



**CALIFORNIA
ENERGY COMMISSION**



**California Energy Commission
September 13, 2023 Business Meeting
Backup Materials for Agenda Item No 03f:
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
2. Contract Amendment Request Form
3. Scope of Work

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 amendment 1 to contract 700-22-003 with Aspen Environmental Group to increase the agreement's budget by \$1,000,000 and amend the scope of work to support an environmental impact assessment in the regulatory matter of the Replacement Tire Efficiency Program rulemaking; 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 September 13, 2023.

AYE:
NAY:
ABSENT:
ABSTAIN:

Dated:

Kristine Banaag
Secretariat



STATE OF CALIFORNIA

CONTRACT AMENDMENT REQUEST FORM (CARF)

CEC-276 (Revised 12/2019)

CALIFORNIA ENERGY COMMISSION

Original Agreement # 700-22-003 Amendment # 01

Division	Agreement Manager:	MS-	Phone
600 Fuels and Transportation Division	Hilarie Anderson	16	916-661-8462

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

Revisions: (check all that apply)	Additional Requirements
<input type="checkbox"/> Term Extension New End Date: / /	Include revised schedule and complete items A, B, C, D, & H below.
<input checked="" type="checkbox"/> Budget Augmentation Amendment Amount: \$ 1,000,000	Include revised budget and complete items A, B, C, D, E, F, & H below.
<input type="checkbox"/> Budget Reallocation	Include revised budget and complete items A, B, C, D, & H below.
<input checked="" type="checkbox"/> Scope of Work Revision	Include revised scope of work and complete items A, B, C, D, & H below.
<input type="checkbox"/> Change in Project Location or Demonstration Site	Include revised scope of work and complete items A, B, C, D, G, & H below.
<input type="checkbox"/> DVBE Replacement	Include revised scope of work and complete items A, B, C, D, F & H below.
<input type="checkbox"/> Novation/Name Change of Prime Recipient	Include novation documentation and complete items A, B, D, & H below.
<input type="checkbox"/> Terms and Conditions Modification	Include applicable exhibits with bold/underline/ strikeout and complete items A, B, C, D & H below.

A) Business Meeting Information

Business Meeting approval is not required for the following types of Agreements:

Minor amendments delegated to Executive Director per December 2013 Resolution

Proposed Business Meeting Date 9 / 13 / 2023 Consent Discussion

Business Meeting Presenter Time Needed: minutes

Please select one list serve. Select

Agenda Item Subject and Description:

Aspen Environmental Group. Proposed resolution approving amendment 1 to contract 700-22-003 with Aspen Environmental Group to amend the scope of work to support an environmental impact assessment in the regulatory matter of the Replacement Tire Efficiency



CONTRACT AMENDMENT REQUEST FORM (CARF)

Program rulemaking, and to increase the agreement's budget by \$1,000,000 to support the same. (Clean Transportation Program Funding) Contact: Sebastian Serrato

Amendment Justification (For contract amendments only)

- Non Competitive Bid (Attach DGS-GSPD-09-007) <https://www.dgs.ca.gov/PD/Forms>
- Exempt Amendment to AE, Title 20 CCR 2566.b

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

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

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

Legal Company Name:

D) Budget Information (only include amendment amount information)

Funding Source	Funding Year of Appropriation	Budget List Number	Amount
ARFVTF (technical support)	22/23	600.118L	\$1,000,000
Funding Source			\$
Funding Source			\$
Funding Source			\$
Funding Source			\$

R&D Program Area: Select Program Area TOTAL: \$ 1,000,000

Explanation for "Other" selection

Reimbursement Contract #:

Federal Agreement #:

E) Disabled Veteran Business Enterprise Program (DVBE)

1. Exempt (Interagency/Other Government Entity)
2. Meets DVBE Requirements DVBE Amount:\$_____ DVBE %:___3%___
 - 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)

F) California Environmental Quality Act (CEQA) Compliance

- 1 Is Agreement considered a "Project" under CEQA?



CONTRACT AMENDMENT REQUEST FORM (CARF)

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 the contract is for consultant services for technical studies and training and the outcome will be reports and transfer of knowledge.

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

c) Agreement **IS** exempt.

