

GRANT REQUEST FORM (GRF)

CEC-270 (Revised 02/13)

CALIFORNIA ENERGY COMMISSION

New Agreement ARV-13-008 (To be completed by CGL Office)

Division	Agreement Manager:	MS-	Phone
600 Fuels and Transportation Division	Andre Freeman	27	916-654-4162

Recipient's Legal Name	Federal ID Number
American Biodiesel, Inc. (dba Community Fuels)	05-0613377

Title of Project
Expansion of Existing Biorefinery for Producing Low Carbon Intensity Biodiesel

Term and Amount	Start Date	End Date	Amount
	3 / 12 / 2014	12 / 31 / 2016	\$ 4,904,375

Business Meeting Information
 ARFVTP agreements under \$75K delegated to Executive Director.

Proposed Business Meeting Date	3 / 12 / 2014	<input type="checkbox"/> Consent	<input checked="" type="checkbox"/> Discussion
Business Meeting Presenter	Andre Freeman	Time Needed:	5 minutes

Please select one list serve. Altfuels (AB118- ARFVTP)

Agenda Item Subject and Description

AMERICAN BIODIESEL, INC. Proposed resolution approving Agreement ARV-13-008 with American Biodiesel, Inc. (dba Community Fuels) for a \$4,904,375 grant to expand the biodiesel production capacity of their facility located at the Port of Stockton. This expansion will allow Community Fuels to produce at least 15 million gallons of low-carbon biofuel

California Environmental Quality Act (CEQA) Compliance

1. Is Agreement considered a "Project" under CEQA?
 Yes (skip to question 2) No (complete the following (PRC 21065 and 14 CCR 15378)):
 Explain why Agreement is not considered a "Project":
 Agreement will not cause direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment because .
2. If Agreement is considered a "Project" under CEQA:
 a) Agreement **IS** exempt. (Attach draft NOE)
 Statutory Exemption. List PRC and/or CCR section number: _____
 Categorical Exemption. List CCR section number: _____
 Common Sense Exemption. 14 CCR 15061 (b) (3)
 Explain reason why Agreement is exempt under the above section:
- b) Agreement **IS NOT** exempt. (Consult with the legal office to determine next steps.)
 Check all that apply
 Initial Study Environmental Impact Report
 Negative Declaration Statement of Overriding Considerations
 Mitigated Negative Declaration

List all subcontractors (major and minor) and equipment vendors: (attach additional sheets as necessary)

Legal Company Name:	Budget
TBD	\$ 0
	\$ 0
	\$ 0

List all key partners: (attach additional sheets as necessary)

Legal Company Name:
TBD

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Budget Information			
Funding Source	Funding Year of Appropriation	Budget List No.	Amount
ARFVTF	12/13	601.118E	\$4,904,375
Funding Source			\$
R&D Program Area:	Select Program Area	TOTAL:	\$4,904,375
Explanation for "Other" selection			
Reimbursement Contract #:		Federal Agreement #:	

Recipient's Administrator/ Officer				Recipient's Project Manager			
Name:	Chris Stowe			Name:	Lisa Mortenson		
Address:	PO BOX 23-4249			Address:	PO BOX 23-4249		
City, State, Zip:	Encinitas, CA 92023			City, State, Zip:	Encinitas, CA 92023		
Phone:	760-942-9306	Fax:	760-943-6696	Phone:	760-942-9306	Fax:	760-943-6696
E-Mail:	chriss@communityfuels.com			E-Mail:	lisa@communityfuels.com		

Selection Process Used	
<input checked="" type="checkbox"/> Competitive Solicitation	Solicitation #: PON-13-601
<input type="checkbox"/> First Come First Served Solicitation	

The following items should be attached to this GRF	
1. Exhibit A, Scope of Work	<input checked="" type="checkbox"/> Attached
2. Exhibit B, Budget Detail	<input checked="" type="checkbox"/> Attached
3. CEC 105, Questionnaire for Identifying Conflicts	<input checked="" type="checkbox"/> Attached
4. Recipient Resolution	<input type="checkbox"/> N/A <input type="checkbox"/> Attached
5. CEQA Documentation	<input type="checkbox"/> N/A <input checked="" type="checkbox"/> Attached

