

American Recovery and Reinvestment Act (ARRA)

LOW INTEREST LOANS

No application fees, points, or hidden costs

**Interest Rate
1%**

FINANCING FOR ENERGY EFFICIENCY
& ENERGY GENERATION PROJECTS

APPLICATION

- Public Schools & Colleges
- Local Governments
- Special Districts
- Public Hospitals
- Public Care Institutions



ARNOLD SCHWARZENEGGER
Governor

California Energy Commission

<http://www.energy.ca.gov/efficiency/financing/index.html>
Phone: (916) 654-4104

FINANCING FOR ENERGY EFFICIENCY

Are You Eligible?

- Public Schools and Colleges
- Cities
- Counties
- Special Districts
- Public Hospitals
- Public Care Institutions

NOTE: Projects on facilities owned or operated by the State of California do NOT qualify for ARRA loan funding.

What projects are prohibited?

All projects that are not consistent with the ARRA project funding criteria, including:

- Swimming Pools
- Gambling Establishments
- Aquariums
- Zoos
- Golf Courses

What are the requirements?

The terms and conditions of the **1% interest rate loan** require ARRA accountability requirements for tracking and monthly reporting of the funds.

Loan recipients must account for these funds separately to meet ARRA federal reporting requirements.

- All projects must be completed and loans fully disbursed (i.e. all invoices must be submitted and paid) on or before April 30, 2012.
- Loan recipients must adhere to all ARRA monthly reporting, auditing and other requirements as detailed in the loan agreement.

- ARRA loan funds may only be used to *supplement* and may not be used to supplant funds already committed or expected to be received in support of the loan funded project.

- Recipients must have DUNS Number. *Dun & Bradstreet (D&B) is a unique nine digit identification number. To request your D-U-N-S Number via the Web go to:*
www.dnb.com/us/duns_update

- Recipients must be registered with Central Contractor Registration (CCR). *To register via the Web go to:*
www.bpn.gov/ccr/default.aspx

- Recipients must be in full compliance with the Single Audit Act requirements. *For more information please contact the California State Controller's office at email:*
singleaudits@sco.ca.gov

- ARRA funded loans will be amortized on the estimated annual energy cost savings achieved by the loan-funded project.

Additional Federal Requirements

ARRA-funded loans must comply with various federal requirements as specified in the loan agreements and attachments. Applicants should give special consideration to the select requirements that follow, as these requirements may have a significant impact on the applicant's proposed project.

Additional Federal Requirements:

1. **National Environmental Policy Act**

(NEPA): Loan recipients are restricted from taking any action using federal ARRA funds for projects that would have an adverse effect on the environment or limit the choice of reasonable alternatives prior to U.S. Department of Energy (DOE) providing a final NEPA determination regarding these projects.

✓ **Loan applicant must complete the NEPA Compliance Form** (included as Attachment 1), which contains additional information about NEPA.

2. **National Historic Preservation Act**

(NHPA): Projects involving a building or structure that is included in the National Register of Historic Places (NRHP) or eligible for inclusion in the NRHP require additional documentation.

✓ **Loan applicants must submit a consultation request letter.** A consultation request must be submitted even if the project does not involve a historic sight. For additional information on NHPA requirements, please see the National Historic Preservation Act Forms (included as Attachments 3 and 4).

3. **Davis-Bacon Act (Federal prevailing wage law)**

In accordance with ARRA Section 1606, all laborers and mechanics employed by contractors and subcontractors on projects funded directly by or assisted in whole or in part by and through the Federal Government pursuant to ARRA must be paid wages at rates not less than those prevailing on projects of a character similar in the locality as determined by the United States Secretary of Labor in accordance with Subchapter IV of Chapter 31 of Title 40, United States Code (Davis Bacon Act).

For additional information on Davis-Bacon Act requirements; please see the Davis-Bacon Act Questions and Answers available at: www.energy.ca.gov/efficiency/financing/

4. **Buy American Act:** ARRA funds may not be used for a project for the construction, alteration, maintenance, or repair of a public building or public work unless all of the iron, steel and manufactured goods used in the project are produced in the United States in a manner consistent with United States obligations under international agreements. This requirement may only be waived by the applicable federal agency in limited situations, as specified in ARRA. Guidelines from the Department of Energy are available at:

http://www1.eere.energy.gov/recovery/buy_american_provision.html

What projects are eligible?