Statutory Exemption. List PRC and/or CCR section number:

Categorical Exemption. List CCR section number:

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

d) 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

G) The following items should be attached to this CARF (as applicable)

- | | | |
|---|---|--|
| 1. Exhibit A, Scope of Work | <input type="checkbox"/> N/A | <input checked="" type="checkbox"/> Attached |
| 2. Exhibit B, Budget Detail | <input checked="" type="checkbox"/> N/A | <input 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. Novation Documentation | <input checked="" type="checkbox"/> N/A | <input type="checkbox"/> Attached |
| 7. CEC 105, Questionnaire for Identifying Conflicts | | <input checked="" type="checkbox"/> Attached |

Agreement Manager

Date

Office Manager

Date

Deputy Director

Date



700-22-003
Replacement Tire Regulatory Matter
Support of Environmental Impact Assessment
Subcontractor List

Business Name

- Applied EarthWorks, Inc.
- Arellano Associates, LLC
- Big Language Solutions LLC
- Black Eagle Consulting, Inc.
- Blackhawk Environmental Inc.
- Conservation Biology Institute, Inc.
- Creation-Z, Inc. dba 3DSCAPE
- Board of Regents Nevada System of Higher Education, dba Desert Research Institute
- EDM Services, Inc.
- Fehr and Peers
- Guidehouse, Inc.
- Horizon Water and Environment, LLC
- Hydrofocus, Inc.
- Mead and Hunt, Inc.
- Michael Clayton & Associates, a Law Corporation
- NetCentric Technologies
- Pacific Legacy, Incorporated
- Peter Raimondi
- RCH Group, Inc.
- Ricondo & Associates, Inc.
- Rod Walker & Associates Consultancy, Inc.
- Spectrus, Ltd.
- Tatsumi and Partners, Inc.
- WestPeak Energy
- WJV Acoustics, Inc.

Exhibit A
SCOPE OF WORK

TASK LIST

Task #	Task Name
1	Contract Management and Administrative Duties
2	Document Production
3	Data Adequacy Assessment (Applies to AFC/NOI/TCD Only)
4	Discovery (Applies To AFC/NOI/SPPE/Petition/TCD)
5	Analysis (Applies To AFC/NOI/SPPE/Petition/TCD/ <u>Replacement Tire Efficiency Program Rulemaking</u>)
6	Hearings/Decisions (Applies To AFC/NOI/SPPE /Petitions/TCD)
7	Siting Project Management (Applies to AFC/NOI/SPPE/TCD/ <u>Replacement Tire Efficiency Program Rulemaking</u>)
8	Compliance Project Management, Compliance Monitoring, Analysis of Petitions, Environmental Monitoring Coordination, DCBO Performance Evaluation and Auditing Services, and Incident Investigations
9	Laws, Ordinances, Regulations and Standards Assistance
10	Greenhouse Gases and Global Climate Change Assessment
11	Technical Training

ACRONYMS/GLOSSARY

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

Acronym	Definition
AFC	Application for Certification
CAM	Commission Agreement Manager
CBSC or CBC	California Building Standards Code
CEC	California Energy Commission
CEQA	California Environmental Quality Act
DCBO	Delegate Chief Building Official
DEIR	Draft EIR
EIR	Environmental Impact Report;
FEIR	Final EIR
GHG	Greenhouse Gas
GIS	Geographic Information Systems
LORS	Laws, Ordinances, Regulations, and Standards
MW	Megawatt
NOI	Notice of Intention
PHC	Pre-hearing Conference
PSA	Preliminary Staff Assessment
SPPEs	Small Power Plant Exemptions
SWRCB	State Water Resources Control Board
TCD	Transmission Corridor Designation

BACKGROUND/PROBLEM STATEMENT

The CEC has exclusive authority to certify (license) thermal power plants, 50 megawatts (MWs) or larger. Applicants interested in constructing and operating a thermal power plant of 50 MWs or more and any appurtenant facilities (such as, electrical transmission lines and natural gas pipelines) in California must file an application for certification (AFC) with the CEC. Most types of thermal power plants qualify for the straight-to-AFC process; those that do not meet the statutory criteria must first file a Notice of Intention (NOI). An NOI application must contain at least three alternative sites and related facilities (e.g., thermal power plant or electric transmission line). The CEC evaluates the acceptability and relative merits of each alternative siting proposal in the NOI application, and at the conclusion of the proceeding determines for which site or sites an applicant can file an AFC. For thermal power plants that do not exceed 100 MWs, an applicant may seek a small power plant exemption (SPPE). If an exemption from the CEC's authority is granted, the applicant would need to secure appropriate permits and entitlements from relevant local, regional, state, and federal agencies to construct and operate the power plant.

The CEC conducts a comprehensive review of AFCs pursuant to its certified regulatory program that satisfies the requirements of the California Environmental Quality Act (CEQA). The SPPE process is not part of the CEC's certified regulatory program. As such, the CEC conducts a typical CEQA analysis for an SPPE. 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 or CBC) as it applies to power plants 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 (Petitions) for any change it proposes to a previously certified facility. The CEC is required to prepare an environmental and engineering analysis of these petitions.

The CEC is responsible for designating corridor routes for future transmission lines. The purpose of designating transmission corridor routes is to better link the transmission planning and permitting processes. A transmission corridor can be proposed for designation by the CEC itself or by any person or entity planning to build an electric transmission line in the state. For all transmission corridors proposed for designation in the state, the CEC is the lead agency responsible for preparing an environmental assessment under CEQA. In addition, a corridor proposed for designation must be consistent with the State's needs and objectives as identified in the latest Strategic Transmission Investment Plan adopted by the CEC.

