

ATTACHMENT C

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) COMPLIANCE FORM

The California Environmental Quality Act (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 <http://ceres.ca.gov/ceqa/summary.html>.) All awards (contracts, grants, and loans) funded by the Energy Commission are considered "projects" under CEQA,¹ and must therefore comply with CEQA in order to receive funding.

The Lead Agency is the public agency that has the greatest responsibility for preparing environmental documents under CEQA, and for carrying out, supervising, or approving a project. Where the award recipient is a public agency, the Lead Agency is typically the public agency. Where the award recipient is a private entity, the Lead Agency is the public agency that has greatest responsibility for supervising or approving the project as a whole.² The Energy Commission, as the funding agency, must develop CEQA findings based on review of the Lead Agency's environmental documents. **This form must be completed by the authorized legal representative of each applicant for Energy Commission funding.**

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

1. Has a public agency (other than the Energy Commission) determined that the activity is a "project" under CEQA (i.e., may cause a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment)?

Yes (please state the name of the public agency below, and continue to question #2)
City of San Jose

No (please explain why the public agency does not consider the activity to be a "project" under CEQA):

Agency has not completed review (please provide an estimated date for completion of review):

¹ A "project" is an activity that may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. Cal. Pub. Res. Code § 21065.

² 14 C.C.R. §§ 15050, 15051. The Lead Agency typically has general governmental powers (such as a city or county), rather than a single or limited purpose (such as an air pollution control district).

Uncertain (please state reason for uncertainty):

2. Has the public agency determined that the project is exempt from CEQA?

For an explanation of CEQA exemptions, please visit:

<http://ceres.ca.gov/ceqa/flowchart/exemptions/index.html>.

Yes (please check the appropriate boxes below and list the relevant California Public Resources Code (PRC) and/or California Code of Regulations (CCR) section number, then continue to question #3):

Statutory exemption

PRC number: _____

CCR number: _____

Categorical exemption

CCR number: _____

Common sense exemption (i.e., no possible significant effect)

CCR number: 14 CCR §15268 (please explain why this exemption applies to the project):

No (continue to question #4)

Agency has not completed review (please provide an estimated date for completion of review):

3. Has the public agency filed a Notice of Exemption (NOE) with the County Clerk and/or Governor's Office of Planning and Research?

For an explanation of the NOE filing process, please visit:

<http://ceres.ca.gov/ceqa/flowchart/noe.html>.

To obtain an NOE form, please visit:

3. Has the public agency filed a Notice of Exemption (NOE) with the County Clerk and/or Governor’s Office of Planning and Research?

For an explanation of the NOE filing process, please visit:
<http://ceres.ca.gov/ceqa/flowchart/noe.html>.

To obtain an NOE form, please visit:
<http://ceres.ca.gov/ceqa/guidelines/appendices.html>.

Yes (please submit a copy of the NOE along with this form)

No (please provide an estimated filing date below. Alternatively, please submit an authorizing resolution that includes a finding of exemption, or an agenda item accompanying the resolution that includes a finding of exemption):

4. Has the public agency completed an Environmental document for the project (i.e., Initial Study, Negative Declaration, Mitigated Negative Declaration, Notice of Preparation, Environmental Impact Report), or does the public agency plan to complete an Environmental document?

Yes (please complete the following information, then continue to question #5):

Type of Environmental Review	Title of Environmental Document	State Clearinghouse Number	Completion Date	Planned Completion Date
Initial Study				
Negative Declaration				
Mitigated Negative Declaration				
Notice of Preparation				
Environmental Impact Report				

Please submit a copy of the completed Environmental document(s) to the Energy Commission.

No (please explain why the public agency has not completed or does not plan to complete an Environmental document):

5. Has the public agency filed a Notice of Determination (NOD) with the County Clerk and/or Governor’s Office of Planning and Research?

For an explanation of the NOD filing process, please visit:

<http://ceres.ca.gov/ceqa/flowchart/NODloclead.html>.

To obtain an NOD form, please visit:

<http://ceres.ca.gov/ceqa/guidelines/appendices.html>

Yes (please submit a copy of the Notice of Determination along with this form)

No (please provide an estimated filing date):

6. Will the project require additional or modified permits, as listed below (check a box and explain for each type of permit):

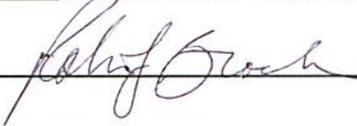
Type of Permit	No	Modified	New	Explanation and Lead Agency
Air Quality Permit	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Water Quality Permit	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Conditional Use Permit	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Building Expansion Permit	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Other Permits	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Department of Health Radiation Source Permit (x-ray source)

7. Will the project result in exceeding categorical exemption standards under CEQA? (check a box and explain for each question)

Question	Yes	No	Don't Know	Explanation
Is the project site environmentally sensitive?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Will the project result in cumulative impacts?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Are there "unusual circumstances" creating the reasonable possibility of significant effects?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Will the project result in damage to scenic resources, including historic buildings?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Is the project located on a site the Department of Toxic Substances Control and the Secretary of the Environmental Protection have identified as being effected by hazardous wastes or cleanup problems?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Will the project cause substantial adverse change in the significance of a historical resource?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

This form was completed by: _____ Robin L. Brack _____
Print or Type Name

Title: _____ Sr. Director of Environmental, Health and Safety _____

Signature: _____  _____

Phone Number: _____ 408-960-7879 _____

Email: _____ rbrack@solopower.com _____

Date: _____ 2/8/11 _____