Projects with proven energy and/or capacity savings are eligible, provided they meet the eligibility requirements for Energy Conservation Assistance Account (ECAA) loans.

You can purchase and install commercially available energy efficiency equipment with proven energy and/or capacity savings.

Projects already funded with an existing loan or already installed are ineligible. Please call if you have any questions.

Examples of qualified projects:

- Lighting
- Heating and air conditioning systems
- Motors and pumps
- Automated energy management systems and controls
- Cogeneration equipment
- Light emitting diode (LED) traffic signal modules
- Renewable energy systems
- Thermal energy storage systems

When Can You Start Your Project?

Your loan agreement must be fully executed before you can start your project. **Only project-related costs that are incurred and paid for after Energy Commission's loan execution may be included in the loan request.**

Applicants assume all financial risk should the Energy Commission not approve the application or if all loan documents are not executed. If the loan is not approved or executed, the Energy Commission is not responsible for reimbursement of any costs.

Does Your Facility Qualify?

Existing buildings or other energy using facilities are eligible. Some new buildings and facilities may also be eligible.

How Much is Available?

Please call for latest funding availability. Loans can finance up to 100 percent of the project costs.

When Should You Submit Your Application?

Now! Complete applications for funding will be processed on a first come, first served basis, and reviewed by a technical committee. Applications are deemed complete if they include all necessary documentation to verify eligibility and compliance with all requirements, including federal ARRA requirements.

The Energy Commission reserves the right to close the solicitation period at any time, so don't delay. Don't miss this opportunity.

Criteria for Loan Approval

A feasibility study is required to verify savings. Energy efficiency projects must be technically and economically feasible. Loans for energy projects must be repaid from energy cost savings within 15 years, including principal and interest (approximately 13 years simple payback).

Simple payback is calculated by dividing the dollar amount of the loan by the anticipated first year's annual energy cost savings:

$$\text{Simple Payback (yrs)} = \frac{\text{Amount of Loan (\$)}}{\text{Anticipated Annual Energy Cost Savings (\$/yr)}}$$

Interest Rate

The interest rate is a fixed for the term of the loan.

- The loan term cannot exceed the useful life of loan-funded equipment.
- Only approved project-related costs with invoices dated after loans are officially executed by the Energy Commission are eligible to be reimbursed from loan funds. If the application is not approved for any reason, the Energy Commission is not responsible for reimbursement of any costs.

Loan Security Requirements

It's simple. A promissory note and a loan agreement between you and the Energy Commission are all that is required to secure the loan. Please call to get a copy of these documents or you can download them at: www.energy.ca.gov/efficiency/financing/

How Are Funds Disbursed?

The funds are available on a reimbursement basis. For each reimbursement request, receipts and invoices for incurred expenses must be submitted along with payment verification.

The final 10 percent of the funds will be retained until the project is completed.

Interest is charged on the unpaid principal computed from the date of each disbursement to the borrower.

Repayment Terms

The repayment schedule is based on the estimated annual projected energy cost savings from the aggregated project(s), using energy costs and operating schedules at the time of loan approval.

ARRA funded loans will be amortized on the estimated annual energy cost savings achieved by the loan-funded project. Applicants will be billed twice a year after the projects are completed.

The final 10 percent of the funds will be retained until the project is completed. Interest is charged on the unpaid principal computed from the date of each disbursement to the borrower.

Loan Agreement

A copy of the loan agreement and Exhibit D are available for downloading as an Adobe Acrobat Portable Document Format (PDF) or Microsoft Word document at:

<http://www.energy.ca.gov/efficiency/financing/>

For Help Call (916) 654-4104

THE APPLICATION

How Do You Apply? Unless otherwise specified in the “Other Information” column, just submit the information shown below or go to <http://www.energy.ca.gov/efficiency/financing/index.html> and fill it out online.

Your application must be complete before processing can begin. For incomplete applications, information must be received within a specific time or the application will be returned unprocessed.

