

<b>DOCKETED</b>	
<b>Docket Number:</b>	24-OPT-02
<b>Project Title:</b>	Compass Battery Energy Storage
<b>TN #:</b>	255774
<b>Document Title:</b>	Mandatory Opt-In Regulations Crosswalk Matrix
<b>Description:</b>	N/A
<b>Filer:</b>	Erin Phillips
<b>Organization:</b>	Dudek
<b>Submitter Role:</b>	Applicant Consultant
<b>Submission Date:</b>	4/17/2024 5:36:46 PM
<b>Docketed Date:</b>	4/18/2024

### Opt-in Application Requirements from CCR Title 20 §1877 Crosswalk Matrix

§1877 Section	Requirement	Response
(a)	<p>The opt-in application shall contain all the information specified by Appendix B and meet the general requirements set forth in section 1704(a). For categories of information contained in Appendix B not relevant to the project, the application shall include a discussion explaining why a category does not apply. If the applicant is seeking incidental take authorization as described in California Fish and Game Code section 2081(b), the application shall include the information required in California Code of Regulations title 14, section 783.2(a)(1)-(a)(10). If the applicant is seeking lake and streambed alteration authorization under Fish and Game Code Section 1602, the application shall include the information required in California Fish and Game Code sections 1602(a)(1)(A)-(F).</p>	<p>Not applicable to the Project. The Applicant is not seeking incidental take authorization under Fish and Game Code 2081(b) or lake and streambed alteration authorization under Fish and Game Code Section 1602.</p>
(b)	<p>The opt-in application shall contain an explanation of how the facility meets one or more of the definitions of “facility” in section 25545(b).</p>	<p>As described in Section 1, Introduction, and Section 2, Project Description of the Opt-In Application, the Project involves the construction and operation of a battery energy storage system with a rated capacity of 250 megawatts, which meets the definition of a “facility” per California Public Resources Code §25545(b), paragraph (2). The Project also involves a loop-in transmission line that will transfer power to and from the Project and the existing SDG&amp;E Trabuco to Capistrano 138-kilvolt transmission line approximately 500 feet to the east of the Project site, which meets the definition of Public Resources Code §25545(b), paragraph (5).</p>
(c)	<p>The opt-in application shall contain all certifications required by Public Resources Code sections 25545.3.3 and 25545.3.5. The executive director may request, and the applicant shall provide, documentation verifying any certification in the opt-in application. Unless confidential information is requested by the executive director, all supporting documentation shall be filed as a public record.</p>	<p>Please refer to Appendix 1D, Labor Certification Letter. Compass Energy Storage, LLC certifies that it will comply with the prevailing wage and workforce requirements set forth in Assembly Bill 205, including that: (1) all construction workers employed on the Project will be paid at least the general prevailing rate of per diem wages or apprenticeship wages, as applicable, in accordance with Public Resources Code section 25545.3.3, and (2) a skilled and trained workforce will be used to perform all construction work on the Project, in accordance with Public Resources Code section 25545.3.5.</p>

**Opt-in Application Requirements from CCR Title 20 §1877 Crosswalk Matrix**

§1877 Section	Requirement	Response
(d)	The opt-in application shall identify and discuss whether the applicant has submitted any state or federal permit applications, for permits required prior to any construction, to other relevant state agencies with authority over the project. For any required permit that has not yet been submitted to the relevant state agency, the opt-in application shall include a plan for submitting the application and any discussions that have occurred with the relevant state agency with authority over the project.	Each of the 17 sections included in Section 4, Environmental Analysis, identify applicable permits and their schedules. Please refer to Sections 4.1 through 4.17.
(e)	The opt-in application shall identify whether the project is on a prohibited site as identified in Public Resources Code section 25527 or on a site designated by the California Coastal Commission under Public Resources Code section 30413(b) or on a site designated by the San Francisco Bay Conservation and Development Commission under Public Resources Code section 66645(b). For projects on such a site, the opt-in application shall include documentation of the approval of the public agency having ownership or control of the land.	The Project is not located on a prohibited site as identified in Public Resources Code section 25527 or on a site designated by the California Coastal Commission under Public Resources Code section 30413(b) or on a site designated by the San Francisco Bay Conservation and Development Commission under Public Resources Code section 66645(b). Please refer to Section 4.6, Land Use, for additional information.
(f)	The opt-in application shall contain preliminary information identifying the overall net positive economic benefit to the local government that would have had permitting authority over the site and related facility of the construction and operation of the facility, consistent with Public Resources Code section 25545.9.	Please refer to Section 1.4, Project Benefits, and Appendix 4.10A, Economic and Public Revenue Impact Study.
(g)	The opt-in application shall include the applicant's plan or strategy, including a timeline for execution, to obtain legally binding and enforceable agreement(s) with, or that benefit, a coalition of one or more community-based organizations prior to project certification, consistent with Public Resources Code section 25545.10.	Please refer to Section 1.4, Project Benefits, and Appendix 1C, Community Benefits Plan.
(h)	The opt-in application shall include a discussion of whether the project meets the requirements of Public Resources Code sections 21183 and 21183.6.	Please refer to the information provided in the subsequent table below.

