

**GRANT REQUEST FORM (GRF)**

CEC-270 (Revised 10/2015)

CALIFORNIA ENERGY COMMISSION

New Agreement ARV-19-075 (To be completed by CGL Office)

600 Fuels and Transportation Division	Hieu Nguyen	27	916-654-4774
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Five Points Pipeline LLC	37-1886314
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Five Points Pipeline Cluster Project
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10 / 14 / 2019	8 / 30 / 2023	\$ 3,535,000
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<input type="checkbox"/> ARFVTP agreements \$75K and under delegated to Executive Director.			
Proposed Business Meeting Date	10 / 14 / 2019	<input type="checkbox"/> Consent	<input checked="" type="checkbox"/> Discussion
Business Meeting Presenter	Hieu Nguyen	Time Needed:	5 minutes
Please select one list serve. Altfuels (AB118- ARFVTP)			

**Agenda Item Subject and Description**

Five Points Pipeline, LLC. Proposed resolution adopting California Environmental Quality Act Findings for Five Points Pipeline LLC's (Five Points) Five Points Pipeline Cluster Project and approving grant agreement ARV-19-075 with Five Points. (Clean Transportation Program funding) Contact: Hieu Nguyen. (Staff presentation: 5 minutes)

I. CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS. Findings that, based on the lead agency Fresno County's (County) Initial Study and Mitigated Negative Declaration (MND), and the County's Resolution No. 12791 approving and adopting the MND and Mitigation Monitoring and Reporting Program, the work under the proposed project presents no new significant or substantially more severe environmental impacts beyond those already considered and mitigated.

II. FIVE POINTS'S PIPELINE CLUSTER BIOGAS CONDITIONING SYSTEM PROJECT. Proposed resolution approving Agreement ARV-19-075 with Five Points Pipeline, LLC for a \$3,535,000 grant. The goal of this agreement is to construct a new facility to clean up and upgrade the gas in Fresno County to process the dairy biogas from 5 participating digesters. The project is expected to produce 2,536,172 diesel gallon equivalents per year of renewable natural gas with a negative carbon intensity score of approximately -174.04 g CO<sub>2</sub>e/MJ and reduce greenhouse gas emissions by 94,145 metric tons of CO<sub>2</sub>e per year.

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

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Legal Company Name:	Budget
Paques Environmental Technologies Inc	\$ 1,040,608
Air Liquide	\$ 1,009,322
Vilter Manufacturing	\$ 1,225,070

Legal Company Name:
Calgren Dairy Fuels

Funding Source	Funding Year of Appropriation	Budget List No.	Amount
ARFVTP	2018/2019	601.118K	\$3,535,000
Funding Source			\$
Funding Source			\$
Funding Source			\$
Funding Source			\$
R&D Program Area:	Select Program Area		\$3,535,000
Explanation for "Other" selection			
Reimbursement Contract #:	Federal Agreement #:		

Name:	Stephen Hatley	Name:	Daryl Maas
Address:	3711 Meadow View Dr., Ste 100	Address:	3711 Meadow View Dr., Ste 100
City, State, Zip:	Redding, CA 96002	City, State, Zip:	Redding, CA 96002
Phone:	512-618-2987	Fax:	855-639-4608
E-Mail:	stephen@maasenergy.com	E-Mail:	daryl@maasenergy.com

<input checked="" type="checkbox"/> Competitive Solicitation	Solicitation #: GFO-18-601
<input type="checkbox"/> First Come First Served Solicitation	

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 checked="" 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

Additional Subcontractors for CEC-270

Legal Company Name:	Budget:
Maas Energy Works Inc.	\$ 250,000 (Match)
SCS Engineering	\$ 945,000 (Match)
Electric Innovations	\$ 152,500 (Match)
Supreme Construction	\$ 600,000 (Match)
TBD (Mechanical Engineering)	\$ 760,496 (Match)

## Exhibit A SCOPE OF WORK

### TECHNICAL TASK LIST

Task #	CPR	Task Name
1		Administration
2	X	Engineering and Design
3		Construction of Biogas Upgrading Facility
4	X	System Startup
5		Data Collection and System Analysis

### KEY NAME LIST

Task #	Key Personnel	Key Subcontractor(s)	Key Partner(s)
1	Daryl Maas	Maas Energy Works Inc	
2	Jeffrey Pierce	SCS Engineering	
3	Jeffrey Pierce Daryl Maas	SCS Engineering Maas Energy Works	
4	Jeffrey Pierce Daryl Maas	SCS Engineering Maas Energy Works	
5	Daryl Maas	Maas Energy Works Inc	