Attach to application	Copies Needed	Other Information
Completed and signed loan application	Original plus one copy	
Completed Summary of Recommended Energy Efficiency Measures in Loan Request Table	One copy	
Feasibility Study*	One copy	The study must contain: a) description of energy efficiency projects and buildings/ facilities affected by these projects, b) discussion of baseline energy use for the affected facilities, including annual energy related utility bills, c) all calculations and assumptions to support the technical feasibility and energy savings of the recommended projects, d) proposed budget detailing all project costs, and e) proposed schedule for implementation of the projects.
Copy of a signed resolution, motion, order, etc. from your governing board (see sample).	One copy	The resolution must be submitted with the application. The title of the official signing the loan agreement should be the same one named in the resolution, motion, or order.
National Environmental Policy Act (NEPA) Compliance Documentation Attachment 1 and Attachment 2, if applicable	Original	Include completed copy of the NEPA Compliance Form (Attachment 1). If the applicant is unable to certify that the proposed project falls within one of the DOE-established categorical exclusions for NEPA, the applicant must additionally submit a NEPA environmental questionnaire (Attachment 2).

<p>National Historic Preservation Act (NHPA) Compliance Documentation</p> <p>Attachments 3 and 4</p>	<p>One copy</p>	<p>All applicants must review and follow the steps delineated in Attachments 3 and 4 and submit documentation to the Energy Commission that demonstrates the project is compliant with the NHPA. Include documentation demonstrating that the applicant has complied with the NHPA by consulting with the California State Historic Preservation Officer (SHPO) and, if applicable, the Tribal Historic Preservation Officer (THPO), as required by Section 106 of the NHPA.</p>
<p>California Environmental Quality Act (CEQA) Compliance Documentation</p> <p>Attachment 5</p>	<p>One copy</p>	<p>Include a copy of documentation demonstrating that the applicant has complied with CEQA in approving the project. There are three possible actions the applicant can take. The applicant could determine that the activity undertaken by the loan is:</p> <ol style="list-style-type: none"> 1. Not a project (include analysis supporting the conclusion that the activity is not a project); or 2. A project that is exempt (include the Notice of Exemption); or 3. The project is not exempt, in which case the applicant should indicate which type of environmental document it has prepared: <ul style="list-style-type: none"> --Negative Declaration (include the Notice of Determination) --Mitigated Negative Declaration (include the Notice of Determination) --Environmental Impact Report. (Include the Notice of Determination.)
<p>Copy of agenda item (staff report) accompanying resolution</p>	<p>One copy</p>	<p>The agenda item and/or the resolution should include the finding on CEQA compliance.</p> <ul style="list-style-type: none"> • If the CEQA finding is in the agenda item, include both the item and the resolution. • If the CEQA finding is in the resolution, application does not need to include a copy of the agenda item

* If you are submitting multiple applications, please put each application package in a separate envelope. If the energy audit/feasibility study is used to justify energy efficiency projects in multiple applications, submit one copy of the audit/study and indicate the application package that contains the audit /study.



Where Do I Submit My Application?

Send your application package with the specified copies to:

California Energy Commission
Special Projects Office
Attn: ECAA Loan Program
1516 Ninth Street, MS 42
Sacramento, CA 95814-5512



Who Do I Call?

Call or email the California Energy Commission to discuss project and facility eligibility, funding availability, and application requirements.

(916) 654-4104
PubProg@energy.state.ca.us

A copy of the loan agreement and Exhibit D is available for downloading as an Adobe Acrobat Portable Document Format (PDF) or Microsoft Word document at:

<http://www.energy.ca.gov/efficiency/financing/>

Energy Commission staff will review your loan application. It may be necessary to arrange a site visit to discuss your project and loan request.

APPLICATION FOR ENERGY COMMISSION FINANCING

Interest Rate 1%

1. APPLICANT INFORMATION

Applicant:		
DUNS* Number:		
Attach additional documentation (see Table on previous page showing items to attach to application)		
Mailing Address:	City:	Zip:
Street Address:	City:	Zip:
County:		
Contact Person:	Title:	
E-mail:	Phone:	Fax:

*DUNS Number is issued by Dun & Bradstreet (D&B). It is a unique nine digit identification number. To request your D-U-N-S Number via the Web go to: www.dnb.com/us/duns_update

2. PROJECT INFORMATION

A. Has any funding (such as local funds or other available funds) been previously committed or approved for this project?

- Yes If yes, please complete Section B:
 No

B.

Source of Funds approved/committed: Provide details:
Amount of funding approved:

ARRA loan funds may only be used to supplement and may not be used to supplant funds already committed or expected to be received in support of the loan funded project.