Agreement Manager_____
Date_____
Office Manager_____
Date_____
Deputy Director_____
Date

Exhibit A SCOPE OF WORK

TECHNICAL TASK LIST

Task #	CPR	Task Name
1		Administration
2	X	Design, Procurement and Construction
3		Commissioning and Training
4		Data Collection and Analysis

KEY NAME LIST

Task #	Key Personnel	Key Subcontractor(s)	Key Participant(s)
1	Lisa Mortenson		
2	Chris Young		
3	Chris Young		
4	Lisa Mortenson		

GLOSSARY

Specific terms and acronyms used throughout this scope of work are defined as follows:

Term/ Acronym	Definition
ARFVTP	Alternative and Renewable Vehicle and Technology Program
CAM	Commission Agreement Manager
CEC	California Energy Commission
CI	Carbon Intensity
CPR	Critical Project Review
FTD	Fuels and Transportation Division
GHG	Greenhouse Gas
LCFS	Low Carbon Fuel Standard
RFS	Renewable Fuel Standard

BACKGROUND:

Assembly Bill 118 (Núñez, Chapter 750, Statutes of 2007), created the Alternative and Renewable Fuel and Vehicle Technology (ARFVT) Program. The statute, subsequently amended by AB 109 (Núñez Chapter 313, Statutes of 2008) and AB 8 (Perea, Chapter 401, Statutes of 2013), authorizes the California Energy Commission (Energy Commission) to develop and deploy alternative and renewable fuels and advanced transportation technologies to help attain the state's climate change policies. The Energy Commission has an annual program budget of approximately \$100 million and provides financial support for projects that:

- Develop and improve alternative and renewable low-carbon fuels;
- Optimize alternative and renewable fuels for existing and developing engine technologies;
- Produce alternative and renewable low-carbon fuels in California;
- Decrease, on a full fuel cycle basis, the overall impact and carbon footprint of alternative and renewable fuels and increase sustainability;
- Expand fuel infrastructure, fueling stations, and equipment;
- Improve light-, medium-, and heavy-duty vehicle technologies;
- Retrofit medium- and heavy-duty on-road and non-road vehicle fleets;
- Expand infrastructure connected with existing fleets, public transit, and transportation corridors; and
- Establish workforce training programs, conduct public education and promotion, and create technology centers.

The California Energy Commission issued solicitation PON-13-601 to provide funding opportunities under the ARFVT Program for projects that develop commercial-scale, California-based biofuel production facilities that can sustainably produce at least 15,000,000 gallons per year of low carbon transportation fuels. To be eligible for funding under PON-13-601 (the "Solicitation"), the projects must also be consistent with the ARFVT Investment Plan updated annually. In response to the Solicitation, Recipient submitted application #10 (the "Application"), which was proposed for funding in the Energy Commission's Notice of Proposed Awards issued November 7, 2013. Both the Application and the Solicitation are hereby incorporated by reference into this Agreement. ARFVTP Terms and Conditions, Exhibit C, and Special Terms and Conditions, Exhibit D, are also hereby incorporated by reference into this Agreement.

In the event of any conflict or inconsistency between the terms of the Solicitation and the terms of the Recipient's Application, the Solicitation shall control. In the event of any conflict or inconsistency between the Recipient's Application and the terms of the Energy Commission's Award, the Commission's Award shall control. Similarly, in the event of any conflict or inconsistency between the terms of this Agreement and the Recipient's Application, the terms of this Agreement shall control.

Goals of the Agreement:

The goal of this Agreement is to expand the biodiesel production capacity of Community Fuels' existing biodiesel production facility located at the Port of Stockton (Rough & Ready Island, 809-C Snedeker Avenue, Stockton, CA 95203). The newly installed system components will be modeled after the existing production process, which has been proven capable of producing commercial volumes of biodiesel from a variety of different alternative feedstocks (including canola, safflower, *Camelina sativa*, poultry fat, algal oils, waste/recycled greases, and off-spec oils). Successful implementation of the proposed project will result in 15 million gallons per year or more of high quality, sustainably produced, low carbon intensity biodiesel to be introduced into California's diesel fuel supply.