### GLOSSARY

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

Term/ Acronym	Definition
CAM	Commission Agreement Manager
CPR	Critical Project Review
CNG	Compressed Natural Gas
DGE	Diesel Gallon Equivalents
RCNG	Renewable Compressed Natural Gas
Recipient	Five Points Pipeline LLC

### Background

Assembly Bill (AB) 118 (Núñez, Chapter 750, Statutes of 2007), created the Clean Transportation Program, formerly known as the Alternative and Renewable Fuel and Vehicle Technology Program. 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, clean air, and alternative energy policies. AB 8 (Perea, Chapter 401, Statutes of 2013) re-authorizes the Clean Transportation Program through January 1, 2024. The Clean Transportation Program has an annual budget of approximately \$100 million and provides financial support for projects that:

- Reduce California's use and dependence on petroleum transportation fuels and increase the use of alternative and renewable fuels and advanced vehicle technologies.

- Produce sustainable alternative and renewable low-carbon fuels in California.
- Expand alternative fueling infrastructure and fueling stations.
- Improve the efficiency, performance and market viability of alternative light-, medium-, and heavy-duty vehicle technologies.
- Retrofit medium- and heavy-duty on-road and non-road vehicle fleets to alternative technologies or fuel use.
- Expand the alternative fueling infrastructure available to existing fleets, public transit, and transportation corridors.
- Establish workforce-training programs and conduct public outreach on the benefits of alternative transportation fuels and vehicle technologies.

### **Problem Statement:**

Dairy biogas represents both a major environmental challenge and a significant biofuels opportunity. The dairy methane emissions that currently escape into the atmosphere could provide carbon-negative fuels if several barriers were overcome. For years, dairy farmers have been storing their cows' manure in anaerobic lagoons that produce methane, carbon dioxide, hydrogen sulfide, and additional volatile organic compounds. Covered lagoon digester technology provides an economical, reliable system for capturing the gas for a variety of uses. However, almost none of the captured biomethane is currently used for biofuels and is burned to generate electricity instead—producing new air pollutants. The California Air Resources Board, California Public Utilities Commission, California Department of Food and Agriculture, and other state agencies and legislators have been working together to find a solution that would continue to capture these dairy greenhouse gas emissions without increasing other criteria pollutants. The solution is to convert the biogas into pure biomethane for use in CNG vehicles. However, the cost of developing and operating biomethane upgrading equipment dwarfs the financial and operational resources of any single dairy.

The proposed project overcomes the financial, operational and technological resources by combining multiple dairies to build a “cluster” of dairy digesters. When the biogas from these dairies is combined at a central hub, proven technology by internal leaders in biomethane conditioning can be brought to bear. The resultant economies of scale resolve the technology, financial, and operational barriers of dairy methane-to-biomethane projects. The project will capture emissions from numerous dairies while building only one conditioning facility, overcoming technological limits to building multiple standalone projects. The resultant biomethane will be delivered as renewable compressed natural gas (RCNG) in new and existing stations, providing a large supply of highly carbon negative biofuels.

### **Goals of the Agreement:**

The goal of this Agreement is to construct a new facility to cleanup and upgrade dairy biogas to RCNG in Fresno County from 5 participating dairy lagoon digesters. The resulting project will produce 2,536,172 diesel gallon equivalents (DGE) per year of RCNG with a negative carbon intensity score of approximately -174.04 g CO<sub>2</sub>e/MJ while simultaneously reducing greenhouse gas emissions by 94,145 MTCO<sub>2</sub>e / yr.

### **Objectives of the Agreement:**

The objectives of this Agreement are as follows:

- Construct a biogas cleanup/upgrading facility that can receive biogas from 5 dairy digesters.

- Cleanup the dairy biogas to create 341,039 MMBTU/yr of renewable biomethane (RCNG).
- Deliver the renewable biomethane to on-site and off-site CNG fueling stations to create 2,536,172 DGE of alternative vehicle fuel in California.
- Reduce greenhouse gas emissions in California by 94,145 metric tons of CO<sub>2</sub>e per year.

## **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 CAM 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 Agreement Officer, the Fuels and Transportation Division (FTD) program 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 concurrence.
- 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 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 required 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 Office 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 documentation of meeting agreements
- 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 60 days before the end of the Agreement Term.
- Submit one bound copy of the Final Report with the final invoice.

**Products:**

- Final Outline of the Final Report
- 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.

**The Recipient shall:**

- Prepare a letter documenting the match funding committed to this Agreement and submit it to the Commission Agreement Manager at least 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, 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 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 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 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 AND ENGINEERING**

The goal of this task is to design and engineer a turn-key biogas conditioning facility with a performance guarantee from SCS Engineering.