For Help Call (916) 654-4104

C. Has your agency applied for, expect to apply for, or received any utility rebates/incentives?

- Yes If yes, please complete Section D:
 No

D.

Source of Rebates/Incentives:
Amount :

3. PROJECT SCHEDULE

Project Estimated start date:
Project Estimated completion date: • <i>Projects must be completed and loans fully disbursed on or before April 30, 2012.</i>

4. PROJECT BUDGET

Total project costs (include all installation costs):
Amount requested from the Energy Commission:

5. NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) COMPLIANCE

- A. Has your agency completed the NEPA Compliance Form ([Attachment 1](#)) and included it with the loan application?
- Yes, Go to B.
 No, STOP: Please complete NEPA Compliance Form and submit it with the loan application.
- B. Does proposed loan-funded project fall within one of the DOE-established categorical exclusions for NEPA?
- Yes, Go to Question 6.
 No, Go to C.
- C. If no to question B, has your agency completed the NEPA environmental questionnaire and included it with the loan application?
- Yes, Go to Question 6.
 No, STOP: Please complete NEPA environmental questionnaire and submit it with the loan application. [See Attachment 2.](#)

6. NATIONAL HISTORIC PRESERVATION ACT (NHPA) COMPLIANCE

- A. Has your agency complied with the NHPA by consulting with the SHPO and, if applicable, the THPO, as required by Section 106 of the NHPA.
- Yes, Go to B.
 - No, STOP: Your agency must satisfy the consultation process as required by Section 106 of the NHPA. To initiate the consultation process, your agency must submit a letter of request to the SHPO that includes certain minimum information as delineated in Attachments 3 and 4.
- B. Has the SHPO concluded that the proposed project will have no adverse effects on any historic resources and issued your agency a written response to this effect.
- Yes, submit copies of your agency's letter of request to the SHPO and the SHPO's written response with your loan application. Go to Question 7.
 - No, Go to C.
- C. If the SHPO has concluded that the proposed project will have adverse effects on historic resources, your project must be modified to avoid, minimize and mitigate these adverse effects in order to qualify for ARRA loan funds.

7. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) COMPLIANCE

The entire CEQA statute and Guidelines current as of January 1, 2009 can be found at: <http://www.califaep.org/userdocuments/File/2009%20CEQA%20Statute%20and%20Guidelines2.pdf>.

- A. Is there documentation demonstrating your compliance with CEQA?
- Yes, Go to B.
 - No, STOP: Please complete CEQA compliance documentation (Attachment 5) before submitting application.
- B. What finding did your governing body make? Activity funded by the loan is:
- Not a project.
 - Is a project, and is exempt: List applicable exemption:
 - ___ Statutory (list code section): _____
 - ___ Categorical (list section from CEQA Guidelines): ___ 14 CCR _____
 - Is a project that is not exempt?
Applicant prepared the following environmental document:
 - ___ Initial study + Negative Declaration
 - ___ Initial study + Mitigated Negative Declaration
 - ___ Environmental Impact Report
 - ___ Other (describe)
- Notice of Determination filed? Date: _____

8. SINGLE AUDIT ACT REQUIREMENTS

Please select one of the following:

- We are in full compliance with Single Audit Act requirements.
- We are exempt from Single Audit Act requirements.
- We are unsure whether we are in compliance with the Single Audit Act requirements. We have contacted the California State Controller's Office at singleaudits@sco.ca.gov to determine our status.
- We are not in compliance with Single Audit Act requirements. Please explain:

9. WHERE DID YOU HEAR ABOUT OUR PROGRAM?

Please tell us where you heard about our loan program.

- Energy Commission Website
- Energy Commission Staff Presentation
- Literature at Trade Show or Workshop
- Utility Company
- Recommendation by Another Public Agency
- Other (please specify)

10. CERTIFICATION

To the best of my knowledge and belief, the data in this application are correct and complete.

Name of Authorized Representative:		
Title:		
Signature of Authorized Representative:		
Date:	Phone:	Fax:

For Help Call (916) 654-4104

Summary of Recommended Energy Efficiency Measures in Loan Request

For each application, list the projects for which you are requesting a loan and identify the savings, project cost and payback for each project. Total the savings and project cost at the end of the table. Insert more rows as needed.

