



**California Energy Commission  
February 28, 2023 Business Meeting  
Backup Materials for Agenda Item No 03a:  
Aspen Environmental Group**

The following backup materials for the above-referenced agenda item are available in this PDF packet as listed below:

1. Proposed Resolution (attached below).
2. Grant Request Form or Grant Amendment Request Form or Contract Request Form or Loan Request Form (applicable form attached below).
3. Scope of Work (attached below).
4. CEQA documents (if applicable, attached below).
5. Other relevant documentation or link to other documentation (if applicable, attached below).

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

**RESOLUTION: Aspen Environmental Group**

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

**RESOLVED**, that the CEC approves Agreement 700-22- 005 with the Aspen Environmental Group for a \$1,500,000 contract to assist CEC with the review of certification applications under the expedited timelines of Public Resources Code (PRC) sections 25545-25545.13. The applications are for the certification of (1) solar photovoltaic (PV) or terrestrial wind electricity generating power plants; (2) energy storage systems; (3) electrical generating power plants using thermal energy (not fossil or nuclear fuels); (4) energy transmission lines carrying electric power from these facilities; (5) related manufacturing, production, and assembly facilities; and (6) post certification project changes; and

**FURTHER BE IT RESOLVED**, that the Executive Director or their designee shall execute the same on behalf of the CEC.

**CERTIFICATION**

The undersigned Secretariat to the CEC 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 CEC held on February 28, 2023.

AYE:

NAY:

ABSENT:

ABSTAIN:

Dated:

\_\_\_\_\_  
Liza Lopez  
Secretariat



STATE OF CALIFORNIA

**CONTRACT REQUEST FORM (CRF)**

CEC-94 (Revised 12/2019)

CALIFORNIA ENERGY COMMISSION

**A) New Agreement # 700-22-005 (to be completed by CGL office)**

B) Division	Agreement Manager:	MS-	Phone
700 Siting Transmission Environmental Protection	Sharon Purewal	16	916-897-3616

C) Contractor's Legal Name	Federal ID #
Aspen Environmental Group	95-4337914

D) Title of Project
Siting, Transmission, & Environmental Protection (STEP) Opt-In Contract

**E) Term and Amount**

Start Date	End Date	Amount
1 / 17 / 2023	4 / 30 / 2025	\$ 1,500,000

**F) Business Meeting Information**

- ☐ Operational agreement (see CAM Manual for list) to be approved by Executive Director  
☐ ARFVTP agreements \$75K and under delegated to Executive Director

Proposed Business Meeting Date 02 / 28 / 2023 ☒ Consent ☐ Discussion

Business Meeting Presenter: Time Needed: 5 minutes

Please select one list serve. Select

**Agenda Item Subject and Description:**

Proposed resolution approving Agreement 700-22-005 with the Aspen Environmental Group for a \$1,500,000 contract to assist CEC staff, under the expedited timelines set forth in Public Resources Code (PRC) sections 25545-25545.13, with the review of applications for the certification of (1) solar photovoltaic (PV) or terrestrial wind electricity generating power plants, (2) energy storage systems, (3) electrical generating power plants using thermal energy (not fossil or nuclear fuels), (4) energy transmission lines carrying electric power from these facilities, (5) related manufacturing, production and assembly facilities, and (6) post certification project changes. (EFLCF Funding) Contact: Sharon Purewal

**G) 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 it will only include data gathering, research, analysis, report writing, map making, policy development and planning, and report writing.

2. If Agreement is considered a "Project" under CEQA:

a) ☐ Agreement **IS** exempt.☐ Statutory Exemption. List PRC and/or CCR section number:☐ Categorical Exemption. List CCR section number:



STATE OF CALIFORNIA

**CONTRACT REQUEST FORM (CRF)**

CEC-94 (Revised 12/2019)

CALIFORNIA ENERGY COMMISSION

☐ Common Sense Exemption. 14 CCR 15061 (b) (3) Explain reason why Agreement is exempt under the above section:

b) ☐ Agreement **IS NOT** exempt. (consult with the legal office to determine next steps)

Check all that apply

☐ Initial Study

☐ Negative Declaration

☐ Mitigated Negative Declaration

☐ Environmental Impact Report

☐ Statement of Overriding Considerations

**H) List all subcontractors (major and minor) and equipment vendors: (attach additional sheets as necessary)**

Legal Company Name:	Budget
See attached form	\$ 0.00
	\$ 0.00
	\$ 0.00

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

Legal Company Name:

**J) Budget Information**

Funding Source	Funding Year of Appropriation	Budget List Number	Amount
EFLCF	22/23	700.003	\$1,500,000
Funding Source			\$
Funding Source			\$
Funding Source			\$
Funding Source			\$

