



California Energy Commission

AB 118 CEQA Compliance

Biofuels Pre-Solicitation Workshop

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Why is CEQA Compliance Necessary?

- It's the law!
- Legal Citation
 - Calif. Public Resources Code § 21000 et seq.
 - “CEQA Guidelines” are located in Title 14 of the California Code of Regulations, § 15000 et seq.
- Protects Project Proponent and CEC
- Allows CEC to Approve Projects



Lead Agency*

- Is generally the local government that has permitting discretion over the project.
- CEC usually acts as a responsible agency.
- CEC rarely acts as lead agency.

*Lead agency designation is dependent on the specific facts of each project.



CEQA Compliance Methods

- Not a Project per CEQA
- Exempt
 - The Common Sense Exemption rarely applies to biofuel production projects
- Negative Declaration
- Mitigated Negative Declaration
- Environmental Impact Report



CEQA Responsibilities

- Lead Agency determines appropriate compliance method.
- Responsible Agency reviews CEQA compliance documentation.
- Negative Declaration
- Mitigated Negative Declaration
- Environmental Impact Report



CEC Strategies

- Evaluate “project readiness”
- Require CEQA documents within 120 days of NOPA.
 - Necessary to meet state fiscal deadlines



Applicant Strategies

- Start Now! (or as soon as possible)
- Consult with qualified legal counsel of your choice for further guidance on CEQA process and requirements specific to your project.
- Identify Lead Agency.
- Include CEQA compliance status, plans, and realistic schedule in application.



For More Information

- Resources Agency CEQA Website
<http://ceres.ca.gov/ceqa/>
- Energy Commission General Questions
AB118@energy.ca.gov