Project	Peak Demand Savings (kW)	Annual Electric Savings (kWh)	Annual Natural Gas Savings (therms)	Annual Other Energy Savings (specify units)	Annual Cost Savings	Project Installation Cost	Simple Payback (years)
Example: Install T8 lamps and electronic ballasts	48	266,405	0	0	\$24,113	\$100,790	4.2
TOTAL							

For Help Call (916) 654-4104

SAMPLE RESOLUTION

RESOLUTION NO. _____

Resolution of

Name of Institution or Organization

WHEREAS, the California Energy Commission provides loans to schools, hospitals, local governments, special districts, and public care institutions to finance energy efficiency improvements;

NOW THEREFORE, BE IT RESOLVED, that _____
Governing Body
authorizes _____
Name of Institution or Organization to apply for an energy efficiency loan from the California Energy Commission to implement energy efficiency measures.

BE IT ALSO RESOLVED, that if recommended for funding by the California Energy Commission, the _____
Governing Body authorizes _____
Institution or Organization to accept a loan up to \$ _____
Loan amount requested.

BE IT ALSO RESOLVED, that the amount of the loan will be paid in full, plus interest, under the terms and conditions of the Loan Agreement, Promissory Note and Tax Certificate of the California Energy Commission.

BE IT FURTHER RESOLVED, that _____
Title of Designated Official is hereby authorized and empowered to execute in the name of _____
Institution or Organization all necessary documents to implement and carry out the purpose of this resolution, and to undertake all actions necessary to undertake and complete the energy efficiency projects.

Passed, Approved and Adopted this _____ day of _____,
Month *Year*

Governing Board Representatives:

ATTACHMENT 1

STATE ENERGY PLAN (SEP) NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) COMPLIANCE FORM

The National Environmental Policy Act (NEPA) requires federal agencies to consider the potential environmental impacts of their proposed actions. Awards issued under this loan program will be funded pursuant to a grant (DE-EE0000221) from the U.S. Department of Energy (DOE) to the Energy Commission that consists of American Recovery and Reinvestment Act of 2009 (ARRA) State Energy Program (SEP) funds. DOE must comply with NEPA when awarding grants to states. Accordingly, recipients of awards issued under this loan program may not take any action using federal funds for projects that would have an adverse effect on the environment or limit the choice of reasonable alternatives prior to DOE providing a final NEPA determination regarding these projects.

NEPA requires federal agencies to prepare a brief environmental analysis called an environmental assessment (EA) or a detailed analysis called an environmental impact statement (EIS), unless the project is categorically excluded from NEPA review. For additional information about NEPA, please visit:

- DOE's NEPA website at <http://www.gc.energy.gov/NEPA/>;
- The "NEPA" section of DOE's recovery Act Clearinghouse at https://recoveryclearinghouse.energy.gov/#NATIONAL_ENVIRONMENTAL_POLICY_ACT_NEPA; or
- The White House Council on Environmental Quality's *Citizen's Guide to the NEPA* at http://www.nepa.gov/ntf/Citizens_Guide_Dec07.pdf

Categorically Excluded Projects

DOE has determined that the following SEP activities are categorically excluded from NEPA review, meaning that they do not require preparation of an EA or an EIS:

- Energy saving projects for residential buildings;
- Energy saving projects for commercial buildings;
- Energy saving projects for industrial buildings;
- Energy efficiency and renewable energy retrofits for state departments, local jurisdictions, school and hospitals; and
- Public outreach and education.

Categorical exclusions are not absolute. A project that falls within one of the categories listed above may require additional NEPA review if it involves "extraordinary circumstances" that may affect the significance of its environmental effects. "Extraordinary circumstances" are defined as "unique situations presented by specific proposals, such as scientific controversy about the environmental effects of the proposal; uncertain effects or effects involving unique or unknown risks; or unresolved

conflicts concerning alternate uses of available resources within the meaning of section 102(2)(E) of NEPA [42 U.S.C. § 4332(E)].”¹

Projects Not Categorically Excluded

Projects not listed above (including but not limited to: renewable energy projects such as large wind and solar generation facilities, large combined heat and power systems, bioenergy generation and waste disposal systems, and clean energy technology projects) will require individual NEPA review and determination. **Loan applicants must submit a NEPA environmental questionnaire (Attachment 2) if their proposed projects do not fall within the above excluded project activities.** The completed NEPA environmental questionnaire will be forwarded to DOE for its individual NEPA review and determination. If the loan applicant moves forward with activities that are not authorized for federal funding by DOE in advance of the final NEPA determination, it will do so at risk of not receiving federal funding, and such costs may not be recognized as allowable cost share.