Assembly Bill 844 (Nation, Chapter 645, Statutes of 2003) requires the CEC to establish a Replacement Tire Efficiency Program to address and improve replacement tire efficiency. The CEC proposes to achieve these goals by adopting regulations setting minimum tire performance standards and public information requirements for replacement tires. The CEC is the lead agency responsible for preparing an environmental assessment under CEQA.

Purpose of this Contract

The purpose of this contract is to assist Energy Commission staff in evaluating applications for energy facilities and transmission corridor designations, monitoring compliance for permitted facilities, reviewing petitions to amend or modify permitted facilities, and supporting other activities in the areas of environmental impact assessment, engineering, and related regulatory matters.

The prime 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.

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 Energy Commission makes no guarantee that any or all of 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 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 Contract Manager 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 & Hearings

All workshops and hearings are sponsored, organized, and facilitated by the CEC. The CEC is responsible for any costs associated with a workshop or hearing. 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 applicants of energy facilities, possible CEC decisions to designate a transmission corridor on its own motion, or a directive from the Governor's Office to carry out siting-related or designation-related activities. 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 Energy Commission'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 1-11 below. All work requested via work authorization will fit within one or more of the 11 Tasks.

- Perform California Environmental Quality Act (CEQA) and National Environmental Policy Act analysis.
- Perform environmental and engineering analysis.
- Develop mitigation for significant effects on the environment and recommendations regarding environmental and engineering issues. For AFCs, mitigation measures will take the form of conditions of certification.
- Prepare written testimony and present oral testimony.
- 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 information relevant to permitting electricity infrastructure.

- Conduct literature searches and review existing studies.
- Attend, participate in, facilitate, organize and/or present at meetings, workshops and hearings.
- 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 power plants and transmission lines or the designation of transmission corridors.
- Consult with agencies in determining the applicability of their laws and regulations to power plant licensing or transmission corridor designation (TCD) applications, and in planning for the permitting and development of energy resources and related transmission line infrastructure.
- Evaluate applications for energy facilities 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', intervenors' and public participants' technical questions about environmental, engineering, and regulatory issues associated with power plants and related facilities, and transmission line corridors, **and the Replacement Tire Efficiency Program rulemaking.**
- 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 Applications for Certification (AFC), post-certification petitions (Petitions); applications for small power plant exemption (SPPE), and applications for TCD, and the Replacement Tire Efficiency Program rulemaking; project monitoring and compliance; 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 and Fuels and Transportation Division management, prepare information for work authorization development for the Energy Commission Work Authorization Manager, including proposed task language, schedule of deliverables, and work authorization budget.
- Attend CEC meetings in person or via WebEx, Zoom, or MS 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 CECs Accounting

Office with a copy to the CAM. Invoices shall indicate the labor costs, operating expenses, fees and Disabled Veterans Business Enterprise 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.

Power Plant Siting and Supporting Environmental Impact Assessment and Regulatory Activities for the Replacement Tire Efficiency Program Rulemaking

(Tasks 3 – 8)

The Contractor will be required to perform the following tasks to support the Power Plant Siting and Compliance programs, **and to support the Replacement Tire Efficiency Program rulemaking**. The specific tasks and degree of effort the Contractor performs for each project may vary. Work authorizations for specific applications (AFC, NOI, SPPE, Petition, and TCD) **and for the Replacement Tire Efficiency Program rulemaking** 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.

The CEC staff may direct the Contractor to review TCD applications from applicants or utilities, or staff-proposed TCD applications. For a TCD application the Contractor has helped staff to prepare, the Contractor may be directed to represent staff in the TCD proceeding.

Task 3 – Data Adequacy Assessment (Applies to AFC/NOI/TCD Only)

The CEC must determine if applications for certification and corridor designations contain the substance of information set forth in Title 20 of the California Code of Regulations. For AFCs, this information is specified in section 1704 and Appendix B, Informational Requirements for an Application. For NOIs, this information is specified in section 1704 and Appendix A, Information Requirements for a Nongeothermal Notice of Intention, and Appendix C, Information Requirements for a Geothermal Notice of Intent. For TCDs, the information requirements are specified in section 2321 and Appendix A, Information Requirements for a Corridor Designation Application. Under section 1709 for an AFC and section 2323 for a TCD application, the CEC staff must make a data adequacy recommendation to the full Commission within 30 days of the filing of the application, and the CEC must act on the recommendation at a public meeting within 45 days of the filing. If the CEC finds that the application is incomplete, it must provide the applicant a written list of deficiencies that must be addressed in a supplemental filing by the applicant, should the applicant choose to continue. The CEC must make any subsequent data adequacy determinations within 30 days of receipt of the supplemental filing.

