STATE OF CALIFORNIA

# GRANT REQUEST FORM (GRF)

CEC-270 (Revised 02/13) CALIFORNIA ENERGY COMMISSION

New Agreement ARV-15-007 (To be completed by CGL Office)

| Division | Agreement Manager: | MS- | Phone |
|---|---|---|---|
| 600 Fuels and Transportation Division | Sarah Williams | 27 | 916-651-9866 |

| Recipient's Legal Name | Federal ID Number |
|---|---|
| Linde LLC | 20-1043281 |

| Title of Project |
|---|
| O&M for Hydrogen Refueling Station located at 26572 Junipero Serra Road San Juan Capistrano CA 92675 |

| Term and Amount | Start Date | End Date | Amount |
|---|---|---|---|
| | 9 / 9 / 15 | 10 / 31 / 18 | $ 300,000 |

**Business Meeting Information**

☐ ARFVTP agreements under $75K delegated to Executive Director.

| | | | |
|---|---|---|---|
| Proposed Business Meeting Date | 9 / 9 / 15 | ☐ Consent | ☒ Discussion |
| Business Meeting Presenter | Sarah Williams | Time Needed: | 5 minutes |

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

**Agenda Item Subject and Description**

Proposed resolution approving Agreement ARV-15-007 with Linde LLC for a grant of up to $300,000 to cover operation and maintenance costs for existing hydrogen refueling equipment and to gather data about the equipment. The station is located at 26572 Junipero Serra Road, San Juan Capistrano, CA 92675. (ARFVTP funding) Contact: Sarah Williams. (Staff presentation: 5 minutes)

**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: Cal. Code Regs., tit.14, sect.15301, "Existing Facilities"
   ☐ Common Sense Exemption. 14 CCR 15061 (b) (3)
   Explain reason why Agreement is exempt under the above section:
   The grant will fund operation and maintenance of existing hydrogen refueling equipment at an existing gas station. Operation and maintenance will include, but is not limited to, ensuring utility access; repairing or replacing equipment; and replacing dispensed hydrogen and other gases. This project involves negligible or no expansion of the existing use of the existing facilities, because the use, i.e., hydrogen refueling equipment operation, is already occurring and the operations and maintenance conducted as a part of this project will not expand use.
   ☐ 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 |
|---|---|
| | $ 0 |
| | $ 0 |
| | $ 0 |

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

| Legal Company Name: |
|---|
| |
| |

| Budget Information | | | |
|---|---|---|---|
| **Funding Source** | **Funding Year of Appropriation** | **Budget List No.** | **Amount** |
| ARFVTF | FY 14/15 | 601.118GH | $100,000 |
| ARFVTF | FY 16/17 | 601.118IH | $100,000 |
| ARFVTF | FY 17/18 | 601.118JH | $100,000 |
| Funding Source | | | $ |
| Funding Source | | | $ |
| R&D Program Area: | Select Program Area | TOTAL: | $300,000 |
| Explanation for "Other" selection | | | |
| Reimbursement Contract #: | | Federal Agreement #: | |

| Recipient's Administrator/ Officer | | | | Recipient's Project Manager | | | |
|---|---|---|---|---|---|---|---|
| Name: | Jennifer Yan | | | Name: | Jennifer Yan | | |
| Address: | 2389 Lincoln Avenue | | | Address: | 2389 Lincoln Avenue | | |
| City, State, Zip: | Hayward, CA 94545 | | | City, State, Zip: | Hayward, CA 94545 | | |
| Phone: | 510-427-8209 | Fax: | 510-786-5988 | Phone: | 510-427-8209 | Fax: | 510-786-5988 |
| E-Mail: | Jennifer.yan@linde.com | | | E-Mail: | Jennifer.yan@linde.com | | |

**Selection Process Used**

☐ Competitive Solicitation
☒ First Come First Served Solicitation

Solicitation #: PON-13-607

| The following items should be attached to this GRF | | |
|---|---|---|
| 1. Exhibit A, Scope of Work | | ☒ Attached |
| 2. Exhibit B, Budget Detail | | ☒ Attached |
| 3. CEC 105, Questionnaire for Identifying Conflicts | | ☒ Attached |
| 4. Recipient Resolution | ☒ N/A | ☐ Attached |
| 5. CEQA Documentation | ☒ N/A | ☐ Attached |

| Agreement Manager | Date | Office Manager | Date | Deputy Director | Date |
|---|---|---|---|---|---|

# Exhibit A
# SCOPE OF WORK

**TASK LIST**

| Task # | Task Name |
|---|---|
| 1 | Kick Off Meeting |
| 2 | Operate and Maintain the Hydrogen Refueling Station |
| 3 | Data Collection and Reporting |

**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 |
| Energy Commission | California Energy Commission |
| FTD | Fuels and Transportation Division |