R&D Program Area: Select Program Area      TOTAL: \$

Explanation for "Other" selection

Reimbursement Contract #:

Federal Agreement #:

**K) Contractor's Contact Information****1. Contractor's****Administrator/Officer**

Name: Hamid Rastegar

Address: 5020 Chesebro Rd, STE  
200

City, State, Zip: Agoura Hills, CA  
91301

Phone: (818) 597-3407

E-Mail: hrastegar@aspeneg.com

**2. Contractor's Project Manager**

Name: Tom Murphy

Address: 8801 Folsom Blvd, STE  
275



STATE OF CALIFORNIA

## CONTRACT REQUEST FORM (CRF)

CEC-94 (Revised 12/2019)

City, State, Zip: Sacramento, CA  
95826

CALIFORNIA ENERGY COMMISSION

Phone: (916) 712-1881

E-Mail: tmurphy@aspeneg.com

### L) Selection Process Used

- ☐ Solicitation Select Type Solicitation #: - - # of Bids: Low Bid ☐ No ☐ Yes  
☐ Non Competitive Bid (Attach DGS-GSPD-09-007 <https://www.dgs.ca.gov/PD/Forms> )  
☒ Exempt Select Exemption (see instructions)

### M) Contractor Entity Type

- ☒ Private Company (including non-profits)  
☐ CA State Agency (including UC and CSU)  
☐ Government Entity (i.e. city, county, federal government, air/water/school district, joint power authorities, university from another state)

### N) Is Contractor a certified Small Business (SB), Micro Business (MB) or DVBE?

If yes, check appropriate box(es): ☒ SB ☐ MB ☐ DVBE

### O) Civil Service Considerations

- ☐ Not Applicable (Agreement is with a CA State Entity or a membership/co-sponsorship)  
☐ Public Resources Code 25620, et seq., authorizes the Commission to contract for the subject work. (PIER)  
☒ The Services Contracted:  
☐ are not available within civil service  
☐ cannot be performed satisfactorily by civil service employees  
☒ are of such a highly specialized or technical nature that the expert knowledge, expertise, and ability are not available through the civil service system.  
☒ The Services are of such an:  
☐ urgent  
☒ temporary, or  
☒ occasional nature

that the delay to implement under civil service would frustrate their very purpose.

### Justification:

Services provided under this contract will be of a technical nature and will primarily be for highly specialized personnel not found in civil service. The Aspen Environmental Group, the proposed contractor, performs a variety of complex engineering and environmental services, as well as the ability, education, experience, expertise, knowledge, skills, and stakeholder relationships to provide the highly specialized environmental and engineering services. For example, there are no Energy Commission civil servants with the necessary expertise in the areas of: glint and glare, geomorphology, site security, or complex terrain and diesel exhaust plume modeling. The Aspen Team experts will also be utilized to train and transfer knowledge to in-house staff. This contract may also be utilized to secure qualified personnel to perform temporary, occasional, or urgent work when qualified civil servants are not available or when Energy Commission civil servants have full workloads and cannot take on an additional assignment. Power plant licensing work is time-sensitive and work can be urgent in order for the Energy Commission to comply with statutory deadlines. Other work, such as power plant Siting and Compliance support, will also be needed occasionally as

**CONTRACT REQUEST FORM (CRF)**

need arises when program workload peaks and a critical need arises that cannot be filled by civil service employees. To hire civil service employees to perform this work would be impractical because it is not long-term and by the time hiring is completed the need would have passed. For these reasons, the services proposed under this contract are of such an occasional, temporary, and urgent nature that the delay to implement them under civil service would frustrate their very purpose.

**P) Payment Method**

1. ☒ Reimbursement in arrears based on:  
☒ Itemized Monthly ☐ Itemized Quarterly ☐ Flat Rate ☐ One-time
2. ☐ Advanced Payment
3. ☐ Other, explain:

**Q) Retention**

Is Agreement subject to retention? ☐ No ☒ Yes

If Yes, Will retention be released prior to Agreement termination? ☐ No ☒ Yes

**R) Justification of Rates****S) Disabled Veteran Business Enterprise Program (DVBE)**

1. ☐ Exempt (Interagency/Other Government Entity)
2. ☒ Meets DVBE Requirements DVBE Amount: \$ 0 DVBE %:
  - a. ☐ Contractor is Certified DVBE
  - b. ☒ Contractor is Subcontracting with a DVBE: Blackhawk Environmental Inc.
3. ☐ Contractor selected through CMAS or MSA with no DVBE participation
4. ☐ Requesting DVBE Exemption (attach CEC 95)



