

DOCKETED

Docket Number:	23-OPT-01
Project Title:	Fountain Wind Project
TN #:	254394
Document Title:	Request for Input from Shasta County Air Quality Management District on the Opt-In Application for the Fountain Wind Project
Description:	Letter
Filer:	Marichka Haws
Organization:	California Energy Commission
Submitter Role:	Commission Staff
Submission Date:	2/9/2024 2:32:00 PM
Docketed Date:	2/9/2024



February 9, 2024

Paul Hellman, Air Pollution Control Officer
Shasta County Air Quality Management District
1855 Placer Street, Suite 101
Redding, California 96001

Request for Input from Shasta County Air Quality Management District on the Opt-in Application for the Fountain Wind Project

Dear Paul Hellman:

The California Energy Commission (CEC) is requesting input from the Shasta County Air Quality Management District (AQMD) on the Opt-in application for the Fountain Wind Project (23-OPT-01).

BACKGROUND

On January 25, 2023, the CEC provided notice¹ to the County of Shasta (Shasta County) pursuant to Public Resources Code (PRC) § 25545.8(b), which provides that subsections (f) and (k) of PRC § 25519 apply to Opt-in applications.

The relevant language from PRC § 25519 is as follows:

- (f) Upon receipt of an application, the commission shall forward the application to local governmental agencies having land use and related jurisdiction in the area of the proposed site and related facility. Those local agencies shall review the application and submit comments on, among other things, the design of the facility, architectural and aesthetic features of the facility, access to highways, landscaping and grading, public use of lands in the area of the facility, and other appropriate aspects of the design, construction, or operation of the proposed site and related facility.

¹ Notice provided via email dated January 25, 2023, from Leonidas Payne, Project Manager, CEC, to Paul Hellman, Director, Planning Division, Shasta County Department of Resource Management.

(k) The commission shall transmit a copy of the application to any governmental agency not specifically mentioned in this act, but which it finds has any information or interest in the proposed site and related facilities, and shall invite the comments and recommendations of each agency. The commission shall request any relevant laws, ordinances, or regulations that an agency has promulgated or administered.

In the notice, CEC invited the comments and recommendations from Shasta County, and requested any relevant laws, ordinances, or regulations promulgated or administered by Shasta County, be sent to the CEC pursuant to PRC § 25519(k).

In July 2023, Fountain Wind LLC filed an application for an Authority to Construct permit with the Shasta County AQMD. On August 15, 2023, the Shasta County AQMD indicated that the air permit review for the propane emergency generator would be processed "in a timely manner" and indicated that Shasta County AQMD would take final action on the application approximately 180 days from August 15, 2023 (TN 251630).

On December 13, 2023, in the *Memo re Shasta County's Comments on the Notice of Preparation of the Draft Environmental Impact Report* (TN 253603), the CEC explained that the Shasta County AQMD is not a responsible agency, and therefore any local air quality permit that would have otherwise been provided by Shasta County AQMD would be subsumed in the CEC's certification. Further, staff values the information provided by all local agencies, including air quality management districts, and CEC air quality experts will continue to seek engagement with Shasta County AQMD to ensure that the local permitting requirements are included in the conditions of certification if the project is ultimately approved. In the memo, staff encouraged Shasta County to provide any additional information promptly so that staff may utilize the information in the CEC's environmental review of the project.

REQUEST

CEC staff requests the Shasta County AQMD staff to provide an engineering evaluation and draft permit conditions for the emergency generator. Ideally, the Shasta County AQMD staff evaluation would define draft permit conditions necessary to impose on Fountain Wind LLC to ensure compliance with any relevant laws, ordinances, or regulations applicable to the propane emergency generator.

Staff also requests Shasta County AQMD staff provide recommendations for controlling emissions from other activities associated with the overall development of the proposed project. Shasta County AQMD comments and recommendations for mitigating impacts to air quality will enhance CEC's environmental review of the project.

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In order to inform staff's development of the draft environmental impact report, air quality staff would need any comments from Shasta County AQMD by February 23, 2024. If no comments are provided, staff will develop conditions of certification with the information available.

If you have any questions, please email me at joseph.hughes@energy.ca.gov.

/S/

Joseph Hughes
Engineering Branch Manager, Siting,
Transmission and Environmental Protection
Division

Enclosure: Notice provided via email dated January 25, 2023, from Leonidas Payne, Project Manager, CEC, to Paul Hellman, Director, Planning Division, Shasta County Department of Resource Management.

cc: Elizabeth Huber
Director of Siting, Transmission and Environmental Protection Division

Notice of application receipt for Fountain Wind project (23-OPT-01) / request for comments and information

Payne, Leonidas@Energy <leonidas.payne@energy.ca.gov>

Wed 1/25/2023 9:12 AM

To: Paul Hellman <phellman@co.shasta.ca.us>;Rubin Cruse <rcruse@co.shasta.ca.us>;James Ross <jross@co.shasta.ca.us>;Pat Minturn CEO <pjminturn@co.shasta.ca.us>;Lio Salazar <lsalazar@co.shasta.ca.us>

Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>;Emigh, Kyle@Energy <kyle.emigh@energy.ca.gov>

The California Energy Commission (CEC) provides the following notice pursuant to Cal. Pub. Resources Code (PRC) § 25545.8, which states that subsections (f) and (k) of PRC § 25519 apply to an Opt-in application.

The relevant language from PRC § 25519 is as follows:

(f) Upon receipt of an application, the commission shall forward the application to local governmental agencies having land use and related jurisdiction in the area of the proposed site and related facility. Those local agencies shall review the application and submit comments on, among other things, the design of the facility, architectural and aesthetic features of the facility, access to highways, landscaping and grading, public use of lands in the area of the facility, and other appropriate aspects of the design, construction, or operation of the proposed site and related facility.

(k) The commission shall transmit a copy of the application to any governmental agency not specifically mentioned in this act, but which it finds has any information or interest in the proposed site and related facilities, and shall invite the comments and recommendations of each agency. The commission shall request any relevant laws, ordinances, or regulations that an agency has promulgated or administered.

CEC has set up a web page for the project at this address: <https://www.energy.ca.gov/powerplant/wind/fountain-wind-project>

The documents which comprise the Opt-in application can be found in the project docket, which is accessible via the project webpage or directly at: <https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=23-OPT-01>

The key document for understanding how to locate relevant information in the application is the "crosswalk matrix" document provided by the applicant, which can be accessed here: <https://efiling.energy.ca.gov/GetDocument.aspx?tn=248321&DocumentContentId=82718>

The Project Description can be accessed directly here: <https://efiling.energy.ca.gov/GetDocument.aspx?tn=248322&DocumentContentId=82719>

Please note the review and commenting obligations placed on Shasta County to comply with PRC § 25519(f). We look forward to receiving your comments at your earliest convenience.

Pursuant to PRC § 25519(k), CEC invites the comments and recommendations of Shasta County, and requests that you send us any relevant laws, ordinances, or regulations that Shasta County has promulgated or administered that are applicable to the proposed project.

CEC also wishes to make Shasta County aware that (PRC) § 25545.8 also states that PRC § 25538 applies to an Opt-in application. The relevant language is as follows:

(PRC) § 25538

Upon receiving the commission's request for review under subdivision (f) of Section 25519 and Section 25506 , the local agency may request a fee from the commission to reimburse the local agency for the actual and added costs of this review by the local agency. The commission shall reimburse the local agency for the added costs that shall be actually incurred by the local agency in complying with the commission's request.

Feel free to reach out to me directly via email if you have any questions about this notice. Thank you.

Leonidas Payne--Project Manager
California Energy Commission