identification of previous incidents. The hazards analysis will be conducted prior to operation of the Project, and updated and revalidated every five years, as stipulated by CCR Title 8, Section 5189.

8.1.3 Data Request DR WS-3

DR WS-3: Please provide schematic engineering drawings detailing the location and type of all proposed fire detection, fire suppression, water supply and leak detection equipment for the BESS and Green Hydrogen portions of the project, and the location of hydrants, post indicator valves, and monitors for the fire water loop. Please provide this information for all proposed alternative

locations or state that these systems will be the same. Additionally, please provide how any explosion hazards would be mitigated at the Green Hydrogen and BESS portions of the project.

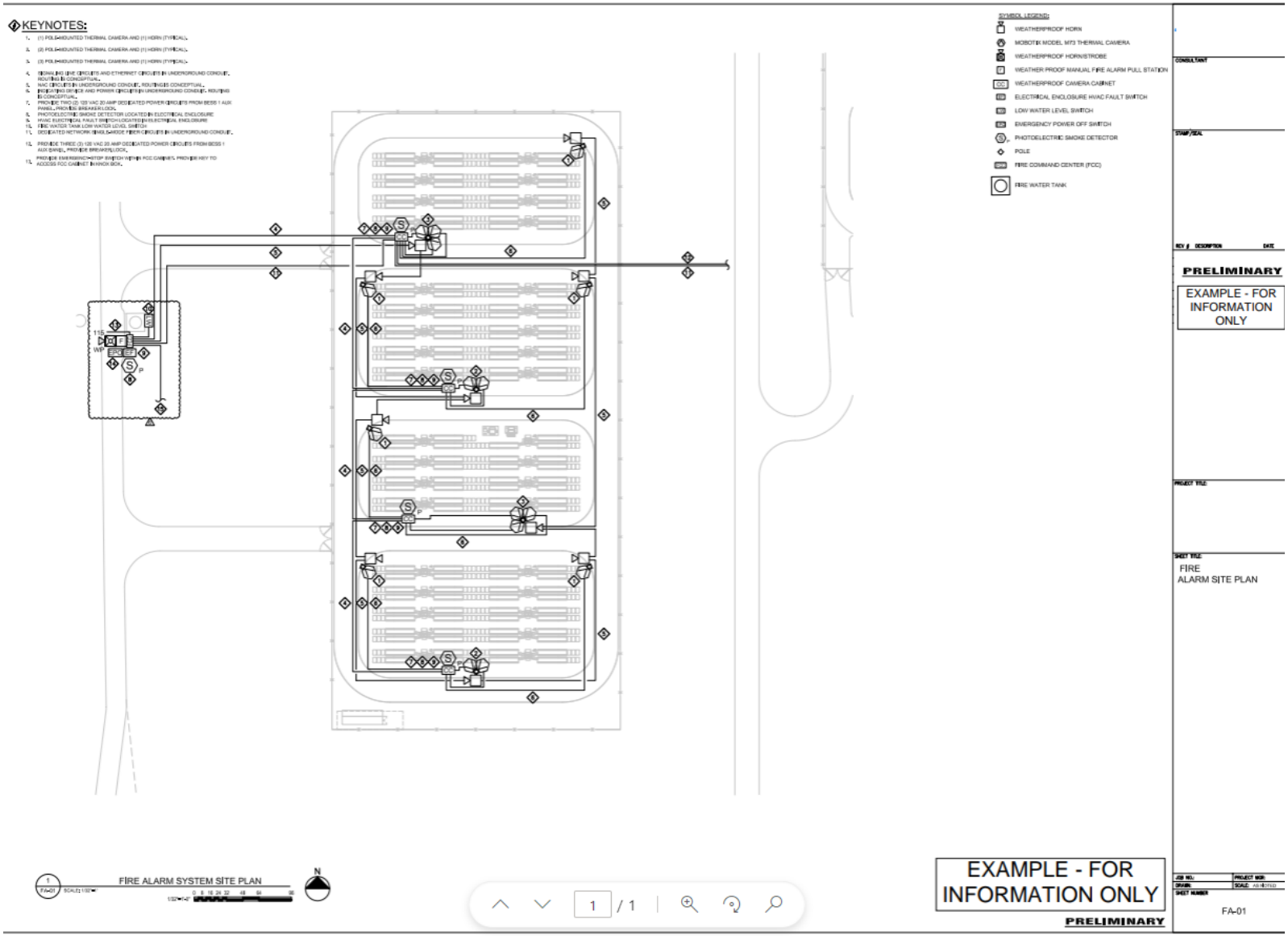
Response: The fire protection philosophy for the hydrogen facility is provided in Appendix P of the Opt-In Application. Design and layout of the facility and safety components will be determined as the engineering and design advances; schematic engineering drawings are not available at this time.