STATE OF CALIFORNIA

## CONTRACT REQUEST FORM (CRF)

CEC-94 (Revised 12/2019)

CALIFORNIA ENERGY COMMISSION

### T) Miscellaneous Agreement Information

1. Will there be Work Authorizations? ☐ No ☒ Yes
2. Is the Contractor providing confidential information? ☒ No ☐ Yes
3. Is the contractor going to purchase equipment? ☒ No ☐ Yes
4. Check frequency of progress reports  
☒ Monthly ☐ Quarterly ☐ Other...
5. Will a final report be required? ☒ No ☐ Yes
6. Is the Agreement, with amendments, longer than three years? If yes, why? ☒ No ☐ Yes

### U) The following items should be attached to this CRF (as applicable)

- |   |   |  |
|---|---|--|
| 1. Exhibit A, Scope of Work                         | <input type="checkbox"/> N/A            | <input checked="" type="checkbox"/> Attached |
| 2. Exhibit B, Budget Detail                         | <input type="checkbox"/> N/A            | <input checked="" type="checkbox"/> Attached |
| 3. DGS-GSPD-09-007, NCB Request                     | <input checked="" type="checkbox"/> N/A | <input type="checkbox"/> Attached            |
| 4. CEC 95, DVBE Exemption Request                   | <input checked="" type="checkbox"/> N/A | <input type="checkbox"/> Attached            |
| 5. CEQA Documentation                               | <input checked="" type="checkbox"/> N/A | <input type="checkbox"/> Attached            |
| 6. Resumes  | <input type="checkbox"/> N/A            | <input checked="" type="checkbox"/> Attached |
| 7. CEC 105, Questionnaire for Identifying Conflicts |   | <input checked="" type="checkbox"/> Attached |

**Approved By**

**Agreement Manager:**

**Approval Date:**

**Office Manager:**

**Approval Date:**

**Deputy Director:**

**Approval Date:**

## Exhibit A SCOPE OF WORK

### TASK LIST

Task #	Task Name
1	Contract Management and Administrative Duties
2	Document Production
3	Determination of Completeness
4	Prepare Staff Assessments
5	Public Meetings/Workshops
6	Siting Project Management
7	Compliance Project Management, Compliance Monitoring, Analysis of Petitions, Environmental Monitoring Coordination, DCBO Performance Evaluation and Auditing Services, and Incident Investigations
8	Laws, Ordinances, Regulations and Standards Assistance
9	Technical Training

### ACRONYMS/GLOSSARY

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

Acronym	Definition
CAM	Commission Agreement Manager
CBSC	California Building Standards Code
CCO	Chief Counsel's Office
CEC	California Energy Commission
CEQA	California Environmental Quality Act
DCBO	Delegate Chief Building Official
DEIR	Draft EIR
DVBE	Disabled Veterans Business Enterprise
EIR	Environmental Impact Report
FEIR	Final EIR
GHG	Greenhouse Gas
GIS	Geographic Information Systems
IT	Information Technology
ITSB	CEC's Information Technology Services Branch
LORS	Laws, Ordinances, Regulations, and Standards
MW	Megawatt
NEPA	National Environmental Policy Act
BM	CEC Branch Manager
PM	CEC Project Manager
SWRCB	State Water Resources Control Board



## BACKGROUND/PROBLEM STATEMENT

Prior to the June 30, 2022, signing of AB 205, the CEC's powerplant licensing jurisdiction was limited to thermal powerplants 50 MW or larger. To accelerate the state's transition to renewable energy and to maintain electrical system reliability under this transition and during extreme climate-change-driven events, AB 205, as modified by AB 209 (ch. 251, stats. 2022) expands the types of facilities that can be certified by the CEC to include a variety of non-fossil- and non-nuclear-fueled generation and energy storage facilities, transmission from these facilities to the first point of interconnection, and facilities that manufacture or assemble clean energy or storage technologies or their components. AB 205 adds Chapter 6.2 commencing with section 25545 to Division 15 of the Public Resources Code, which authorizes the CEC to accept applications for these additional facilities and provides a new, streamlined process for their review and approval by the CEC. Specifically, Chapter 6.2 provides for the following types of facilities to be eligible to "opt-in" to the CEC's new certification process:

- A solar photovoltaic or terrestrial wind electrical generating power plant with a generating capacity of 50 megawatts (MW) or more and any appurtenant facilities.
- An energy storage system as defined in Section 2835 of the Public Utilities Code that can store 200 megawatt-hours (MWh) or more of electrical energy.
- A stationary electrical generating powerplant using any source of thermal energy, with a generating capacity of 50 MW or more, excluding any powerplant that burns, uses, or relies on fossil or nuclear fuels.
- An electric transmission line carrying electric power from one of the above types of facilities to the first point of interconnection.
- A discretionary project for which the applicant certifies that a capital investment of at least \$250 million will be made over a period of five years, and for the manufacture, production, or assembly of an energy storage system or component manufacturing, wind system or component manufacturing, solar photovoltaic energy system or component manufacturing, or of specialized products, components, or systems that are integral to renewable energy or energy storage technologies.

