

**DOCKETED**

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<b>Project Title:</b>	Potentia-Viridi Battery Energy Storage System
<b>TN #:</b>	258402
<b>Document Title:</b>	MOU Agency Notice of Receipt of Opt-In Application for Potentia-Viridi BESS project (24-OPT-04) & Distribution List
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August 8, 2024

## Notice of Receipt of Opt-In Application for Potentia-Viridi Battery Energy Storage System project (24-OPT-04)/ Request for Comments and Information

This letter serves as notice pursuant to the California Energy Commission (CEC) Memorandums of Understanding (MOUs) with California Department of Fish and Wildlife (CDFW), Department of Toxic Substances Control (DTSC), and California State Water Resources Control Board and the California Regional Water Quality Control Boards (collectively, the Water Boards) that Levy Alameda, LLC ("Applicant"), has requested that the CEC staff commence data completeness review of Potentia-Viridi Battery Energy Storage System (project) (24-OPT-04) opt-in application. Files associated with the application were uploaded to the project docket (24-OPT-04) from July 26 through August 7, 2024. The associated fee for processing the application has been received by CEC. Based on the record present in the project docket, the effective filing date is confirmed as August 7, 2024. Pursuant to Public Resources Code, section 25545.4(a), CEC staff will review the application and the CEC's Executive Director will make a determination of completeness within 30 days of the filing of the application. The Executive Director will respond to the request for a completeness determination on or before September 6, 2024.

The project webpage can be accessed at the following link:

<https://www.energy.ca.gov/powerplant/battery-storage-system/potentia-viridi-battery-energy-storage-system>. To stay informed about this project and receive notice of upcoming public meetings, sign up to the project subscription, which can be accessed on the project webpage. Once enrolled, automatic email notifications are sent via govDelivery when documents and notices are posted to the project's docket.

The entire application can be accessed at the following link:

<https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=24-OPT-04>. Given the number of individual documents involved, sharing this link to the docket constitutes sharing the application files. Please contact us if you have trouble accessing any documents.

The CEC staff is now conducting a "Data Completeness" review of the application using data completeness worksheets that track information required under California Code of Regulations, title 20, section 1877 and data requests for any areas that are incomplete or require additional information, or a clarification of information is required.

Pursuant to the MOUs, your agency is obligated to provide information supporting the CEC staff's application completeness determination. This critical period is the opportunity that your agency has to ensure it has all the information it needs pursuant

to the MOU, including the baseline data and proposed mitigation to evaluate the project's direct, indirect and cumulative impacts and its compliance with applicable laws, ordinances, regulations, and standards, and provide permit conditions for this application. Also, during this period you will need to make all data requests for this project through CEC staff (e.g., clarification of information, requests for information, etc.) to ensure that the application has what your agency would need to issue a permit or for the CEC to issue an in-lieu permit. The CEC staff in the areas of Biological Resources, Water Resources, and Hazards and Hazardous Materials will reach out to you to coordinate on the data completeness review by the CEC and MOU agencies and are copied in this email.

The following is the relevant language on your agency's obligations to provide information supporting the CEC's completeness determination pursuant to the MOUs. Here is the relevant language from the CDFW MOU: "Within 15 days of receipt of an opt-in application, CDFW will review the opt-in application to determine whether it contains all the information required to assess compliance with applicable California Fish and Wildlife Laws; CDFW will identify and notify Energy Commission staff in writing of any data deficiencies and discuss proposed studies or outstanding data necessary to correct such deficiencies."

The applicable language for the Water Boards is: "Within 15 days of receipt of the application for certification, Water Boards' staff will review the application for certification to determine whether it contains all the information required to apply for the following permits, if applicable: Waste Discharge Requirements, NPDES Permits, and/or a Section 401 Certification or Waiver from the Regional Board; and Water Boards' staff will identify and notify Energy Commission staff of any data deficiencies."

The applicable language for DTSC is: "DTSC staff will make best efforts to review the application of certification within 15 to 25 days to determine whether it contains all the information required for an assessment of the following and whether applicable: waste generation and storage standards, site remediation, and waste reduction requirements; DTSC staff will identify and notify Energy Commission staff of any data deficiencies."

Please use the relevant portions of the Data Completeness sheets which correspond to the issues of interest to your agency and your permitting authorities, to guide your review of the application and preparation of data requests for areas of the application with incomplete or missing information. We will incorporate your data requests into the Executive Director's completeness determination. In addition, please provide any other information consistent with the language from the MOUs copied above.

For CDFW and the Water Boards, this information should be provided within 15 days per the MOUs, which falls on Thursday August 22, 2024.

For DTSC this information should be provided within 15-25 days per the MOU, which ranges from August 22, 2024 to September 1, 2024.

We appreciate your timely responses and look forward to coordinating with you as the evaluation moves forward.

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