

ATTACHMENT 8

California Environmental Quality Act (CEQA) Compliance Form

The California Environmental Quality Act (CEQA) (Public Resources Code §§ 21000 et seq.) requires public agencies to identify the significant environmental impacts of their actions and to avoid or mitigate them, if feasible.¹ Under CEQA, an activity that may cause either a direct or reasonably foreseeable indirect physical change in the environment is called a “**project.**”² Approval of a contract, grant, or loan may be a “project” under CEQA if the activity being funded may cause a direct or reasonably foreseeable indirect physical change in the environment. Agencies must comply with CEQA before they approve a “project.” This may require preparing one or more of the following documents:

- A Notice of Exemption (if the project is exempt from CEQA);³
- An Initial Study (if the project may have a significant effect on the environment);⁴
- A Negative Declaration (if the Initial Study shows that the project will not have a significant effect on the environment) or a Mitigated Negative Declaration (if any significant effects identified by the Initial Study can be avoided or mitigated to a level of insignificance);⁵ or
- An Environmental Impact Report (if there is substantial evidence that the project will have significant effects).⁶

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 recipient. 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.⁷ When issuing contracts, grants, or loans, the Energy Commission is typically a “**Responsible Agency**” under CEQA, which means that it must make its own CEQA findings based on review of the Lead Agency’s environmental documents. If the Energy Commission is the only public agency with responsibility for approving the project, then the Energy Commission must act as the Lead Agency and prepare its own environmental documents before approving the project.

This form will help the Energy Commission determine what type of CEQA review, if any, is necessary before it can approve the award, and which agency will perform that review as Lead Agency. It may also help to the applicant determine the CEQA process necessary for the proposed project. Please answer all questions as completely as possible. The Energy Commission may request additional information in order to clarify responses provided on this form.

¹ For a brief summary of the CEQA process, visit <http://ceres.ca.gov/ceqa/summary.html>.

² California Public Resources Code § 21065.

³ 14 California Code of Regulations (CCR) §§ 15061 and 15062.

⁴ 14 CCR § 15063.

⁵ 14 CCR §§ 15070 et seq.

⁶ 14 CCR §§ 15080 et seq.

⁷ 14 CCR §§ 15050 and 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).

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1. What are the physical aspects of the project? (Check all that apply and provide a brief description of work, including the size or dimensions of the project).

| Type of Project | Yes | No | Project Description |
|---|--------------------------|--------------------------|---------------------|
| Construction (including grading, paving, etc.) | <input type="checkbox"/> | <input type="checkbox"/> | |
| Trenching | <input type="checkbox"/> | <input type="checkbox"/> | |
| New or replaced pipelines | <input type="checkbox"/> | <input type="checkbox"/> | |
| Modification or conversion of a facility | <input type="checkbox"/> | <input type="checkbox"/> | |
| New or modified operation of a facility or equipment | <input type="checkbox"/> | <input type="checkbox"/> | |
| On-road demonstration | <input type="checkbox"/> | <input type="checkbox"/> | |
| Paper study (including analyses on economics, feedstock availability, workforce availability, etc.) | <input type="checkbox"/> | <input type="checkbox"/> | |
| Laboratory research | <input type="checkbox"/> | <input type="checkbox"/> | |
| Temporary or mobile structures (skid-mounted) | <input type="checkbox"/> | <input type="checkbox"/> | |
| Design/Planning | <input type="checkbox"/> | <input type="checkbox"/> | |
| Other (describe and add pages as necessary) | <input type="checkbox"/> | <input type="checkbox"/> | |

2. Where is the project located or where will it be located? (Attach additional sheets as necessary.)

| Street Address | City/ County | Type of Work to Be Completed at |
|----------------|--------------|---------------------------------|
| | | |
| | | |

3. Will the project potentially have environmental impacts that trigger CEQA review? (Check a box and explain for each question.)

| Question | Yes | No | Unsure | Explanation |
|---|--------------------------|--------------------------|--------------------------|-------------|
| Is the project site environmentally sensitive? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| Is the project site on agricultural land? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| Is this project part of a larger project? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| Is there public controversy about the proposed project or larger project? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| Will historic resources or historic buildings be impacted by the project? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |

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| Question | Yes | No | Unsure | Explanation |
|--|--------------------------|--------------------------|--------------------------|-------------|
| Is the project located on a site the Department of Toxic Substances Control and the Secretary of the Environmental Protection have identified as being affected by hazardous wastes or cleanup problems? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| Will the project generate noise or odors in excess of permitted levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| Will the project increase traffic at the site, and by what amount? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |

4. Will the project require discretionary permits or determinations, as listed below?

| Type of Permit | No. | Modified | New | Approving Public Agency | Reason for Permit, Summary of Process, and Anticipated Date of Issuance |
|------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------|---|
| Air Quality Permit | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | |
| Water Quality Permit | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | |
| Conditional Use Permit or Variance | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | |
| Building Expansion Permit | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | |
| Hazardous Waste Permit | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | |
| Rezoning | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | |
| Authority to Construct | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | |
| Other Permits (List types) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | |

5. Of the agencies listed in #4, have you identified and contacted the agency that will be the lead CEQA agency on the project?

Yes. Provide the name of and contact information for the lead agency.

No. Explain why no contact has been made, and/or a proposed process for making contact with the lead agency.

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6. Has the agency prepared environmental documents (e.g., Notice of Exemption, Initial Study/Negative Declaration/Mitigated Negative Declaration, Environmental Impact Report, Notice of Determination) under CEQA for the proposed project?

Yes.

Please complete the following and attach the CEQA document to this worksheet. (For “Not a project,” the title of the document may be an e-mail, resolution, or letter.)

| Type of Environmental Review | Title of Environmental Document | State Clearinghouse Number | Completion Date | Planned Completion Date (<u>must be prior to approval of award</u>) |
|--|---------------------------------|----------------------------|-----------------|---|
| “Not a project” | | N/A | | N/A |
| Exempt (Resolution of public agency or Agenda Item approving Exemption) | | N/A | | N/A |
| Exempt (Notice of Exemption) | | N/A | | |
| Initial Study | | | | |
| Negative Declaration | | | | |
| Mitigated Negative Declaration | | | | |
| Notice of Preparation | | | | |
| Environmental Impact Report | | | | |
| Master Environmental Impact Report | | | | |
| Notice of Determination | | | | |
| NEPA Document (Environmental Assessment, Finding of No Significant Impact, and/or Environmental Impact Statement) ⁸ | | | | |

⁸ For additional information about NEPA (the National Environmental Policy Act, 42 U.S.C. 4321 et seq.), see: <http://www.epa.gov/compliance/basics/nepa.html>.

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No. Explain why no document has been prepared. Propose a process for obtaining lead agency approval and the estimated date for that approval (must occur before the Energy Commission will approve the award).

Certification: I certify to the best of my knowledge that the information contained in this form is true and complete. I further certify that I am authorized to complete and sign this form on behalf of the proposing organization.

Name: _____

Title: _____

Signature: _____

Phone Number: _____

Email: _____

Date: _____