AB 205 further provides that the issuance of a certificate by the CEC for an eligible facility is in lieu of any permit, certificate, or similar document required by any state, local, or regional agency, or federal agency to the extent permitted by federal law that may otherwise be required for the facility. AB 205 carves out some exceptions to this "in-lieu" permitting authority.

The CEC's expanded authority through AB 205 is one portion of a systematic effort by the state to stabilize the grid as extreme heat events, wildfires, and drought present unprecedented and multifactorial challenges, and to accelerate the state's transition to a clean energy system to reduce the state's contribution to the greenhouse gas emissions driving these climate-change-induced effects.

The CEC conducts a comprehensive review of opt-in applications pursuant to the requirements of the California Environmental Quality Act (CEQA). If a project receives certification, the CEC monitors the project for compliance with the conditions of certification during the life of the project, including during pre-construction, construction, operation and decommissioning. The CEC is responsible for interpretation and enforcement of the California Building Standards Code (CBSC) as it applies to the projects it certifies. The CEC may delegate its authority to a Delegate Chief Building Official (DCBO). The DCBO performs its plan review and construction inspection duties in accordance with the CBSC and the CEC Decision for the facility. A project owner is required to obtain approval of a post-certification petition (Petition) for any change it proposes to a previously certified facility. The CEC is required to prepare an environmental and engineering analysis of any such petition.

### **Purpose of this Contract**

The purpose of this contract is to assist CEC staff under the expedited timelines set forth in Chapter 6.2 of Division 15 of the Public Resources Code in evaluating opt-in applications for (1) solar photovoltaic or terrestrial wind electricity generating power plants, (2) energy storage systems, (3) electrical generating power plants using thermal energy (not fossil or nuclear fuels), (4) a discretionary project as defined, for the manufacturing, production or assembly of an energy storage system or component manufacturing of wind or solar photovoltaic energy system or other components as specified, (5) energy transmission lines carrying electric power from a facility in (1), (2) or (3), as specified, and (6) post certification project changes for opt-in projects.

The prime technical support contractor (Contractor) will be responsible for all contract administrative duties, analysis, project management, report preparation, quality assurance, graphics support services, directing team members in all contract provisions, and participating in technical work assignments.

## **AGREEMENT**

### **Retainer Contract**

This contract will be a no-fee "retainer" contract. The Contractor will be held on retainer and will be assigned work via work authorizations. Work authorizations will be assigned by expertise, or project workload. The CEC makes no guarantee that any or all the funds will be assigned in any given year.

### **Work Authorizations**

The Agreement that results from this solicitation shall be conducted as a "work authorization" Agreement. No work shall be undertaken unless authorized by the Commission Agreement Manager (CAM) through a specific written document called a "work authorization".

The CAM will prepare and issue the written work authorizations and shall set a maximum price, budget, and schedule for the work to be performed. The CAM will work, in consultation with the Contractor, to assign work to either the Contractor or a subcontractor.

To ensure the timeliness and success of all work performed under this Agreement, the CAM will work closely with the Contractor to administer the Agreement, and a staff person will be assigned as a Work Authorization Manager to direct and review the work of assigned contractors on individual work assignments throughout all phases of the Agreement. The CEC staff will review all products and deliverables to ensure quality, consistency, and compliance with CEC policies.

## **No Work Guarantee**

The CEC does not guarantee any minimum or maximum amount of work to the prime Contractor or any Subcontractor under the Agreement.

## **Workshops and Meetings**

All workshops and meetings are sponsored, organized, and facilitated by the CEC. The CEC is responsible for any costs associated with a workshop or meeting. Contractor will provide labor only.

## **Work Performance**

The CEC cannot accurately predict far into the future when work will be required under this Agreement. The need to supplement staff resources with the Contractor's services will vary in response to submittals by opt-in applicants. Further, once the need for work is initiated, the work may need to proceed at a quick pace to meet the required analytical and procedural deadlines. Accordingly, the Contractor will need to be able to respond to the CEC's requests for technical support on a timely basis.

