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Docket Number:	23-OPT-02
Project Title:	Darden Clean Energy Project
TN #:	252965
Document Title:	Appendix D Public Resources Code Section 21183 and 211836_Darden Clean Energy
Description:	Provides a crosswalk and attachment which demonstrate the ways in which the Darden Clean Energy Project meets the requirements of California Public Resources Code (PCR) Sections 21183 and 21183.6.
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Submission Date:	11/6/2023 12:52:49 PM
Docketed Date:	11/6/2023

Appendix D

Public Resources Code Section 21183 and 21183.6

Public Resources Code Section 21183 and 21183.6

The following crosswalk and attachment demonstrate the ways in which the Applicant¹ would comply with and how the Darden Clean Energy Project (Project) meets the requirements of California Public Resources Code (PCR) Sections 21183 and 21183.6. In addition to the information below, the following separate appendices to the Opt-In Application provide additional evidence to support the Project's compliance with the requirements:

- Appendix G Public Resources Code Section 25545.3.3 and 25545.3.5 Required Certifications
- Appendix N Air Quality and Greenhouse Gas Emissions Study

¹ Applicant = IP Darden I, LLC, IP Darden II, LLC, IP Darden III, LLC, IP Darden IV, LLC, IP Darden BESS I, LLC, IP Darden BESS II, LLC, IP Darden BESS III, LLC, IP Darden BESS IV, LLC, IP Darden I H2, LLC, IP Darden II H2, LLC, and IP Darden BAAH, LLC, wholly owned subsidiaries of Intersect Power, LLC.

Criteria Category	PRC §§21183 and 21183.6	Meets Criteria (Yes/No)	Applicant Response
PRC 21183(a)(1)	<p>The Governor may certify a leadership project for streamlining before a lead agency certifies a final environmental impact report for a project under this chapter if all the following conditions are met:</p> <p>(a) (1) Except as provided in paragraph (2), the project will result in a minimum investment of one hundred million dollars (\$100,000,000) in California upon completion of construction.</p>	Yes	The Project would have a minimum estimated investment of approximately \$319 million in California upon completion of construction. See Attachment A for additional information.
PRC § 21183(a)(2)	(2) Paragraph (1) does not apply to a leadership project described in paragraph (4) of subdivision (b) of Section 21180.	Not Applicable (N/A)	Not applicable, as the Project is not a housing development project.
PRC § 21183(b)	(b) The project creates high-wage, highly skilled jobs that pay prevailing wages and living wages, provides construction jobs and permanent jobs for Californians, helps reduce unemployment, and promotes apprenticeship training. For purposes of this subdivision, a project is deemed to create jobs that pay prevailing wages, create highly skilled jobs, and promote apprenticeship training if the applicant demonstrates to the satisfaction of the Governor that the project will comply with Section 21183.5.	Yes	The Applicant would comply with the prevailing wage and workforce requirements set forth in Assembly Bill 205, including that (1) all construction workers employed on the Project would be paid at least the general prevailing rate of per diem wages or apprenticeship wages, as applicable, in accordance with PRC Section 25545.3.3, and (2) a skilled and trained workforce would be used to perform all construction work on the Project, in accordance with PRC Section 25545.3.5. See Appendix G for additional information.
PRC § 21183(c)(1)	(c) (1) For a project described in paragraph (1), (2), or (3) of subdivision (b) of Section 21180, the project does not result in any net additional emission of greenhouse gases, including greenhouse gas emissions from employee transportation. For purposes of this paragraph, a project is deemed to meet the requirements of this paragraph if the applicant demonstrates to the satisfaction of the Governor that the project will comply with Section 21183.6.	Yes	<p>The Project is a renewable energy generation project, as defined in paragraph (2) of subdivision (b) of Section 21180.</p> <p>The Project would emit greenhouse gas emissions during construction and during operations and maintenance for vehicles and maintenance equipment. However, these emissions would be more than offset by avoiding greenhouse gas emissions because the Project would replace electricity from natural-gas and other fossil fueled power plants on the grid.</p> <p>As described in the Air Quality and Greenhouse Gas Emissions Study (Appendix N), the Project would not result in any net additional emissions of greenhouse gases. A net greenhouse gas reduction would occur as a result of implementing the Project. See Appendix N for detailed calculations and discussion. The Project would comply with the greenhouse gas emissions quantification and mitigation in Section 21183.6.</p>