### Opt-in Application Requirements from Public Resources Code Section 21183 and 21183.6 Crosswalk Matrix

PRC Section	Requirement	Response
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:                      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>	<p>The Project would clearly exceed the \$100 million investment upon completion of construction threshold by a wide margin. The Project economic benefits analysis in the application is based on the estimated capital investment in excess of \$300 million (See Appendix 4.10A for detailed information). In addition, this investment estimate is consistent with the National Renewable Energy Laboratory (NREL) projections for a 250MW/1000MWh facility in California delivered in the 2025-2030 timeframe, where a mid-level cost projection has an estimated investment value in excess of \$300 million upon completion of construction. See NREL, <i>Cost Projections for Utility-Scale Battery Storage: 2023 Update</i>, Table ES-2.</p>
21183(a)(2)	<p>Paragraph (1) does not apply to a leadership project described in paragraph (4) of subdivision (b) of Section 21180</p>	<p>Not applicable to the Project as the Project is not a housing development project.</p>
21183(b)	<p>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.</p>	<p>Please refer to Appendix 1D, Labor Certification Letter. Compass Energy Storage, LLC certifies that it will comply with the prevailing wage and workforce requirements set forth in Assembly Bill 205, including that: (1) all construction workers employed on the Project will be paid at least the general prevailing rate of per diem wages or apprenticeship wages, as applicable, in accordance with Public Resources Code section 25545.3.3, and (2) a skilled and trained workforce will be used to perform all construction work on the Project, in accordance with Public Resources Code section 25545.3.5.</p>
21183(c)(1)	<p>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.</p>	<p>The Project is a renewable energy project, as defined in paragraph (2) of subdivision (b) of Section 21180. 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 reducing approximately 233,000 metric tons of carbon dioxide emissions over a 20-year period compared to natural gas. The Project will also have the ability to provide zero-emission clean power to approximately 187,500 to 200,000 homes during peak load conditions. As described in Section 4.1, Air Quality, and Section 4.9, Public</p>

**Opt-in Application Requirements from Public Resources Code Section 21183 and 21183.6 Crosswalk Matrix**

PRC Section	Requirement	Response
		Health, and associated appendices, 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. The Project would comply with the greenhouse gas emissions quantification and mitigation in Section 21183.6.
21183(c)(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.	Not applicable to the Project as the Project is not a housing development project.
21183(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.	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. Construction materials would be sorted on-site throughout construction and transported to appropriate waste management facilities. Recyclable materials would be separated from nonrecyclable items and stored until they could be transported to a designated recycling facility. Recycling would be in accordance with applicable California state requirements. Non-hazardous construction materials that cannot be reused or recycled would likely be disposed of at a Class II/III landfill. 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 are detailed in Section 4.14, Waste Management. 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

### Opt-in Application Requirements from Public Resources Code Section 21183 and 21183.6 Crosswalk Matrix

PRC Section	Requirement	Response
		and soils resulting from land clearing shall be reused or recycled. 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 4.14, Waste Management.
21183(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.	The Applicant would abide by all mitigation measures required under this division to certify the Project under this chapter. 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. 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.
21183(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.	The Applicant agrees to the provisions in Section 21183 paragraph (f).
21183(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.	The Applicant agrees to the provisions in Section 21183 paragraph (g).

### Opt-in Application Requirements from Public Resources Code Section 21183 and 21183.6 Crosswalk Matrix

PRC Section	Requirement	Response
21183(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.	The Applicant understands the CEC docket will serve as the record of proceeding for the Project in compliance with Section 21186.
21183.6(a)(1)	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: 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.	The greenhouse gas emissions baseline is described in Section 4.1, Air Quality.
21183.6(a)(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. (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. (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	Please refer to Section 4.1, Air Quality, and Section 4.9, Public Health and associated appendices. 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).

**Opt-in Application Requirements from Public Resources Code Section 21183 and 21183.6 Crosswalk Matrix**

PRC Section	Requirement	Response
	<p>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>	
21183.6(b)	<p>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.</p>	<p>Please refer to Section 4.1, Air Quality, and Section 4.9, Public Health and associated appendices. 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).</p>