Contractor shall respond to requests for work in accordance with the following pattern:

- The CAM shall provide at least two (2) weeks' notice that a significant work effort will be required and the Contractor will need to assemble an effective and trained team during that period.
- The Contractor shall provide individual experts to handle specific issues with only two (2) working days' notice.
- The Contractor shall return telephone calls and e-mails from the CAM and provide an initial response within four (4) hours.
- The Contractor and all team members shall meet the agreed upon product deadlines on the day they are due.
- The Contractor and all team members shall meet the agreed upon event deadlines on the day, hour, and location needed.

- The Contractor shall provide quality assurance on its draft products before delivery to the CEC's Work Authorization Manager.

## **Contractor Activities**

In carrying out the Tasks under this Agreement, the Contractor shall perform the following types of activities (bulleted below). These activities are the general types of work the Contractor will perform in order to accomplish the Tasks listed in this Agreement. These are not stand-alone activities but are the types of work required to perform Tasks 1–9 below. All work requested via work authorization will fit within one or more of the 9 Tasks.

- Perform California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) analyses.
- Perform environmental, engineering, and economic analysis.
- Develop mitigation for significant effects on the environment and recommendations regarding environmental and engineering issues. For opt-in applications, mitigation measures will take the form of conditions of certification.
- Prepare written analyses and present oral analyses.
- Write, edit and/or publish technical reports.
- Review and comment on technical reports.
- Identify, review, and evaluate data. Develop information requests for data from sources outside of the CEC, such as project applicants, agencies, or other sources with relevant information.
- Conduct literature searches and review existing studies.
- Attend, participate in, facilitate, organize and/or present at meetings and workshops.
- Conduct surveys and field assessments to collect and analyze information on energy and environmental resources, land use patterns, existing energy facilities, engineering suitability of specific sites for electricity generation and transmission facilities, and related environmental and engineering matters.
- Conduct environmental, engineering, and economic feasibility studies
- Prepare maps and conduct/complete Geographic Information Systems (GIS) analysis
- Monitor and analyze project compliance with conditions of certification (may require site visit verification).
- Investigate incidents and non-compliance with conditions of certification and applicable laws, ordinances, regulations, and standards (LORS). Prepare investigation reports and other supporting documentation.

- Evaluate the effects of existing or proposed LORS of local, state, or federal agencies on the permitting and operation of opt-in facilities.
- Evaluate opt-in applications for compliance with applicable local, state, and federal LORS.
- Prepare conditions of certification to ensure compliance with applicable local, state, and federal LORS.
- Use complex analytical models and decision support tools related to environmental and engineering matters, including developing high quality model inputs and assumptions.
- Compare the potential environmental impacts, engineering feasibility, potential costs and electricity system impacts of different electric generation technologies or equipment, or transmission project types and configurations, generally or in specific environmental settings.
- Answer CEC staff's, Commissioners', Commissioner Advisors', applicants' and public participants' technical questions about environmental, engineering, and regulatory issues associated with opt-in facilities.
- Provide the CEC with engineering oversight for the DCBOs responsible for project code compliance during construction and maintenance activities. Review specific DCBO issues, support DCBO performance audits, and develop DCBO-related guidance documents.
- Perform the observation and inspection of construction components to verify that the as-constructed facilities are consistent with the approved construction documents.

## **Specific Tasks**

The Contractor will be required to perform management functions; to complete a series of specific tasks in analyzing opt-in applications and other technical support services.

Upon issuance of a work authorization, Contractor shall:

## **Management and Administration**

(Task 1)

The Contractor will be required to perform the following management task.

### **Task 1 – Contract Management and Administrative Duties**

The Contractor will be required to perform contract management and administrative duties to manage the Agreement.

The Contractor shall:

- After approval of potential work tasks by the CEC Siting, Transmission, and Environmental Protection Division management, prepare information for work

authorization development for the CEC Work Authorization Manager, including proposed task language, schedule of deliverables, and work authorization budget.

- Attend CEC meetings in person or via phone, Zoom, or Microsoft Teams to discuss progress and other meetings as directed by CEC staff.
- Prepare and execute agreements with subcontractors that convey all provisions contained in the Agreement and specific work authorizations between the CEC and the Contractor.
- Enforce subcontract provisions, and in the event of failure of the subcontractor to perform satisfactorily, recommend actions to resolve the problem.
- Require subcontractors to provide invoices which correctly identify personnel, rates, actual hours, and direct expenses charged to each task of each work authorization and which provide adequate documentation to justify expenses, including electronic copies of completed deliverables. Maintain electronic record of invoices and invoice documentation, including completed deliverables. For work assignments spanning a lengthy period, the work authorization may be structured to allow billing for completed interim deliverables. Subcontractor invoices will be reviewed by the Contractor and the CEC Work Authorization Manager, technical lead, or CAM for accuracy and completeness.
- Provide monthly progress reports by the tenth of each month to the CAM on the Contractor's and subcontractors' progress for work assignments, including a summary of contract expenditures to date.
- Submit monthly invoices by the tenth of each month to the CEC's Accounting Office with a copy to the CAM. Invoices shall indicate the labor costs, operating expenses, fees, and Disabled Veterans Business Enterprise (DVBE) amounts. Invoices shall coincide with the monthly progress report timeframe. Invoices will not list work authorizations not issued at the time of invoice preparation.
- Pay subcontractors for satisfactory products within five working days after payment is received from the CEC.
- Develop and maintain a secure website to share contract-related information with CEC staff and to track the status of all work authorizations.
- For each fiscal year, prepare a Final Report on the work accomplished during that fiscal year and a brief (200 words or less) abstract.

