

**State of California**  
California Energy Commission  
Minutes of the October 3, 2018, Energy Commission Business Meeting

The meeting was called to order by Chair Weisenmiller. The Pledge of Allegiance was led by Chair Weisenmiller.

Present:

Robert B. Weisenmiller, Chair

Karen Douglas, Commissioner

J. Andrew McAllister, Commissioner

David Hochschild, Commissioner

Janea A. Scott, Commissioner

**THE COMMISSION WILL CONSIDER AND MAY TAKE ACTION ON THE FOLLOWING ITEMS:**

1. CONSENT CALENDAR. (Items on the Consent Calendar will be taken up and voted on as a group. A commissioner may request that an item be moved and discussed later in the meeting.)
  - a. MEMORANDUM OF UNDERSTANDING REGARDING NORTH GILA–IMPERIAL VALLEY #2 TRANSMISSION LINE. Proposed resolution to enter into a Memorandum of Understanding (MOU) with the Desert District of the Bureau of Land Management (BLM) for the proposed North Gila–Imperial Valley #2 Transmission Line (NGIV2). The BLM invited the Commission to serve as a cooperating agency in preparation of an environmental impact statement (EIS) under the National Environmental Policy Act; and serve on the Cultural Resources Working Group in BLM's review under Section 106 of National Historic Preservation Act. Contact: Gabriel Roark.
  - b. PIO PICO ENERGY CENTER (11-AFC-01C). Proposed order granting the petition to transfer the operational control of the Pio Pico Energy Center from NAES Corporation to Southwest Generation Operating Company, LLC. Contact: Joseph Douglas.
  - c. AMENDED PUBLICLY OWNED UTILITY INTEGRATED RESOURCE PLAN (IRP) GUIDELINES. Proposed resolution adopting amended publicly owned utility IRP guidelines to clarify the reporting of spot market purchases and sales in calculating greenhouse gas emissions. The amendments also add a reference to the 2030 California Air Resources Board greenhouse gas emission reduction planning targets for IRPs. Contact: Paul Deaver.
  - d. 2018-2019 INVESTMENT PLAN UPDATE FOR THE ALTERNATIVE AND RENEWABLE FUEL AND VEHICLE TECHNOLOGY PROGRAM. Proposed resolution approving modifications to funding allocations for the 2018-2019 Investment Plan Update for the Alternative and Renewable Fuel and Vehicle Technology Program. The modifications reduce the total allocations from \$277.5 million to \$165.2 million and change the funding source for one allocation. The funding allocations must be modified because the amount of funding appropriated in the FY2018-19 California budget for these purposes is less than the total funding in the adopted 2018-2019 Investment Plan Update. (ARFVTP and GGRF funding) Contact: Patrick Brecht.

- e. LINDE, LLC. Proposed resolution approving Amendment 5 to Agreement ARV-14-018 with Linde, LLC for a Novation to add Iwatani Corporation of America (Iwatani) as a third-party Recipient, and to revise the Scope of Work to allow Iwatani to accept Linde's data collection and final report requirements for the hydrogen refueling station located in San Ramon. Contact: Andrew Hom.

*Commissioner Scott moved Item 1 and Commissioner Douglas seconded. The vote was unanimous (5-0).*

- 2. 2019 UPDATE TO THE VOLUNTARY BUILDING ENERGY EFFICIENCY STANDARDS. Proposed resolution approving the 2019 update to the voluntary Building Energy Efficiency Standards contained in the California Code of Regulations (CCR), Title 24, Part 11, also published as the California Green Building Standards (CALGreen). The California Building Standards Commission is expected to approve the Energy Commission amendments to Part 11 as part of their triennial update to the Title 24 *California Building Standards Code*. Approved updates will have an effective date of January 1, 2020. Contact: Ingrid Neumann. (Staff presentation: 5 minutes)

*Commissioner McAllister moved Item 2 with one change: the note following California Code of Regulations, Title 24, Part 11, section A203.1.1.1 should be relabeled from "Note" to "Exception." Commissioner Douglas seconded. The vote was unanimous (5-0).*

- 3. DOE-LAWRENCE BERKELEY NATIONAL LABORATORY. Proposed resolution approving Agreement 150-18-006 with the U.S. Department of Energy's Lawrence Berkeley National Laboratory for a three-year contract totaling \$225,000 (\$75,000 per fiscal year) to purchase and test appliances to determine compliance with CCR, Title 20. Section 1608(d) of the Regulations requires the Energy Commission to periodically test appliances sold in California to determine compliance with reported efficiency performance, marking, and design standards. Testing results are used to support enforcement actions and general data collection. (AEES Funding) Contact: Elizabeth Hutchison. (Staff presentation: 5 minutes)

*Commissioner McAllister moved Item 3 and Commissioner Scott seconded. The vote was unanimous (5-0).*

- 4. CITY OF HAYWARD. Proposed resolution adopting California Environmental Quality Act findings for City of Hayward's Photovoltaic (PV) Renewable Energy Phase II Project, and approving Agreement 002-18-ECD with the City of Hayward. (ECAA funding) Contact: Ron Yasny. (Staff presentation: 5 minutes)
  - a. CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS. Findings that, in addition to the lead agency City of Hayward's Initial Study and Mitigated Negative Declaration (Initial Study), the proposed project presents potentially significant impacts to biological resources, and that mitigation measures in addition to those analyzed in the Initial Study are required to reduce environmental impacts to a less than significant level. These additional mitigation measures will be implemented by the City of Hayward and are included as conditions in proposed Agreement 002-18-ECD.
  - b. CITY OF HAYWARD'S PV RENEWABLE ENERGY PHASE II PROJECT. Agreement with the City of Hayward for a \$2,150,955 loan at 1 percent interest for PV system installations at the City's Water Pollution Control Facility. Based on the loan amount, the simple payback is 16.1 years. The project will save approximately \$133,687 annually in electricity costs.