Objectives of the Agreement:

The objectives of this Agreement are to:

1. Expand Community Fuels' existing biorefinery to increase biodiesel production capacity beyond current levels
2. Lower the carbon intensity of biodiesel produced at Community Fuels' existing biorefinery
3. Contribute to petroleum displacement and reduction of GHG emissions in California
4. Ensure that all biodiesel produced at the facility meets fuel quality specifications

As described under Task 4 of the Scope of Work (Data Collection and Analysis), the throughput of the expanded production facility will be monitored and recorded by the automated controls and instrumentation system. The associated petroleum displacement and reduction in GHG emissions will be calculated and included in the project reports. Fuel quality will be monitored by sample analyses performed at the on-site quality control laboratory, and results will be reported in Certificates of Analysis generated for all lots of fuel produced at the facility. The data collected over a 6-month period will be included in the monthly project reports and final project report submitted as deliverables to CEC.

TASK 1 ADMINISTRATION

Task 1.1 Attend Kick-off Meeting

The goal of this task is to establish the lines of communication and procedures for implementing this Agreement. The CAM shall designate the date and location of this meeting and provide an agenda to the Recipient prior to the meeting.

The Recipient shall:

- Attend a "Kick-Off" meeting with the Commission Agreement Manager, the Grants Officer, and a representative of the Accounting Office. The Recipient shall bring its Project Manager, Agreement Administrator, Accounting Officer, and others designated by the Commission Agreement Manager to this meeting.
- Discuss the following administrative and technical aspects of this Agreement:
 - Agreement Terms and Conditions
 - Critical Project Review (Task 1.2)
 - Match fund documentation (Task 1.6) No reimbursable work may be done until this documentation is in place.
 - Permit documentation (Task 1.7)
 - Subcontracts needed to carry out project (Task 1.8)
 - The CAM's expectations for accomplishing tasks described in the Scope of Work
 - An updated Schedule of Products and Due Dates
 - Monthly Progress Reports (Task 1.4)
 - Technical Products (Product Guidelines located in Section 5 of the Terms and Conditions)
 - Final Report (Task 1.5)

Recipient Products:

- Updated Schedule of Products
- Updated List of Match Funds
- Updated List of Permits

Commission Agreement Manager Product:

- Kick-Off Meeting Agenda

Task 1.2 Critical Project Review (CPR) Meetings

CPRs provide the opportunity for frank discussions between the Energy Commission and the Recipient. The goal of this task is to determine if the project should continue to receive Energy Commission funding to complete this Agreement and to identify any needed modifications to the tasks, products, schedule or budget.

The Commission Agreement Manager may schedule CPR meetings as necessary, and meeting costs will be borne by the Recipient.

Meeting participants include the CAM and the Recipient and may include the Commission Grants Officer, the Fuels and Transportation Division (FTD) biofuel lead, other Energy Commission staff and Management as well as other individuals selected by the CAM to provide support to the Energy Commission.

The CAM shall:

- Determine the location, date, and time of each CPR meeting with the Recipient. These meetings generally take place at the Energy Commission, but they may take place at another location.
- Send the Recipient the agenda and a list of expected participants in advance of each CPR. If applicable, the agenda shall include a discussion on both match funding and permits.
- Conduct and make a record of each CPR meeting. Prepare a schedule for providing the written determination described below.
- Determine whether to continue the project, and if continuing, whether or not modifications are needed to the tasks, schedule, products, and/or budget for the remainder of the Agreement. Modifications to the Agreement may require a formal amendment (please see section 8 of the Terms and Conditions). If the CAM concludes that satisfactory progress is not being made, this conclusion will be referred to the Lead Commissioner for Transportation for his or her final determination.
- Provide the Recipient with a written determination in accordance with the schedule. The written response may include a requirement for the Recipient to revise one or more product(s) that were included as an item of discussion in the CPR.