Criteria Category	PRC §§21183 and 21183.6	Meets Criteria (Yes/No)	Applicant Response
PRC § 21183(c)(2)	(2) For a project described in paragraph (4) of subdivision (b) of Section 21180, the project does not result in any net additional emission of greenhouse gases, including greenhouse gas emissions from employee transportation.	N/A	Not applicable, as the Project is not a housing development project.
PRC § 21183(d)	(d) The applicant demonstrates compliance with the requirements of Chapter 12.8 (commencing with Section 42649) and Chapter 12.9 (commencing with Section 42649.8) of Part 3 of Division 30, as applicable.	Yes	<p>The stated regulations refer to commercial waste recycling (Chapter 12.8) and recycling of organic waste (Chapter 12.9). The Applicant would ensure that recycling of commercial and organic waste are stipulations in the construction contractor’s contract.</p> <p>Construction materials would be sorted on-site throughout construction and transported to appropriate waste management facilities. Recyclable materials would be separated from non-recyclable items and stored until they could be transported to a designated recycling facility. Recycling would be in accordance with applicable California state requirements. Wooden construction waste (such as wood from wood pallets) would be sold, recycled, or chipped and composted. Other compostable materials, such as vegetation, may also be composted off-site.</p> <p>Non-hazardous construction materials that cannot be reused or recycled would likely be disposed of at a Class II/III landfill. Hazardous waste and electronic waste would not be placed in a landfill, but rather would be stored onsite for less than 90 days and would be transported to a treatment, storage, and disposal facility by a licensed hazardous waste transporter. All contractors and workers would be educated about waste sorting, appropriate recycling storage areas, and how to reduce landfill waste. The potential waste streams that would be generated during construction and operation of the Project, the waste classifications, and disposal facilities in the vicinity of the Project are detailed in Section 5.11 <i>Waste Management</i> of the Opt-In Application package. Furthermore, the Project must comply with the California Green Building Standards Code, also known as CALGreen, which includes mandatory recycling. Code Section 5.408 requires that 65 percent of the nonhazardous waste be recycled or salvaged for reuse. Code Section 5.408.3 (Excavated soil and land clearing debris) requires that 100 percent of trees, stumps, rocks, and associated vegetation and soils resulting from land clearing shall be reused or recycled.</p>

Criteria Category	PRC §§21183 and 21183.6	Meets Criteria (Yes/No)	Applicant Response
			<p>Additionally, solid waste generated by the Project would be collected and disposed of by a collection firm in conformance with the California Integrated Waste Management Act of 1989. Applicable laws and regulations related to waste handling are detailed in Section 5.11, <i>Waste Management</i> of the Opt-In Application package.</p>
<p>PRC § 21183(e)</p>	<p>(e) The applicant has entered into a binding and enforceable agreement that all mitigation measures required under this division to certify the project under this chapter shall be conditions of approval of the project, and those conditions will be fully enforceable by the lead agency or another agency designated by the lead agency. In the case of environmental mitigation measures, the applicant agrees, as an ongoing obligation, that those measures will be monitored and enforced by the lead agency for the life of the obligation.</p>	<p>Yes</p>	<p>The Applicant would abide by all mitigation measures required under this division to certify the Project under this chapter. State Assembly Bill (AB) 3180 was enacted by the California State Legislature in 1988 to provide a mechanism to ensure that mitigation measures adopted through the California Environmental Quality Act (CEQA) process are implemented in a timely manner and in accordance with the terms of project approval. Under AB 3180, which added Section 21081.6 to CEQA, public agencies are required to adopt a monitoring or reporting program designed to ensure compliance during project implementation.</p> <p>This program is required to be adopted when the public agency is making required findings after consideration of the Final Environmental Impact Report (EIR) (Public Resources Code Section 21081.6 and CEQA Guidelines Section 15091).</p> <p>A mitigation monitoring and reporting program (MMRP) would be prepared for the Project in compliance with Public Resources Code Section 21081.6. In accordance with state law, the Project MMRP would identify the action being monitored, responsibility for implementation, the schedule for implementation, and the mechanism that verifies that monitoring is complete.</p> <p>The CEQA mitigation measures in the Final EIR and MMRP would be incorporated into the Conditions of Certification that would be required as part of the Project certification to construct and operate the facility issued by the California Energy Commission (CEC). Conditions of Certification would be binding and implemented during preconstruction compliance, construction, operations, and decommissioning. The CEC will monitor and enforce implementation.</p>

