

DOCKETED

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Project Title:	Darden Clean Energy Project
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November 13, 2023

Notice of Receipt of Opt-in Application for Darden Clean Energy Project (23-OPT-02)/
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 applicant IP Darden I LLC has requested that the CEC staff commence data completeness review of the Darden Clean Energy Project application. Files associated with the application were uploaded to the project docket (23-OPT-02) from November 3 through November 9, 2023. 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 November 9, 2023. 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 submission of the application. The Executive Director will respond to the request for a completeness determination on or before December 11, 2023.

The project webpage can be accessed at the following link: <https://www.energy.ca.gov/powerplant/solar-photovoltaic-pv/darden-clean-energy-project>. The project webpage includes a box at the lower right which can be used to subscribe to the list serve and receive email notification when new documents 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=23-OPT-02>. We have also attached the Project Description, since that's always a good starting point for any review. 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 Appendix B 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 viable mitigation necessary to be able evaluate

the project, direct, indirect and cumulative impacts, 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, request for information. The data completeness worksheets and template for data requests are attached. 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 are 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 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 fill in the relevant portions of the Data Completeness worksheets which correspond to the issues of interest to your agency and your permitting authorities. This information will be incorporated into the information shared with the applicant when we respond to their request for a 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 Saturday November 25, therefore a response by Wednesday November 22 is appreciated.

For DTSC this information should be provided within 15-25 days per the MOU, which ranges from Saturday November 25 to Tuesday December 5.

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

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