If DOE determines that NEPA requires the preparation of an environmental assessment (EA) or environmental impact statement (EIS) for a proposed project, the loan applicant will be responsible for paying the cost of preparing an EA or EIS. **Preparation of these types of NEPA documents can require 6-24 months.** Accordingly, applicants should carefully consider whether such projects are consistent with the objectives of the ARRA and will allow the expenditure of funds by the March 31, 2012 dead line.

To be completed by loan applicants:

Application of NEPA to Proposed Project: Certification of Applicant’s Legal Representative

An authorized legal representative of the applicant must certify the following, to the best of his/her knowledge:

- The proposed project is categorically excluded from NEPA because it falls within the following category:
- Energy saving project for residential buildings
 - Energy saving project for commercial buildings
 - Energy saving project for industrial buildings
 - Energy efficiency and renewable energy retrofits for state departments, local jurisdictions, school and hospitals
 - Public outreach and education

¹ 10 C.F.R. § 1021.410(b).

The proposed project falls within the categories listed above but may involve “extraordinary circumstances” within the meaning of 10 C.F.R. Section 1021.410, for the following reason(s) (attach additional pages if necessary):

The proposed project is not categorically excluded, for the following reason(s) (attach additional pages if necessary):

The Energy Commission may request additional information in order to clarify answers provided on this form.

This form was completed by: _____
Print or Type Name

Title: _____

Organization: _____

Phone Number: _____

Email: _____

Signature: _____

Date: _____



GO-EF1Q

(2/06/02)

ATTACHMENT 2
U.S. DEPARTMENT OF ENERGY
NEPA ENVIRONMENTAL QUESTIONNAIRE

GOLDEN FIELD OFFICE

ENVIRONMENTAL CHECKLIST
(To Be Completed by Potential Recipient)

The Department of Energy (DOE) is required by the National Environmental Policy Act (NEPA) of 1969 as amended (42 U.S.C. 4332(2), 40 CFR parts 1500-1508) and DOE implementing regulations (10 CFR 1021) to consider the environmental effects resulting from federal actions, including providing financial assistance. Please provide the following information to facilitate DOE’s environmental review. DOE needs to evaluate the requested information as part of your award negotiation.

Instructions and Handbook: Terms that appear in blue have more detailed information available to assist you in completing the form. Save the form to your local directory. Leave your internet browser open and open the form in Word from the local directory. Click on the blue term and it will automatically open the handbook at the appropriate place. Click on the back button to return to your form. Or, you may click [here](#) to open the handbook.

PART I: General Information

Project
Title: _____

Solicitation Number: _____

1. Please describe the intended use of DOE funding in your proposed project. For example, would the funding be applied to the entire project or only support a phase of the project? Describe the activity as specifically as possible, i.e. planning, feasibility study, design, data analysis, education or outreach activities, construction, capital purchase and/or equipment installation or modification.

2. Does any part of your project require review and/or permitting by any other federal, state, regional, local, environmental, or regulatory agency? Yes No
If yes, please provide a list of required reviews and permits in the appropriate item number in Part II.

3. Has any review (e.g., NEPA documentation, permits, agency consultations) been completed? Yes No
If yes, is a finding or report available and how can a copy be obtained?

4. Is the proposed project part of a larger scope of work? Yes No
If yes, please describe.

Do you anticipate requesting additional federal funding for subsequent phases of this project? Yes No
If yes, please describe.

5. Does the scope of your project **only** involve one or more of the following:

- Information gathering such as literature surveys, inventories, audits,
- Data analysis including computer modeling,
- Document preparation such as design, feasibility studies, analytical energy supply and demand studies,
or
- Information dissemination, including document mailings, publication, distribution, training, conferences,
and informational programs.

If the scope of your project is **limited to** the block(s) checked above, please skip to Part III, otherwise, continue to Part II:

PART II: Environmental Considerations

Table A. Please indicate if any of the following conditions or special areas is present, required, or could be affected by your project: (please see next page)

CONTINUED...