The Recipient shall:

- Prepare a CPR Report for each CPR that discusses the progress of the Agreement toward achieving its goals and objectives. This report shall include recommendations and conclusions regarding continued work of the projects. This report shall be submitted along with any other products identified in this scope of work. The Recipient shall submit these documents to the CAM and any other designated reviewers at least 15 working days in advance of each CPR meeting.
- Present the above information at each CPR meeting and participate in a discussion about the Agreement.

CAM Products:

- Agenda and a list of expected participants
- Schedule for written determination
- Written determination

Recipient Product:

- CPR Report(s)

Task 1.3 Final Meeting

The goal of this task is to closeout this Agreement.

The Recipient shall:

- Meet with Energy Commission staff to present the findings, conclusions, and recommendations. The final meeting must be completed during the closeout of this Agreement.

This meeting will be attended by, at a minimum, the Recipient, the Commission Grants Officer, and the Commission Agreement Manager. The technical and administrative aspects of Agreement closeout will be discussed at the meeting, which may be two separate meetings at the discretion of the Commission Agreement Manager.

The technical portion of the meeting shall present an assessment of the degree to which project and task goals and objectives were achieved, findings, conclusions, recommended next steps (if any) for the Agreement, and recommendations for improvements. The Commission Agreement Manager will determine the appropriate meeting participants.

The administrative portion of the meeting shall be a discussion with the Commission Agreement Manager and the Grants Officer about the following Agreement closeout items:

- What to do with any equipment purchased with Energy Commission funds (Options)
- Energy Commission's request for specific "generated" data (not already provided in Agreement products)
- Need to document Recipient's disclosure of "subject inventions" developed under the Agreement

- “Surviving” Agreement provisions
- Final invoicing and release of retention
- Prepare a schedule for completing the closeout activities for this Agreement.

Products:

- Written agreements arising from items discussed at final meeting
- Schedule for completing closeout activities

Task 1.4 Monthly Progress Reports

The goal of this task is to periodically verify that satisfactory and continued progress is made towards achieving the objectives of this Agreement on time and within budget.

The objectives of this task are to summarize activities performed during the reporting period, to identify activities planned for the next reporting period, to identify issues that may affect performance and expenditures, and to form the basis for determining whether invoices are consistent with work performed.

The Recipient shall:

- Prepare a Monthly Progress Report which summarizes all Agreement activities conducted by the Recipient for the reporting period, including an assessment of the ability to complete the Agreement within the current budget and any anticipated cost overruns. Each progress report is due to the Commission Agreement Manager within 10 days of the end of the reporting period. The recommended specifications for each progress report are contained in Section 6 of the Terms and Conditions of this Agreement.
- In the first Monthly Progress Report and first invoice, document and verify match expenditures and provide a synopsis of project progress, if match funds have been expended or if work funded with match share has occurred after the notice of proposed award but before execution of the grant agreement. If no match funds have been expended or if no work funded with match share has occurred before execution, then state this in the report. All pre-execution match expenditures must conform to the requirements in the Terms and Conditions of this Agreement.

Product:

- Monthly Progress Reports

Task 1.5 Final Report

The goal of the Final Report is to assess the project's success in achieving the Agreement's goals and objectives, advancing science and technology, and providing energy-related and other benefits to California.

The objectives of the Final Report are to clearly and completely describe the project's purpose, approach, activities performed, results, and advancements in science and technology; to present a public assessment of the success of the project as measured by the degree to which goals and objectives were achieved; to make insightful observations based on results obtained; to draw conclusions; and to make recommendations for further projects and improvements to the FTD project management processes.

The Final Report shall be a public document. If the Recipient has obtained confidential status from the Energy Commission and will be preparing a confidential version of the Final Report as well, the Recipient shall perform the following activities for both the public and confidential versions of the Final Report.

