



# CEQA

## California Environmental Quality Act

Overview for Applicants to  
Energy Commission  
Solicitations

# Key Points

- CEQA is a law that requires “projects” built in California to consider, and possibly mitigate, environmental impacts prior to beginning work.
- Grant recipients are responsible for working with the Energy Commission on CEQA compliance.
  - This is reflected in solicitation scoring criteria and in the terms of most solicitations.
- Leave plenty of time in your project schedule for permitting and CEQA determinations.
  - Failure to timely address CEQA has resulted in awards being rescinded or delayed.

# Specifics – Who Conducts CEQA Review?

- Typically, grant recipients must seek permits from local jurisdictions (cities, counties).
  - As part of the permit application process, local jurisdictions conduct a CEQA review.
    - This means that the local jurisdiction will consider the project's environmental impact.
    - Grant recipient should work with local jurisdiction to facilitate their review.
- Separately, the Energy Commission conducts its own CEQA review.

# Specifics – What Results from a CEQA Review?

- Not a project
  - The proposed work does not fall within the law's definition of a "project" to which CEQA applies. Typically does not apply to hydrogen station build-out but depends upon specific facts.
- Categorically exempt – Project is exempt from longer CEQA processes (e.g., EIR). Various categorical exemptions have been used for past hydrogen station projects.
  - 14 C.C.R. 15301 – Existing Facilities
  - 14 C.C.R. 15303 – New Construction or Conversion of Small Structures
  - 14 C.C.R. 15304 – Minor Alterations to Land
- Initial Study
  - Mitigated Negative Declaration
  - Negative Declaration
- Environmental Impact Report

# Where Can I Find the Law?

- Public Resources Code §§ 21000 *et seq.*
- California Code of Regulations §§ 15000 *et seq.*



# Thank you!

- Samantha Arens  
Energy Commission Staff Attorney