Criteria Category	PRC §§21183 and 21183.6	Meets Criteria (Yes/No)	Applicant Response
PRC § 21183(f)	(f) The applicant agrees to pay the costs of the trial court and the court of appeal in hearing and deciding any case challenging a lead agency's action on a certified project under this division, including payment of the costs for the appointment of a special master if deemed appropriate by the court, in a form and manner specified by the Judicial Council, as provided in the California Rules of Court adopted by the Judicial Council under Section 21185.	Yes	The Applicant agrees to the provisions in Section 21183 paragraph (f).
PRC § 21183(g)	(g) The applicant agrees to pay the costs of preparing the record of proceedings for the project concurrent with review and consideration of the project under this division, in a form and manner specified by the lead agency for the project.	Yes	The Applicant agrees to the provisions in Section 21183 paragraph (g).
PRC § 21183(h)	(h) For a project for which environmental review has commenced, the applicant demonstrates that the record of proceedings is being prepared in accordance with Section 21186.	Yes	The CEC docket will serve as the record of proceeding for the Project in compliance with Section 21186. The Applicant understands that the CEC will certify it in compliance with Section 21186 if there is litigation.
PRC § 21183.6(a)(1)	(a) The quantification and mitigation of the impacts of a project described in paragraph (1), (2), or (3) of subdivision (b) of Section 21180 from the emissions of greenhouse gases shall be as follows: (1) The environmental baseline for greenhouse gas emissions shall be established based upon the physical environmental conditions in the vicinity of the project site at the time the application is submitted in a manner consistent with Section 15125 of Title 14 of the California Code of Regulations as those regulations existed on January 1, 2021.	Yes	The greenhouse gas emissions baseline is described in Section 2.1.4, Emissions Inventories, in the Air Quality and Greenhouse Gas Emissions Study (Appendix N).
PRC § 21183.6(a)(2)	(2) The mitigation of the impacts resulting from the emissions of greenhouse gases shall be achieved in accordance with the following priority: (A) Direct emissions reductions from the project that also reduce emissions of criteria air pollutants or toxic air contaminants through implementation of project features, project design, or other measures, including, but not limited to, energy efficiency, installation of renewable energy electricity generation, and reductions in vehicle miles traveled.	Yes	As described in the Air Quality and Greenhouse Gas Emissions Study (Appendix N), the Project would not result in any net additional emissions of greenhouse gases. A net greenhouse gas reduction would occur as a result of implementing the Project. Therefore, no mitigation would be required, and the Project would comply with PRC § 21183.6(a)(2).

Criteria Category	PRC §§21183 and 21183.6	Meets Criteria (Yes/No)	Applicant Response
	<p>(B) If all of the project impacts cannot be feasibly and fully mitigated by direct emissions reductions as described in subparagraph (A), the remaining unmitigated impacts shall be mitigated by direct emissions reductions that also reduce emissions of criteria air pollutants or toxic air contaminants within the same air pollution control district or air quality management district in which the project is located.</p> <p>(C) If all of the project impacts cannot be feasibly and fully mitigated by direct emissions reductions as described in subparagraph (A) or (B), the remaining unmitigated impacts shall be mitigated through the use of offsets that originate within the same air pollution control district or air quality management district in which the project is located. The offsets shall be undertaken in a manner consistent with Division 25.5 (commencing with Section 38500) of the Health and Safety Code, including, but not limited to, the requirement that the offsets be real, permanent, quantifiable, verifiable, and enforceable, and shall be undertaken from sources in the community in which the project is located or in adjacent communities.</p> <p>(D) If all of the project impacts cannot be feasibly and fully mitigated by the measures described in subparagraph (A), (B), or (C), the remaining unmitigated impacts shall be mitigated through the use of offsets that originate from sources that provide a specific, quantifiable, and direct environmental and public health benefit to the region in which the project is located.</p>		
PRC § 21183.6(b)	(b) It is the intent of the Legislature, in enacting this section, to maximize the environmental and public health benefits from measures to mitigate the project impacts resulting from the emissions of greenhouse gases to those people that are impacted most by the project.	Yes	As described in the Air Quality and Greenhouse Gas Emissions Study (Appendix N), the Project would not result in any net additional emissions of greenhouse gases. A net greenhouse gas reduction would occur as a result of implementing the Project. Therefore, no mitigation would be required, and the Project would comply with PRC § 21183.6(b).

Attachment A

Darden Project Fresno County Net Economic Benefit

Darden Project Fresno County Net Economic Benefit

The Darden Project is expected to have a total investment of approximately \$3 billion, including \$319 million direct investment in the in the state of California upon the completion of construction.

This investment calculation is based on approximate expected costs for labor, equipment procurement and delivery, sales tax (the Project will establish the point of sale for most major project services and equipment in Fresno County, ensuring sales taxes accrue locally), property and possessory interest tax, and an estimate of indirect investment from the National Renewable Energy Laboratory’s (NREL) [JEDI model](#).

While IP Darden is purchasing America-made equipment whL:\BIO\VTA Co\VTA, City of\22-12611 Ran Rancho Development\Report\Drafts\CRere possible (including modules, battery energy storage system, transformers, and balance of system) it may not all be made or produced in California. For this reason, equipment cost is listed separately and is excluded from the calculation of CA investment. Some portion of equipment payments will be to California producers and manufacturers, so the \$319M shown for expected CA investment is a conservative (low-end) estimate.

This investment is set to have a significant positive impact on the state's economy, creating new opportunities for growth and development both in the Project community and throughout the state. The infusion of this capital will not only drive local job creation and provide significant funds directly to local and state government but will also stimulate the local economy indirectly through the economic activity of laborers and the growth of nearby businesses.

The investment that will result from completion of the Darden Project are shown below in Table 1. Please note that these investment amounts are approximate and based on best estimates as of the date of this application - actual investment values may vary slightly.

Table 1: Darden Investment

Investment Category	Approximate Cost/Investment Upon Completion of Construction
Labor	\$228M
Sales Tax	\$38M
Year 1 Property Tax & County Development Fees (recurs annually)	\$2M
Total Darden CA Investment at Completion of Construction	\$319M
Equipment (Both CA and US Investment)	\$2B
Total Darden Project Investment at Completion of Construction	\$3B