The Recipient shall:

- Prepare an Outline of the Final Report, if requested by the CAM.
- Prepare a Final Report following the latest version of the Final Report guidelines which will be provided by the CAM. The CAM shall provide written comments on the Draft Final Report within fifteen (15) working days of receipt. The Final Report must be completed at least sixty (60) days before the end of the Agreement Term.
- Submit one bound copy of the Final Report with the final invoice.

Products:

- Outline of the Final Report, if requested
- Draft Final Report
- Final Report

Task 1.6 Identify and Obtain Matching Funds

The goal of this task is to ensure that the match funds planned for this Agreement are obtained for and applied to this Agreement during the term of this Agreement.

The costs to obtain and document match fund commitments are not reimbursable through this Agreement. Although the Energy Commission budget for this task will be zero dollars, the Recipient may utilize match funds for this task. Match funds shall be spent concurrently or in advance of Energy Commission funds for each task during the term of this Agreement. Match funds must be identified in writing and the associated commitments obtained before the Recipient can incur any costs for which the Recipient will request reimbursement from the Energy Commission.

The Recipient shall:

- Prepare a letter documenting the match funding committed to this Agreement and submit it to the Commission Agreement Manager at least two (2) working days prior to the kick-off meeting. If no match funds were part of the proposal that led to the Energy Commission awarding this Agreement and none have been identified at the time this Agreement starts, and then state such in the letter. If match funds were a part of the proposal that led to the Energy Commission awarding this Agreement, then provide in the letter a list of the match funds that identifies the:
 - Amount of each cash match fund, its source, including a contact name, address and telephone number and the task(s) to which the match funds will be applied.

- Amount of each in-kind contribution, a description, documented market or book value, and its source, including a contact name, address and telephone number and the task(s) to which the match funds will be applied. If the in-kind contribution is equipment or other tangible or real property, the Recipient shall identify its owner and provide a contact name, address and telephone number, and the address where the property is located.
- Provide a copy of the letter of commitment from an authorized representative of each source of cash match funding or in-kind contributions that these funds or contributions have been secured. For match funds provided by a grant a copy of the executed grant shall be submitted in place of a letter of commitment.
- Discuss match funds and the implications to the Agreement if they are reduced or not obtained as committed, at the kick-off meeting. If applicable, match funds will be included as a line item in the progress reports and will be a topic at CPR meetings.
- Provide the appropriate information to the Commission Agreement Manager if during the course of the Agreement additional match funds are received.
- Notify the Commission Agreement Manager within ten (10) days if during the course of the Agreement existing match funds are reduced. Reduction in match funds must be approved through a formal amendment to the Agreement, if at all, and may trigger an additional CPR meeting.

Products:

- A letter regarding match funds or stating that no match funds are provided
- Copy(ies) of each match fund commitment letter(s) (if applicable)
- Letter(s) for new match funds (if applicable)
- Letter that match funds were reduced (if applicable)

Task 1.7 Identify and Obtain Required Permits

The goal of this task is to obtain all permits required for work completed under this Agreement in advance of the date they are needed to keep the Agreement schedule on track.

Permit costs and the expenses associated with obtaining permits are not reimbursable under this Agreement. Although the Energy Commission budget for this task will be zero dollars, the Recipient shall budget match funds for any expected expenditures associated with obtaining permits. Permits must be identified in writing and obtained before the Recipient can make any expenditure for which a permit is required.

The Recipient shall:

- Prepare a letter documenting the permits required to conduct this Agreement and submit it to the Commission Agreement Manager at least two (2) working days prior to the kick-off meeting. If there are no permits required at the start of this Agreement, then state such in the letter. If it is known at the beginning of the Agreement that permits will be required during the course of the Agreement, provide in the letter:
 - A list of the permits that identifies the:
 - Type of permit

- Name, address and telephone number of the permitting jurisdictions or lead agencies
 - The schedule the Recipient will follow in applying for and obtaining these permits.
- Discuss the list of permits and the schedule for obtaining them at the kick-off meeting and develop a timetable for submitting the updated list, schedule and the copies of the permits. The implications to the Agreement if the permits are not obtained in a timely fashion or are denied will also be discussed. If applicable, permits will be included as a line item in the Progress Reports and will be a topic at CPR meetings.
- If during the course of the Agreement additional permits become necessary, provide the appropriate information on each permit and an updated schedule to the Commission Agreement Manager.
- As permits are obtained, send a copy of each approved permit to the Commission Agreement Manager.
- If during the course of the Agreement permits are not obtained on time or are denied, notify the Commission Agreement Manager within 5 working days. Either of these events may trigger an additional CPR.

