

STATE OF CALIFORNIA

**STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION**

RESOLUTION - RE: ANAHEIM ENERGY LLC

WHEREAS, the City of Rialto is the Lead Agency for purposes of the California Environmental Quality Act ("CEQA") for the centralized municipal solid waste organic waste to biomethane facility at the Rialto Bioenergy Facility (hereinafter "Project"); and

WHEREAS, the City of Rialto prepared a Final Environmental Impact Report for the Project ("FEIR"), Mitigation, Monitoring and Reporting Program ("MMRP"), CEQA findings of fact, a Statement of Overriding Considerations, and a Notice of Determination, evaluating the potential environmental impacts of implementing the Project, and all of which are on file with the Energy Commission; and

WHEREAS, the City of Rialto, on March 27, 2018 considered and certified the FEIR for the Project, approved the permit for the Project, adopted the MMRP, adopted CEQA findings of fact, and adopted a Statement of Overriding Considerations, under resolutions 18-7309 and 18-7310, copies of which are on file with the Energy Commission; and

WHEREAS, the Energy Commission is considering proposed Agreement ARV-17-019, Centralized MSW Organic Waste to Biomethane Facility at the Rialto Bioenergy Facility (hereinafter "ARV-17-019"), a grant to fund the revitalization of the Rialto Bioenergy Facility to convert food waste and biosolids into biomethane transportation fuel; and

Prior to acting on Agreement ARV-17-019, the Energy Commission desires to make certain findings pursuant to CEQA Guidelines, title 14, sections 15091, 15092, 15093, and 15096;

NOW THEREFORE, BE IT RESOLVED:

1. To the extent relevant to ARV-17-019, the Energy Commission has considered the information contained in the City of Rialto's FEIR, MMRP, CEQA findings of fact, Statement of Overriding Considerations, and March 27, 2018 Resolutions identified above;
2. The City of Rialto has the authority and has already adopted the MMRP to implement mitigation measures or seek any required approvals for mitigation measures identified, to reduce the selected impacts to a less than significant level, and the Energy Commission has no direct authority to implement the mitigation measures identified.
3. The Energy Commission finds the City of Rialto's FEIR, MMRP, Statement of Overriding Considerations, CEQA findings of fact, and March 27, 2018 Resolutions are adequate for its use as the decision-making body for its consideration of ARV-17-019.
4. Approval of ARV-17-019 is within the scope of the City of Rialto's FEIR, MMRP, Statement of Overriding Considerations, CEQA findings of fact, and March 27, 2018 Resolutions.
5. Since the City of Rialto's FEIR, MMRP, Statement of Overriding Considerations, CEQA findings, and March 27, 2018 Resolutions were finalized, there have been no substantial project changes and no substantial changes in the Project

circumstances that would require major revisions to these documents due to the involvement of new significant environmental effects or an increase in the severity of previously identified significant impacts, and there is no new information of substantial importance that would change the conclusions set forth therein.

6. The Energy Commission has not identified any feasible alternative or additional feasible mitigation measures within its power that would substantially lessen or avoid any significant effect the Project would have on the environment.

BE IT FURTHER RESOLVED, that the Energy Commission finds, on the basis of the entire record before it, including the City of Rialto documents identified above, that the mitigation measures incorporated will prevent ARV-17-019 from having any significant environmental impacts, or on balance, there are economic, legal, social, technological or other benefits, including environmental benefits, associated with the Project which serve to outweigh the Project's significant unavoidable effects; and

BE IT FURTHER RESOLVED, that this document authorizes the Executive Director or his or her designee to prepare and file a Notice of Determination on behalf of the Energy Commission; and

BE IT FURTHER RESOLVED, that the Energy Commission approves Agreement ARV-17-019 with Anaheim Energy LLC for \$3,080,000; and

BE IT FURTHER RESOLVED, that the Executive Director or his or 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 May 9, 2018.

AYE: *[List Commissioners]*

NAY: *[List Commissioners]*

ABSENT: *[List Commissioners]*

ABSTAIN: *[List Commissioners]*

*Cody Goldthrite,
Secretariat*