*Commissioner McAllister moved Item 4 and Commissioner Scott seconded. The vote was unanimous (5-0).*

5. ICF INCORPORATED, L.L.C. (DBA ICF CONSULTING, L.L.C.) Proposed resolution adopting California Environmental Quality Act Findings for ICF's biomass-to-energy power plant, and approving grant agreement EPC-17-042 for the grant recipient team's design and construction of the Camptonville Biomass-to-Energy Project (a.k.a. Forest Biomass Business Center Bioenergy Facility). (EPIC funding) Contact: Rizaldo Aldas. (Staff presentation: 5 minutes)

- a. CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS. Findings that, based on the lead agency County of Yuba Planning Commission's Initial Study/Mitigated Negative Declaration (IS/MND), Conditional Use Permit 2017-0003 (CUP), and the Resolution approving and adopting the IS/MND and CUP for the Forest Biomass Business Center Bioenergy Facility, the proposed project presents no new significant or substantially more severe environmental impacts beyond those already considered and mitigated to a less than significant level.
- b. CAMPTONVILLE BIOMASS-TO-ENERGY PROJECT. Agreement EPC-17-042 with ICF Incorporated, L.L.C. for a \$4,999,830 grant to fund the design and construction of an innovative 3 MW biomass power plant in Camptonville, California, that will incorporate advanced air pollutant emission controls and a low water consumption condenser. The Camptonville Biomass-to-Energy Project will help reduce the population of dead and diseased trees by consuming up to 30,000 bone dry tons of forest biomass per year.

*Commissioner Douglas moved Item 5 and Commissioner McAllister seconded. The vote was unanimous (5-0).*

6. 2018-2019 CALIFORNIA VEHICLE SURVEY. Proposed resolution approving Agreement 800-18-001 with Resource Systems Group, Inc. for a \$645,579 contract to conduct a survey of California light-duty vehicle owners in the household and commercial markets. This includes a targeted survey of zero-emission vehicle owners in both markets, to assess the shifts in consumer preferences. The survey data will be used to update the vehicle choice models used in forecasting light-duty vehicles. (COIA and Air Pollution Control Fund) Contact: Aniss Bahreinian. (Staff presentation: 5 minutes)

*Commissioner Scott moved Item 6 and Commissioner McAllister seconded. The vote was unanimous (5-0).*

7. **Minutes.** Possible approval of the September 21, 2018 Business Meeting minutes.

*Commissioner McAllister moved and Commissioner Douglas seconded approval of Item 7. Commissioner Scott abstained. The vote was 4-0.*

8. **Lead Commissioner or Presiding Member Reports.** The Commissioners reported on their recent activities.

9. **Chief Counsel's Report.** None.

- a. Pursuant to Government Code section 11126(e), the Energy Commission may adjourn to closed session with its legal counsel to discuss any of the following matters to which the Energy Commission is a party:
  - i. *In the Matter of U.S. Department of Energy (High Level Waste Repository), (Atomic Safety Licensing Board, CAB-04, 63-001-HLW); State of California v. United States Department of Energy* (9th Cir. Docket No. 09-71014).
  - ii. *Communities for a Better Environment and Center for Biological Diversity v. Energy Resources Conservation and Development Commission, and*

*California State Controller* (Alameda County Superior Court, Case No. RG13681262).

- iii. *State Energy Resources Conservation and Development Commission v. Electricore, Inc. and ZeroTruck* (Sacramento County Superior Court #34-2016-00204586)
- iv. *Natural Resources Defense Council, Inc., et al. v. United States Department of Energy* (Federal District Court, Northern District of California, #17-cv-03404).
- v. *City of Los Angeles, acting by and through, its Department of Water and Power v. California Energy Resources Conservation and Development Commission* (Los Angeles Superior Court, Case No. BS171477).
- vi. *State Energy Resources Conservation and Development Commission v. City of San Jose, JUM Global, L.L.C.* (Sacramento Superior Court, Case No. 34-2018-00230652).

- b. Pursuant to Government Code section 11126(e), the Energy Commission may also discuss any judicial or administrative proceeding that was formally initiated after this agenda was published; or determine whether facts and circumstances exist that warrant the initiation of litigation, or that constitute a significant exposure to litigation against the Commission.

10. **Executive Director's Report.** None.

11. **Public Adviser's Report.** The Public Adviser's office gave a report.

12. **Public Comment.** None.

Appearances:

(\*by telephone)

Robert Raymer, California Building Industry Association, CBIA

Michael Stone, National Electrical Manufacturer's Association, NEMA

Jack Sales, International Dark-Sky Association

Nancy Clanton, Clanton & Associates

Michael Siminovitch, UC Davis & California Lighting Technology Center

Jim Benya, Benya Burnett Consultancy

\*Michael McGaraghan, Energy Solutions

Rhonda Poulter, Babcock Power

\*Suzette Puski, Babcock Power

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Cathy LeBlanc, Camptonville Community Partnership  
Gregory Stangl, Phoenix Energy  
\*Richard Dickard, Camptonville Community Services District  
\*Willie Whittlesey, Yuba Water Agency  
\*Paul Violet, Soper-Wheeler Company  
\*Randy Fletcher, Yuba County Board of Supervisors  
Melanie Zauscher, California Air Resources Board

There being no further business, the meeting was adjourned.

Respectfully submitted,

CODY GOLDTHRIFE  
Secretariat