## **Incidental Services**

(Task 2)

In addition to Management and Administration duties (Task 1), the Contractor shall provide incidental services to support the environmental and engineering related work of CEC staff and consultant technical specialists.

## **Task 2 – Document Production**

The CEC may need to seek prior approval from the Office of State Publishing for any printing type work.

The Contractor shall:

- Produce graphics to support CEC documents and analysis, including GIS maps, and photographic and artistic renderings as directed by CEC staff.
- Write, edit, and synthesize technical documents based on technical information from one or more sources to ensure the technical accuracy, correct grammar, style, and clarity of CEC documents. Ensure that the written products of staff and the Contractor's technical specialists clearly convey their intended message to the public and all stakeholders.
- Format and prepare electronic documents for high quality printing and/or binding as directed by CEC staff.

## **Opt-in Facility Siting**

(Tasks 3 – 7)

The Contractor will be required to perform the following tasks to support the Opt-in Facility Siting and Compliance programs. The specific tasks and degree of effort the Contractor performs for each project may vary. Work authorizations will detail the location of the proposed project and technical area for Contractor's work. Specific due dates for Contractor's work will be set pursuant to the project schedule by the project manager or compliance project manager, as appropriate.

## **Task 3 – Determination of Completeness**

The CEC must determine if opt-in applications contain the substance of information set forth in Title 20 of the California Code of Regulations, section 1877. Under Public Resources Code, section 25545.4, and Title 20, California Code of Regulations, section 1878(a), the CEC's executive director may require the applicant to submit additional information, documents, or data determined to be reasonably necessary to prepare the environmental impact report for the application and to make a decision on the application. The executive director shall also require the applicant to submit additional information requested by public agencies, including trustee agencies, and Native American tribes for the purposes of supporting a decision on the application and environmental impact report. The executive director must make a completeness determination within 30 days of the filing of the application. If the executive director finds that the application is incomplete, they may request additional information, documents, or data from the applicant within 30 days of receiving the opt-in application.

The Contractor shall:

- Compare the contents of the opt-in application with the information requirements.
- Prepare determination of completeness worksheets, including identifying any deficiencies.

- If necessary, meet with the applicant in a pre-acceptance workshop and explain the deficiencies and expected information.
- If necessary, prepare requests for additional information, documents, or data.
- If necessary, assist the CEC's Siting, Transmission and Environmental Protection Division management in forming a completeness recommendation.

The schedule for completeness determinations of opt-in applications is as follows:

<b>Event</b>	<b>Calendar Day</b>	<b>Product</b>
Document Received	-0-	Application
Pre-acceptance Workshop if needed	15	Workshop
Staff Data Adequacy Recommendations to Project Manager (PM)	20	Data Adequacy Worksheets
Data Adequacy Briefing with Division Management	25	Meeting
Data Adequacy Recommendation to Executive Director	28	Meeting
Data Adequacy deficiency letter	30	Letter
Data request Set 1	30 to indefinite	Letter
Additional sets of data requests	30 to indefinite	Letter(s)
Executive Director's Data Adequacy Statement Filed	30 to indefinite	Statement

Notes: All days are based upon the date of filing. Production of drafts for delivery to CEC Project Manager by a specified date includes completion of any tasks associated with the review of and need to secure approval of technical sections and contributions to other deliverables by the relevant CEC Supervisor and Branch Manager (BM).

## **Task 4 – Prepare Staff Assessment**

This task requires the Contractor to prepare a Staff Assessment of the opt-in application. The Staff Assessment shall consist of a draft environmental impact report (EIR), and an updated Staff Assessment in the form of a final EIR and Executive Director's Recommendation (Cal. Code Regs., tit. 20, § 1879). The EIR shall be prepared pursuant to CEQA (Pub. Resources Code, § 21000 et seq.) and the CEQA Guidelines (Cal. Code of Regs., tit. 14, Chapter 3), and assess whether the project satisfies the conditions in Chapter 6.5 (commencing with Section 21178) of Division 13, including Sections 21183 and 21183.6 of the Public Resources Code. The EIR shall



contain an additional section that addresses the matters described in the California Code of Regulations, Title 20, section 1879(a)(1–8).