#### **The Recipient shall:**

- Provide design criteria to SCS Engineering.
- Review project designs.
- Coordinate with SCS Engineering to keep project schedule.
- Prepare and provide a *Written Notification of Completion of Design and Engineering* to the CAM. The document shall include information regarding:
  - Design clarifications (if applicable)
  - Contractor/Subcontractor Bids
  - Final Design from SCS Engineering and any other project design documentation or drawings

#### **Products:**

- Written Notification of Completion of Design and Engineering

**[CPR WILL OCCUR DURING THIS TASK. See Task 1.2 for details.]**

### **TASK 3 CONSTRUCTION OF BIOGAS UPGRADING FACILITY**

The goal of this task is to procure equipment and construct the biogas upgrading facility.

**The Recipient shall:**

- Prepare and provide a *Procurement Plan* for the facility that will detail the process for procurement of equipment, materials, and services. The *Procurement Plan* will include, but is not limited to:
  - A list of equipment to be purchased
  - A description of the bid packages to be assembled
  - A methodology for receiving and evaluating responses
- Execute the *Procurement Plan*. Procure equipment for the construction of the biofuel production facility.
- Prepare and provide a *Construction Plan* for the facility that will outline the budget and schedule for the completion of all construction and installation activities. The *Construction Plan* will include, but is not limited to:
  - A list of construction and installation milestones
  - A Gantt chart and detailed project schedule
- Prepare and provide *Written Notification of Site Preparation* for the facility that will notify the CAM that the site has been prepared to initiate construction related activities.
- Implement the *Construction Plan*.
- Hold a Substantial Completion Meeting with contractors.
- Complete building inspection review and approval by Fresno County. Provide copy of the *Building Inspection Report* to the CAM.
- Provide *photographs of completed construction of the facility and installation of the equipment* to the CAM.

**Products:**

- Procurement Plan
- Construction Plan
- Fresno County - Building Inspection Report
- Written Notification of Site Preparation
- Photographs of Completed Construction of Facility and Installation of Equipment

**TASK 4 SYSTEM COMMISSIONING AND STARTUP**

The goal of this task is to startup and commission the biogas conditioning facility to produce biomethane at utility specifications for delivery to the project's meter set assemble.

**The Recipient shall:**

- Prepare and provide *Project Startup Report* for the facility that will notify the CAM that construction and installation activities have been completed.
- Prepare and provide a *Testing and Commissioning Plan* for the facility that will detail the process, deliverables, and milestones associated with the testing and commissioning of the facility. The *Testing and Commissioning Plan* will include, but is not limited to:
  - A description of the equipment to be tested
  - A description of the methodology to test the identified equipment
  - A list of goals and objectives for the test
  - A description of the quality control and quality assurance practices for the test methodology
- Implement *Testing and Commissioning Plan*.

- Prepare and provide *Testing and Commissioning Report* for the facility that will notify the CAM that commissioning activities have been completed and that the plan is ready to commence commercial operations.
- Coordinate with equipment vendors as needed to meet output specifications. Complete a *Lab Test – Natural Gas Assurance* report and provide to the CAM.
- Coordinate receipt of biogas from participating dairies via pipeline.
- Coordinate delivery of RCNG to CNG station. Provide a *Sale of Fuel Receipt of RCNG to CNG Station* to the CAM.
- Confirm quality of RCNG meets utility requirements. Provide a *Letter from the Utility Confirming RCNG Quality Standard Requirement*.

**Products:**

- Project Startup Report
- Testing and Commissioning Plan
- Testing and Commissioning Report
- Lab Test – Natural Gas Quality Assurance
- Sale of Fuel Receipt of RCNG to CNG Station
- Letter from Utility Confirming RCNG Quality Standard Requirement

**[CPR WILL OCCUR DURING THIS TASK. See Task 1.2 for details.]**

**Task 5 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 a data collection plan.
- Troubleshoot any issues identified.
- Collect at least six months of data, including:
  - Throughput, usage, and operations data
  - Normal operating hours, up time, down time, and explanations of variations
  - Feedstock supply summary
  - Maximum capacity of the new fuel production system in diesel gallon equivalents (DGE) and ordinary units
  - Gallons of gasoline and/or diesel fuel displaced (with associated mileage information), along with value converted into DGE
  - Record of wastes from production processes (waste water, solid waste, criteria emissions, etc.)
  - Expected air emissions reduction, for example:
    - Non-methane hydrocarbons
    - Oxides of nitrogen
    - Non-methane hydrocarbons plus oxides of nitrogen
    - Particulate Matter
    - Formaldehyde
  - Duty cycle of the current fleet and the expected duty cycle of future vehicle acquisitions
  - Specific jobs and economic development resulting from this project
  - Levelized Cost of Fuel and Finished fuel price