The fire detection drawings for the Project BESS will be developed as detailed engineering continues. The BESS yard will have thermal detection cameras installed externally on battery containers and will be strategically placed in optimal locations to detect fires. These cameras will be remotely monitored 24 hours a day. There will be up to four emergency 15,000-gallon water tanks for the Project, based on final layout. A typical BESS fire protection layout is provided in Figure 1 below and is discussed in the response to DR HAZ-7. The final number and location of water tanks for emergency use will be determined in accordance with California Fire Code and be reviewed/approved by the local or State Fire Marshal.

The BESS equipment selected for the Project will be tested pursuant to UL 9540A standards, and the Project will be designed and built pursuant to UL and NFPA codes. The BESS equipment to be used will be tested to demonstrate that they do not require built-in smoke, gas, or fire detection or suppression devices.

The BESS equipment will be designed to minimize the risk of an over-pressure event and deflagration through the use of over-pressure vents and a sparker system. These safety features will be tested pursuant to UL 9540A standards to demonstrate their effectiveness in preventing deflagration in a large-scale fire.

Figure 1 DR WS-3 Typical BESS Fire Protection Layout



8.1.4 Data Request DR WS-4

DR WS-4: Please provide schematic engineering drawings for the stored oxygen option and provide a detailed description of how the oxygen would be stored (cryogenically or compressed), how it would be transported offsite, and a discussion of potential impacts to worker health and safety. Please detail any detection and fire protection systems that would be used for the oxygen storage system.

Response: Following further analysis conducted by the Applicant, it has been determined that oxygen will not be captured, stored, or sent offsite to an off taker.

8.1.5 Data Request DR WS-5

DR WS-5: Please provide information as to whether the project would have a private fire brigade on site. If so, please provide a description of the training and responsibilities of the private fire brigade.

Response: The Project would not have a private fire brigade. Reference to 8 CCR, § 3401 – 3411 should be removed. Revisions to the text on page 5.10-13 of Section 5.10 of the Opt-In Application are shown in strikethrough and underline below:

~~In accordance with 8 CCR, § 3401 – 3411, a~~ A PPE Program would be developed and implemented during Project O&M activities. The O&M PPE Program would include the following elements:

- Identification of physical and health hazards specific to the workplace
- Outline of appropriate and adequate PPE for Project personnel for the specific O&M activities to be conducted at the Project site
- Outline of training on the use, inspection, storage, cleaning, and limitations of the PPE
- Outline of training on the maintenance of PPE, including replacing worn or damaged PPE
- Establishment of periodic reviews to update and evaluate the effectiveness of the PPE Program

8.1.6 Data Request DR WS-6

DR WS-6: Please provide the missing names of contacts found in Table 5.10-6.

Response: Table 5.10-6 from Section 5.10, *Worker Safety*, of the Opt-In Application has been updated with the name, title, and phone number for the previously missing contacts, and is provided below.

Table 5.10-5 Agency Contacts for Worker Health and Safety

Issue	Agency	Contact
Worker Health and Safety	Cal/OSHA, Region 2, Fresno District Office	William Estakhri Regional Manager 2550 Mariposa Street, Rm 4000 Fresno, CA 93721 (916) 263-2803
CUPA for HMBP and Risk Management Plan (RMP)	Fresno County Environmental Health – Hazardous Materials Compliance Program	Matthias Bier-Stanberry County-Wide Safety Officer 1221 Fulton Street Fresno, CA 93775 (559) 600-1850

Issue	Agency	Contact
Emergency Response for Hazardous Materials Spills and Fires	Fresno County, Office of Emergency Services	Terri Mejorado, Office of Emergency Services Manager (559) 600-4068 OES@fresnocountyca.gov
Fire Hazards	Fresno County Fire Protection District	Seth Brown, Battalion Chief (559) 493-4300
Hazardous Materials and Noise	Fresno County, Department of Community Health	Vincent Mendez Division Manager (559) 600-3200 ex.03048

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