Item No.	Description	Yes/No	Specific nature or type of activity or condition. If a consultation, approval, or permit applies, please describe.
1	Clearing or Excavation (indicate if greater than 1 acre)		
2	Dredge and/or Fill. Specify the number of acres involved.		
3	New or Modified Federal/State Permits And/or Requests for Exemptions		
4	Pre-Existing Contamination		
5	Asbestos		
6	Criteria Pollutants		
7	Non-Attainment Areas		
8	Class I Air Quality Control Region		
9	Navigable Air Space		
10	Areas with Special Designation (e.g., National Forests, Parks, Trails)		
11	Prime, Unique or Important Farmland		
12	Archeological/Cultural Resources		
13	Threatened/Endangered Species and/or Critical Habitat		
14	Other Protected Species (Wild Burros, Migratory Birds)		
15	Floodplains		
16	Special Sources of Groundwater (e.g., Sole Source Aquifer)		
17	Underground Extraction/Injection (non-hazardous substances)		
18	Wetlands		
19	Coastal Zones		
20	Public Issues or Concerns		
21	Noise		
22	Depletion of a Non-Renewable Resource		
23	Aesthetics		

Table B. Would your project use, disturb, or produce any chemicals or biological substances? (i.e., pesticides, industrial process, fuels, lubricants, bacteria) If not, skip to Section C. Please indicate if any of the materials or processes listed below applies.

Item No.	Description	Yes/No	Quantity	Permit required? Type?	Specific type, use, or condition
1	Polychlorinated Biphenyls (PCBs)				
2	Import, Manufacture, or Processing of Toxic Substances				
3	Chemical Storage, Use, and Disposal				
4	Pesticide Use				
5	Hazardous, Toxic, or Criteria Pollutant Air Emissions				
6	Liquid Effluent				
7	Underground Extraction/Injection (hazardous substances)				
8	Hazardous Waste				
9	Underground Storage Tanks				
10	Biological Materials. Indicate if genetically altered materials are involved.				

Table C. Would your project require or produce any radiological materials? If not, skip to Part III. Please indicate if any of the materials listed below applies.

Item No.	Description	Yes/No	Quantity	Permit required? Type?	Specific nature of use
1	Radioactive Mixed Waste				
2	Radioactive Waste				
3	Radiation Exposures				

Part III:

Contact Information

Please provide the name of the preparer of this form and a contact person who can answer questions or provide additional information.

Preparer	Telephone Number	E-mail Address
_____	_____	_____

Contact	Telephone Number	E-mail Address
_____	_____	_____

ATTACHMENT 3

NATIONAL HISTORIC PRESERVATION ACT PROCEDURES

Information on the NHPA and the SHPO responsibilities is available from the web site of the Office of Historic Preservation at <http://ohp.parks.ca.gov/>.

Prior to the expenditure of Federal funds to alter any structure or site, the Applicant must comply with the requirements of Section 106 of the National Historic Preservation Act (NHPA), consistent with the U.S. Department of Energy's (DOE's) 2009 letter of delegation of authority regarding the NHPA. Section 106 applies to historic properties that are listed in or eligible for listing in the National Register of Historic Places. In order to fulfill the requirements of Section 106, the Applicant must contact the State Historic Preservation Officer (SHPO), and, if applicable, the Tribal Historic Preservation Officer (THPO), to coordinate the Section 106 review outlined in 36 Code of Federal Regulations (C.F.R.) Part 800.

Section 110(k) of the NHPA applies to DOE-funded activities. The Applicant must avoid taking any action that results in an adverse effect to historic properties pending compliance with Section 106.

To initiate the consultation process with SHPO or THPO, Applicants must submit a letter of request to the SHPO that includes certain minimum information about the proposed project. The letter should be addressed to:

M. Wayne Donaldson, FAIA
State Historic Preservation Officer
P.O. Box 942896
Sacramento, CA 94296-0001

The consultation request must include the following:

- A request to formally initiate consultation under Section 106 of the National Historic Preservation Act of 1966, as amended, and its implementing regulations;
- A separate description of each project, including the work to be performed, whether there are any ground disturbances, and whether new structures will be constructed;
- A description of the buildings, structures, or properties that may be affected by the proposed project and an evaluation as to whether these buildings, structures, or properties are eligible for preservation under the NHPA as a historic resource and listed or eligible to be listed in the National Register of Historic Places administered by the National Park Service;
- A determination of effect of project's impact on buildings, structures, or properties listed or eligible for listing in the National Register of Historic Places; and

- A copy of maps, color photographs, plans, etc. to support the request.