The Contractor shall:

- Identify all federal, state, and local LORS, policies or plans that apply to the project.
- Describe the existing conditions at or near the project.
- Assess the direct, indirect, and cumulative impacts of the proposed project.
- Evaluate the project's ability to comply with applicable LORS.
- Evaluate applicant's proposed measures to eliminate or reduce significant impacts or comply with applicable LORS.
- Recommend additional mitigation/compliance measures if necessary.
- Request additional information from applicant to address comments by public agencies on the scope and content of the information to be included in the environmental impact report, if deemed necessary.
- Evaluate the environmental impacts and comparative merits of any feasible alternatives to the project.
- Recommend specific conditions of certification and methods for verifying that conditions have been met.

Analyses will be based upon Contractor's review of the application, communication with appropriate federal, state, regional, and local agencies, attendance at public meetings and workshops, consideration of various parties' comments and concerns, public input, participation in site visits and necessary field studies, review of available information, and independent analyses.

The CEC will specify the format of the draft and final analyses. The Contractor will be expected to consider various parties' comments and concerns, respond to any comments from CEC staff and incorporate changes into the draft or final analyses that do not compromise the Contractor's professional expert analysis. Workshops may be conducted to discuss the results of the analysis and proposed recommendations (including recommended conditions of certification) with the applicant, interested agencies, and the public.

## **Task 5 – Public Meetings/Workshops**

The Contractor will be required to participate in public meetings and workshops, including informational and scoping meetings to take public comment on the opt-in application, public meetings to take public comment on the draft environmental impact report, and meetings before the Commission to respond to comments or a specific issue raised by Commissioners.

The Contractor shall:

- Participate as needed in informational meetings on the application or scoping meetings for preparation of the environmental impact report.
- Participate as needed in public meetings on the published draft environmental impact report.
- If necessary, participate in meetings at which the Commission will consider certification of the environmental impact report and the project, and answer questions posed by the Commissioners.
- If necessary, prepare additional information or analyses if required by the Commission and in accordance with the schedule ordered by the Commission.

The schedule for environmental analysis of a complete application and documentation in an EIR in advance of a Commission decision (Task 4 and Task 5) is as follows:

<b>Event</b>	<b>Calendar Day</b>	<b>Product/Activity</b>
Production of preliminary drafts of sections for the draft EIR (DEIR)	25	Preliminary draft of EIR sections
Public Information/Scoping meeting (likely to be single combined event)	10-30, but likely to be 30	Participate in meeting as technical topic expert if deemed necessary
Additional data requests, if needed	1-50	Contributions to data request letter
Second drafts of EIR sections incorporating any changes necessary following public scoping or additional data requests	90	Second draft of DEIR sections
Final draft of EIR sections incorporating edits, responses to comments from PM, Chief Counsel's Office (CCO), OM internal reviews, if changes needed	120	Final draft of DEIR sections
Draft EIR filed	150	EIR
Draft EIR Meetings or Workshops (likely one combined event)	170-190	Participate in meeting/workshop as technical topic expert if deemed necessary

Event	Calendar Day	Product/Activity
Public commenting deadline for DEIR	210	No product, but this is a relevant schedule milestone
Review public comments relevant to technical topic areas and assist in production of comment response appendix to be included in Final EIR (FEIR)	210-230	Comment response appendix and revised EIR technical sections
FEIR briefing with Executive Director	230-240	Participate as technical topic expert if deemed necessary
FEIR and Executive Director recommendation filed	240	FEIR+ and recommendation
Response to written questions on technical topics from Commissioners, if any	240-270	Response to questions
Commission Decision on certification of EIR and issuance of certificate to construct and operate	270	Order reflecting decision (no written work product since CCO prepares the draft order, but may be asked to attend Business Meeting and serve as technical topic expert if questions from Commissioners anticipated)

Notes: All days are based upon the date of acceptance. Actual schedules may vary based upon issues in the case. The 270-day clock resets if certain events specified in the statute occur (Project Description changes, need to conduct surveys in particular season, etc.) Production of drafts for delivery to Project Manager by a specified date includes completion of any tasks associated with the review of and need to secure approval of technical sections and contributions to other deliverables by the relevant CEC Supervisor and Branch Manager.

## Task 6 – Siting Project Management

The Contactor will be required to provide project management services to support processing opt-in applications.

The Contractor shall:

- Plan and organize the work of an interdisciplinary team (CEC and Contractor staff) engaged in the review of complex or controversial energy facility siting applications.
- Prepare project-related correspondence and notices.