Products:

- Letter documenting the permits or stating that no permits are required
- A copy of each approved permit (if applicable)
- Updated list of permits as they change during the term of the Agreement (if applicable)
- Updated schedule for acquiring permits as changes occur during the term of the Agreement (if applicable)

Task 1.8 Obtain and Execute Subcontracts

The goal of this task is to ensure quality products and to procure subcontractors required to carry out the tasks under this Agreement consistent with the Agreement Terms and Conditions and the Recipient's own procurement policies and procedures. It will also provide the Energy Commission an opportunity to review the subcontracts to ensure that the tasks are consistent with this Agreement, and that the budgeted expenditures are reasonable and consistent with applicable cost principles.

The Recipient shall:

- Manage and coordinate subcontractor activities.
- Submit a draft of each subcontract required to conduct the work under this Agreement to the Commission Agreement Manager for review.
- Submit a final copy of the executed subcontract.
- If Recipient decides to add new subcontractors, then the Recipient shall notify the CAM.

Products:

- Draft subcontracts
- Final subcontracts

TECHNICAL TASKS**TASK 2 DESIGN, PROCUREMENT and CONSTRUCTION**

The goal of this task is to complete final engineering to support the timely installation of equipment to support expanding the existing biorefinery to 15 million gallons per year or more.

The Recipient shall:

- Finalize selection of qualified contractors to complete final mechanical, electrical and controls engineering.
- Collaborate with the selected contractors to complete final engineering plans that will contribute to an expeditious installation and commissioning in a manner that leverages existing equipment and infrastructure. Final engineering plans will include mechanical design drawings and piping and instrumentation diagram (P&ID).
- Collaborate with the selected contractor to prepare an equipment list including detailed specifications such as make, model, size, capacity or other information as appropriate. Ranges will be encouraged for equipment specifications in order to increase the likelihood that used equipment may be identified in order to reduce the lead time for equipment fabrication and delivery.
- Collaborate with the selected contractors to develop comprehensive construction bid packages. If necessary, also develop permitting packages.
- Develop and maintain an equipment procurement listing.
- Monitor lead times for equipment and compare with project timelines.
- Negotiate agreements for the purchase of equipment.
- Issue purchase orders for equipment.
- Track delivery and prepare staging necessary for equipment.
- Issue a competitive bid package to contractors in compliance with grant guidelines.
- Review proposals for the project and award to most qualified bidder.
- Prepare written notification of contractor selection to be included in the Monthly Progress Report
- Issue purchase order to contractor.
- Hold kick off meeting with the contractor
- Monitor construction progress on a continuous basis and work to schedule construction in a manner that is least disruptive to current plant operations
- Meet regularly with contractor to review progress and timelines

- Prepare monthly construction reports for review by management.
- Prepare equipment delivery report to be included in the Monthly Progress Report

Products:

- Equipment delivery report
- Quarterly construction reports

[CPR WILL BE HELD AT THE END OF THIS TASK. See Task 1.2 for details]

TASK 3 COMMISSIONING AND TRAINING

The goal of this task is to test all new installations to ensure operations are as expected. Once operational parameters are confirmed, standard operating procedures will be prepared and/or updated. Employees will be trained on the new operational procedures for safe operations in compliance with all applicable laws and regulations.

The Recipient shall:

- Develop a test plan to ensure that all new installations operate safely and as expected.
- Complete equipment testing for safety and operational conditions.
- Review and update standard operating procedures to include operation of new equipment.
- Complete employee training on new standard operating procedures.
- Develop a training matrix for new trainings completed in association with the expansion.