**Background**

Assembly Bill (AB) 118 (Nùñez, Chapter 750, Statutes of 2007), created the Alternative and Renewable Fuel and Vehicle Technology Program (ARFVTP). The statute 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. AB 8 (Perea, Chapter 401, Statutes of 2013) re-authorizes the ARFVTP through January 1, 2024, and specifies that the Energy Commission allocate up to $20 million per year (or up to 20 percent of each fiscal year's funds) in funding for hydrogen station development until at least 100 stations are operational. 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 Energy Commission issued solicitation PON-13-607 Hydrogen Refueling Infrastructure to fund installation, and operation and maintenance cost for hydrogen refueling infrastructure. To be eligible for funding under PON-13-607, the projects must also be consistent with the Energy Commission's ARFVTP Investment Plan updated annually. In

response to PON-13-607 Linde LLC. (Recipient) submitted application number #113, which was proposed for funding in the Energy Commission's Second Revised Notice of Proposed Awards released on June 2015. Solicitation PON-13-607, the Recipient's application, and the Notice of Proposed Award issued for PON-13-607 are all hereby incorporated by reference into this Agreement in their entirety.

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.

Funds under this grant are only available to cover costs incurred once the station has achieved operational status.

**Goals of the Agreement:**
The goal of this Agreement is to continue the operation and maintenance of existing hydrogen refueling stations and gather information to improve understanding of needs and uses of hydrogen refueling.

**Objectives of the Agreement:**
The objectives of this Agreement are to support the operation and maintenance costs of the hydrogen fueling station at 26572 Junipero Serra Rd., San Juan Capistrano, CA 92675 and gather data on the operation and maintenance of the station.

**TASK 1 Attend Kick-off Meeting**
The goal of this task is to establish the lines of communication and procedures for implementing this Agreement. The Commission Agreement Manager (CAM) shall designate the date and location of this meeting and provide an agenda to the Recipient prior to the meeting.

**The Recipient shall:**

- Prepare and submit written notification of the date that the station is operational. This includes but is not limited to submitting the following to the CAM:
    - All required operational and safety permits from the local jurisdiction and agency,
    - Documentation that the station's hydrogen purity test results demonstrate that the station is in compliance with SAE International J2719:2011 "Hydrogen Fuel Quality for Fuel Cell Vehicles" (www.sae.org),
    - Description of the process and results of fueling one fuel cell electric vehicle, and
    - A written statement that the station is open to the public, meaning that no physical barriers exist which would preclude the public from entering and using the refueling station.

- Attend a "Kick-Off" meeting with the CAM, the Commission Agreement Officer, and a representative of the Accounting Office. The Recipient shall bring its Project Manager, Agreement Administrator, Accounting Officer, and others designated by the CAM to this meeting.

- Discuss the following administrative and technical aspects of this Agreement:
  - Agreement Terms and Conditions,
  - The CAM's expectations for accomplishing tasks described in the Scope of Work.

**Recipient Products:**

- Written notification of the operational date

**Commission Agreement Manager Product:**

- Kick-Off Meeting Agenda

**TASK 2 Operate and Maintain the Hydrogen Refueling Station**

The goal of this task is to operate and maintain the hydrogen fueling station.

**The Recipient shall:**

- Demonstrate that the station is operational. Operational is defined in PON-13-607 as "the station has a hydrogen fuel supply and all station/dispenser components are installed. Further, the station shall have all of the required operational and safety permits from the local jurisdiction and agency. The station shall also have a completed, successful hydrogen quality test and have successfully fueled one fuel cell vehicle with hydrogen." The station shall also be open to the public.

- Operate and maintain the hydrogen refueling station which can include, but is not limited to:
  - Ensuring utility access
  - Repairing or replacing equipment
  - Replace supply of hydrogen and other gases

**Products:** None

**TASK 3 Data Collection and Reporting**

The goal of this task is to periodically collect and deliver data related to the operation of the hydrogen refueling station, and to 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 applicable 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. This shall include the number of fills and kg of hydrogen throughput for the month. Each progress report is due to the CAM within 10 days of the end of the reporting period. The recommended specifications for each progress report are contained in the Terms and Conditions of this Agreement.

- Input all data as described in the National Renewable Energy Laboratory (NREL) Data Collection Tool (Exhibit D), and submit the tool to the CAM on a quarterly basis within one month of the end of the quarter.

**Products:**

- Monthly Progress Reports,
- Quarterly Updates on the NREL Data Collection Tool (Exhibit D).

**RESOLUTION NO: 15-0909-1d**

**STATE OF CALIFORNIA**

**STATE ENERGY RESOURCES**
**CONSERVATION AND DEVELOPMENT COMMISSION**

RESOLUTION - RE: LINDE, LLC

**RESOLVED,** that the State Energy Resources Conservation and Development Commission (Energy Commission) adopts the staff CEQA findings contained in the Agreement or Amendment Request Form (as applicable)]; and

**RESOLVED,** that the Energy Commission approves Agreement ARV-15-007 with **Linde, LLC** for **$300,000**, to to cover operation and maintenance costs for the existing hydrogen refueling equipment and gather data about the equipment; and

**FURTHER BE IT RESOLVED,** that the Executive Director or his/her designee shall 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 September 9, 2015.

AYE: [List of Commissioners]
NAY: [List of Commissioners]
ABSENT: [List of Commissioners]
ABSTAIN: [List of Commissioners]

_____
Tiffany Winter,
Secretariat