- Prepare Executive Summary, Introduction, and Project Description sections of staff's assessments.
- Critically review and propose edits on technical staff's analyses and legal briefs.
- Compile and publish Staff Assessments, Initial Studies, and Environmental Impact Reports.
- Organize and conduct workshops and meetings between the staff, energy facility applicants, governmental agencies, private organizations, and the public to discuss environmental issues and other siting concerns.
- Represent the Commission staff at CEC business meetings by making presentations, including siting project presentations, and by answering general questions from the Commissioners.

## **Task 7 – Compliance Project Management, Compliance Monitoring, Analysis of Petitions, Environmental Monitoring Coordination, DCBO Performance Evaluation and Auditing Services, and Incident Investigations**

The Contractor will be required to provide technical and project management support to the Power Plant Compliance Program. This will include compliance monitoring and the analysis of proposed Petitions for previously certified facilities, as detailed below.

The Contractor shall:

- Coordinate with technical staff, power plant owners/operators and relevant state and local agencies to monitor the project's conformance with applicable laws, ordinances, regulations and standards, and compliance with conditions of certification included in the CEC's Decision. If compliance-related issues are identified, the Contractor will be required to provide written analyses and recommendations to resolve them.
- Coordinate with power plant owners/operators, relevant agencies, and technical staff to conduct site investigations and inspections. Review periodic compliance reports filed during the construction, operation, and closure phases of a project and conduct site visits to assess whether the project is in compliance. If compliance-related issues are identified, the Contractor will be required to provide written analyses and recommendations to resolve them.
- Review and analyze proposed project change petitions, which a project owner/operator may file after a facility has been certified (licensed) by the CEC. Petitions may include proposed changes to the conditions of certification in the CEC Decision, or involve changes to the project's design, operation, or performance requirements. In conducting the analysis, the Contractor will evaluate, in consultation with CEC staff, the effects of the project change on the environment, and whether the project change would cause the facility to conflict with applicable LORS.
- Coordinate the work of technical specialists preparing written staff analyses, including findings and appropriate recommendations.

- Present staff analysis at workshops and public meetings and respond to questions.
- Provide an Environmental Coordinator during project site mobilization and construction activities to ensure that the project owner's environmental monitors (e.g., Designated Biologist(s), Biological Monitors, Cultural Resources Specialist(s), Cultural Resources Monitors, Paleontological Resource Specialists, etc.) are provided advance notification of required monitoring activities (as specified in the conditions of certification), and are present during these activities.

## **Environmental Services and Engineering Tasks**

The Contractor shall support staff in the continuous updating of the CEC's policies and knowledge base regarding power plant siting and compliance and transmission line corridor designation. This work includes identifying and reviewing laws, ordinances, regulations and standards (LORS), providing technical assistance regarding greenhouse gases, climate change, gas transmission pipeline safety, and providing training on environmental and engineering topics.

### **Task 8 – Laws, Ordinances, Regulations and Standards Assistance**

The Contractor shall:

- Identify and review LORS that apply to electricity infrastructure projects subject to the CEC's opt-in certification authority. Applicable LORS are those that apply to the location, design, construction, or operation of a proposed facility for certification by the CEC.
- Summarize applicable LORS and compile a compendium for each technical area analyzed in an opt-in application. Update the compendium for each technical area as LORS change.
- Conduct analysis and gather evidence to support CEC rulemakings to implement new, or revise existing, regulations that apply to electricity infrastructure projects subject to the CEC's certification authority.
- Assist staff in conducting analyses of 1) water consumption in the electric generation sector in California and 2) measures for reducing consumption of water (potable or recycled). Analyses may address, for example, feasibility, costs, benefits, effects on power plant performance, water and energy supply and consumption, environmental effects and consequences of power plant retrofits.

### **Task 9 – Technical Training**

The Contractor shall provide technical training to CEC staff, commissioners, commissioner advisors, and other stakeholders responsible for environmental protection or transmission system planning. Training will cover environmental and engineering topics associated with electric generation projects and transmission lines; data gathering and analysis; use of computer models and software; and other technical skills needed to review and analyze opt-in certification applications. The Contractor may conduct training sessions with staff at the CEC, at an offsite location, or by

teleconference or internet. Work authorizations issued for training will indicate what expenses Contractor will be responsible for, depending on the needs of the particular training session. The work authorization will specify whether CEC or Contractor will cover costs involved in conducting a training session, such as facility rental, equipment, or printing.

## **SCHEDULE OF DELIVERABLES AND DUE DATES**

This is a Work Authorization based contract. Deliverables and due dates will be detailed within each Work Authorization.