- Analysis of total facility costs, operation and maintenance costs, marginal abatement costs
- Comply with the Petroleum Industry Information Reporting Act (PIIRA) and complete CEC Form M810E and CEC Form M13 on a monthly basis for submission to the California Energy Commission's PIIRA Data Collection Unit.
- Provide a written record of registering with the Low Carbon Fuel Standard and Renewable Fuel Standard programs.
- Identify any current and planned use of renewable energy at the facility.
- 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 or provide an Air Resources Board approved pathway carbon intensity.
- Estimate annual life-cycle greenhouse gas emission reduction.
- 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 collection information and analysis will be included in the Final Report

STATE OF CALIFORNIA

STATE ENERGY RESOURCES  
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION - RE: FIVE POINTS PIPELINE LLC

**WHEREAS**, the Fresno County Planning Commission is the Lead Agency for “Unclassified Conditional Use Permit Application Nos. 3642, 3643, 3644, 3645, 3646, and 3647” (hereinafter, “Project,”) the proposed installation of four new anaerobic dairy digesters, five sets of biogas conditioning equipment and biogas generators, a biogas upgrading and production facility, and related pipelines; and

**WHEREAS**, the Fresno County Planning Commission, in June 2019, prepared an Initial Study and Mitigated Negative Declaration (hereinafter “IS/MND”) for the Project to evaluate the potential environmental impacts of implementing the Project, copies of which are on file with the California Energy Commission and are provided in the backup materials; and

**WHEREAS**, the Fresno County Planning Commission, on August 8, 2019, approved and adopted the IS/MND for the Project, and adopted a Mitigation Monitoring and Reporting Program (MMRP), thereby imposing mitigation measures upon the project; and

**WHEREAS**, the Fresno County Planning Commission adopted findings required by the California Environmental Quality Act (“CEQA”), and approved the Project, by Adoption of Resolution No. 12791, a copy of which Resolution is on file with the Energy Commission and is provided in the backup materials; and

**WHEREAS**, the Energy Commission has reviewed and considered the County’s IS/MND, MMRP, Resolution No. 12791, and filed Notice of Determination, and the Energy Commission staff’s findings, which are contained in the Staff Memorandum and CEQA Analysis of ARV-19-075, which is included in the backup materials; and

**WHEREAS**, the Energy Commission is considering proposed Agreement ARV-19-075, “Five Points Pipeline Cluster Project” (hereafter, “ARV-19-075”), a grant to construct and operate the 2,536,172-diesel gallon equivalent per year biomethane production facility; and

Prior to acting on the Agreement ARV-19-075, the Energy Commission desires to make certain findings pursuant to the CEQA Guidelines, title 14, section 15096;

**NOW THEREFORE, BE IT RESOLVED:**

1. The Energy Commission has reviewed the information contained in the IS/MND and MMRP that is relevant to its approval of ARV-19-075, and has reviewed the CEQA findings contained in the Fresno County Planning Commission’s IS/MND, MMRP, and Resolution No. 12791, which are adopted to the extent that they are relevant to the Energy Commission’s decision to approve ARV-19-075, and has reviewed the Staff Memorandum identified above.
2. The Fresno County Planning Commission has already adopted the mitigation measures recommended in the Mitigated Negative Declaration and MMRP, and has authority to implement the mitigation measures or to seek any required



approvals for the mitigation measures, and the Energy Commission has no direct authority to implement the mitigation measures.

3. The Energy Commission has reviewed and considered the IS/MND, MMRP, Resolution, and Staff Memorandum, and finds that these documents are adequate for its use as the decision-making body for its consideration of ARV-19-075.
4. Approval of ARV-19-075 is within the scope of the Project approved by Fresno County Planning Commission, and the activities evaluated in the Initial Study and Mitigated Negative Declaration.
5. Since the Mitigated Negative Declaration was finalized and adopted on August 8, 2019, there have been no substantial project changes and no substantial changes in the project circumstances that would require major revisions to the Mitigated Negative Declaration, either due to the involvement of new significant environmental effects or to an increase in the severity of previously identified significant impacts, and there is no new information of substantial importance that would change the conclusion set forth in the Mitigated Negative Declaration.
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.

**THEREFORE BE IT RESOLVED**, that the Energy Commission finds, on the basis of the entire record before it, that the mitigation measures incorporated in the Mitigated Negative Declaration will prevent ARV-19-075 from having any significant environmental impacts; and

**BE IT FURTHER RESOLVED**, that the Energy Commission approves Agreement ARV-19-075 with Five Points Pipeline LLC, for \$3,535,000; and

**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 October 14, 2019.

AYE: *[List Commissioners]*

NAY: *[List Commissioners]*

ABSENT: *[List Commissioners]*

ABSTAIN: *[List Commissioners]*

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*Cody Goldthrite*  
*Secretariat*