Products:

- Test plan
- Training matrix

TASK 4 DATA COLLECTION AND ANALYSIS

The goal of this task is to collect operational data from the project, to analyze that data for economic and environmental impacts, and to include the data and analysis in the Final Report.

The Recipient shall:

- Develop data collection test plan.
- Troubleshoot any issues identified.
- Collect 6 months of throughput, usage, and operations data from the project including, but not limited to:
 - Maximum capacity of the new fueling system
 - Gallons of gasoline and/or diesel fuel displaced (with associated mileage information)
 - Expected air emissions reduction, for example:
 - Non-methane hydrocarbons
 - Oxides of nitrogen

- Non-methane hydrocarbons plus oxides of nitrogen
 - Particulate matter
 - Formaldehyde
- Specific jobs and economic development resulting from this project
- Identify any current and planned use of renewable energy at the facility.
- Identify the source of the alternative fuel.
- Describe any energy efficiency measures used in the facility that may exceed Title 24 standards in Part 6 of the California Code Regulations.
- Provide data on potential job creation, economic development, and increased state revenue as a result of expected future expansion.
- Provide a quantified estimate of the project's carbon intensity values for life-cycle greenhouse gas emissions.
- Compare any project performance and expectations provided in the proposal to Energy Commission with actual project performance and accomplishments.
- Collect data, information, and analysis described above and include in the Final Report.

Products:

- Data Report to be included in the Final Report.

STATE OF CALIFORNIA

STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION REGARDING: GRANT AWARD
TO
AMERICAN BIODIESEL, INC.
UNDER PON-13-601

WHEREAS the State Energy Resources Conservation and Development Commission (“Energy Commission”) is considering whether to approve agreement ARV-13-008 with American Biodiesel, Inc., d/b/a Community Fuels, to expand the biodiesel production capacity of an existing biodiesel production facility located at the Port of Stockton; and

WHEREAS the Port of Stockton, as the Lead Agency, has in 2004 certified a Final Environmental Impact Report (EIR) for the West Complex Development Plan of which the existing biodiesel production facility is a part;

WHEREAS the Port of Stockton, as the Lead Agency, has in 2006 certified an Addendum to the West Complex EIR which allowed for construction of the Community Fuels biodiesel production facility;

WHEREAS the Port of Stockton, as the Lead Agency, has in 2010 certified an Addendum to the West Complex EIR to allow for expansion of the biodiesel production facility, and the increased volume of production proposed in Agreement ARV-13-008 does not exceed the volume analyzed in the 2010 Addendum;

WHEREAS the Port of Stockton, on November 22, 2013, informed the Energy Commission in writing that all impacts associated with the project have been analyzed in the previously approved and certified environmental documents;

WHEREAS the Energy Commission has reviewed the 2004 EIR and subsequent Addendums, has no information that indicates the environmental documentation is inadequate, and has considered the EIR and Addendums in deciding whether to approve the proposed Agreement ARV-13-008;

THEREFORE BE IT RESOLVED that the Energy Commission finds that the mitigation measures incorporated in the Addendums to the EIR will prevent the proposed project from having any significant environmental impacts.

BE IT FURTHER RESOLVED that the Energy Commission approves Agreement ARV-13-008 with American Biodiesel, Inc. for \$4,904,375.00, to expand the biodiesel production capacity of an existing biodiesel production facility located at the Port of Stockton;

BE IT FURTHER RESOLVED that this document authorizes the Executive Director or his or her designee to execute the same on behalf of the Energy Commission.

CERTIFICATION

The undersigned Secretariat to the Commission does hereby certify that the foregoing is a full, true, and correct copy of a RESOLUTION duly and regularly adopted at a meeting of the California Energy Commission held on March 12, 2014.

AYE: [*List Commissioners*]

NAY: [*List Commissioners*]

ABSENT: [*List Commissioners*]

ABSTAIN: [*List Commissioners*]

*Harriet Kallemeyn,
Secretariat*