Attachment 4, which was obtained from the Office of Historic Preservation, provides additional information on the minimum information required by the SHPO to initiate the Section 106 consultation.

Additional information on the NHPA and the SHPO responsibilities is available from the web site of the Office of Historic Preservation at <http://ohp.parks.ca.gov/>.

If the SHPO concludes that the project will have no adverse effects on any historic resources it will issue the Applicant a written response to this effect. Copies of the Applicant's letter of request to the SHPO and SHPO's written response must then be forwarded to the Energy Commission for its subsequent submission to DOE.

ATTACHMENT 4

MINIMUM INFORMATION NECESSARY FOR SECTION 106 REVIEWS OFFICE OF HISTORIC PRESERVATION

Upon receipt of materials, SHPO review staff looks for the following information:

The date of construction of buildings / structures to be renovated, occupied, removed, or demolished.

A project description. The description should include sufficient detail for staff to assess the project's potential to affect historic resources. If the project is a "design build" undertaking, we request that the applicant provide any details or alternatives that have been proposed to date.

A map clearly demarcating the project area.

Photographs of the both the direct Area of Potential Effect (APE) and the indirect APE.

If ground disturbance is required or the building or structure is over 50 years of age, staff will request the agency conduct a search of the California Historical Resources Information System (CHRIS). We then request the agency submit the results of the search to our office.

Note: the CHRIS search costs \$130/hr. and not all Centers are open five days/week.

Ground disturbance will also necessitate that the agency show proof, pursuant to 36 CFR Part 800.3(f) (2), of Native American consultation. SHPO staff direct the applicant to contact the Native American Heritage Commission and request a list of tribal groups or entities that should be notified of the project. Once the agency has contacted each group on this list, we request copies of the contact letters as proof of consultation.

If any of the above information is not included, SHPO staff will contact the applicant and request this information. The **30-day review clock resets each and every time we need to solicit additional information**. Should it be determined there is an adverse effect to any historic resource, the Advisory Council is notified by the agency and negotiations begin to find ways to avoid, minimize, and mitigate the adverse effects to the historic resource (36 CFR § 800.6). These mitigation measures are memorialized between the appropriate parties (e.g., the federal agency, the SHPO, the Advisory Council and others) in either a Memorandum of Agreement or a Programmatic Agreement. There is **NO TIME LIMIT** for the preparation of an agreement document.

There is **NO "post-compliance"** in the federal regulations.

ATTACHMENT 5

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) INFORMATION

CEQA requires state and local agencies (public agencies) to identify the significant environmental impacts of their actions and to avoid or mitigate them, if feasible. For an explanation of the CEQA process, please visit:

www.ceres.ca.gov/ceqa/more/faq.html

Applications selected for loan funding may meet the definition of a “project” for purposes of CEQA. (See Public Resources Code section 21000 et seq.) If the project is exempt, the applicant will file a Notice of Exemption at the Governor’s Office of Planning and Research. Exemptions are listed in:

Title 14 Code of California Regulations sections 15260 – 15285 (statutory exemptions)

Title 14 Code of California Regulations sections 15300 – 15333 (categorical exemptions)

(See reference below to entire CEQA statute and Guidelines, where the text of the exemptions can be reviewed).

If no exemption applies, certain CEQA requirements (such as preparation of an initial study, a negative declaration, or an environmental impact report) must be met.

Sample forms can be found on the Governor’s Office of Planning and Research website:

- Notice of Exemption form:
http://www.opr.ca.gov/planning/publications/NOE_2006.pdf.
- Notice of Determination:
http://www.opr.ca.gov/planning/publications/NOD_2006.pdf
- Other forms and publications:
<http://www.opr.ca.gov/index.php?a=planning/publications.html#pubs-N>

The entire CEQA statute and Guidelines current as of January 1, 2009 can be found at:

<http://www.califaep.org/userdocuments/File/2009%20CEQA%20Statute%20and%20Guidelines2.pdf>

Arnold Schwarzenegger
Governor



California Energy Commission

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