The Contractor shall:

- Compare the contents of the application with the information requirements.
- Prepare data adequacy 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, assist the CEC's Siting, Transmission and Environmental Protection Division management in forming a data adequacy recommendation.
- If necessary, participate in a data adequacy hearing. The hearing will be held within 45 days after filing.

The schedule for activities and products varies between AFCs/NOIs, geothermal AFCs or NOIs, and TCDs. The typical schedule for activities and products during a 12-month non-geothermal AFC or TCD data adequacy review is as follows:

Event	Calendar Day	Product
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
Executive Director's Data Adequacy Recommendation Filed	30	Recommendation to Energy Commission
Business Meeting on Data Adequacy	45	Business Meeting Order

Note: All days are based upon the date of filing.

Task 4 – Discovery (Applies To AFC/NOI/SPPE/Petition/TCD)

During the discovery phase of the project, the Contractor will collect all information necessary to evaluate the project and prepare the analysis in the next task.

The Contractor shall:

- Review the application and other materials and coordinate with appropriate local, state, and federal agencies to determine the significant issues of the project for each technical area and the applicable LORS.
- Prepare data requests and attend publicly noticed workshops to discuss either the requests or the applicant's responses, if additional information is needed from the applicant.
- Participate in site visits, necessary field surveys/studies and informational hearings.

The schedule for activities and products varies between AFCs, NOIs, SPPEs, Petitions, and TCDs. The typical schedule during the 12-month AFC or TCD discovery phase is as follows:

Event	Calendar Day	Product
Written Data Requests to PM	15	Data Requests
Data Requests to Applicant	25	Letter
Site Visit/Informational Hearing	30-45	Field Trip
Data Request Workshop	35	Workshop
Responses Filed	55	Responses
Data Response Workshop	65-75	Workshop

Second Data Requests to PM (if needed)	70	Data Requests
Second Data Requests to Applicant (if needed)	80	Letter
Second Data Request Workshop (if needed)	85	Workshop
Second Set of Responses Filed (if needed)	100-110	Responses
Second Data Response Workshop (if needed)	115-120	Workshop

Note: All days are based upon the date of data adequacy of an application. Actual schedules may vary based upon the Committee Orders, issues in the case, and type of process.

Task 5 – Analysis (Applies To AFC/NOI/SPPE/Petition/TCD/Replacement Tire Efficiency Program Rulemaking)

This task requires the Contractor to prepare a written evaluation of the project for each technical area assigned.

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.
- 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 informational hearings 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 analysis 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, intervenors, interested agencies, and the public.

The schedule for activities and products varies among AFCs, NOIs, SPPEs, Petitions, and TCDs, and the Replacement Tire Efficiency Program rulemaking. The typical schedule during the 12-month AFC or TCD analysis phase is as follows:

Event	Calendar Day	Product
Sections of Preliminary Staff Assessment (PSA) or Draft EIR (DEIR) with no Data Requests	70	PSA or DEIR Section
PSA or DEIR Sections for Areas with only one set of Data Requests	105	PSA or DEIR Sections
All Remaining PSA or DEIR Sections	141	PSA or DEIR Sections
PSA or DEIR Filed	150-165	PSA or DEIR
PSA or DEIR Workshops	165-180	Workshops
FSA or Final EIR (FEIR) Filed	200-220	FSA or FEIR (Testimony)

Note: All days are based upon the date of acceptance. Actual schedules may vary based upon the Committee Orders, issues in the case, and type of process.

The environmental assessment for an SPPE consists of either an initial study and negative declaration (or mitigated negative declaration) or environmental impact report (draft and final); no LORS compliance analysis is required as is necessary for an AFC. The entire process from application to Commission Decision is set by regulations to be 135 days long, but typically takes about 12 months to complete.

Task 6 – Hearings/Decisions (Applies To AFC/NOI/SPPE /Petitions/TCD)

The Contractor will be required to write expert witness testimony (e.g., Final Staff Assessment and Supplemental Testimony) and present it at evidentiary hearings. The testimony will be based on the initial analysis and any subsequent analysis necessary to respond to comments or a specific issue or Committee request.

The Contractor shall:

- Prior to evidentiary hearings, participate as needed in pre-hearing conferences to determine areas of disagreement between the parties (staff, applicant, or intervenors) for discussion at the evidentiary hearings.
- Prior to evidentiary hearings, prepare rebuttal testimony as necessary and participate in witness preparation with the CEC’s legal counsel assigned to the project.
- During evidentiary hearings, the Contractor shall present expert testimony, answer questions of the Commissioners and legal counsel, and respond to cross-examination.

- Following evidentiary hearings, the Contractor will work with legal counsel to prepare opening and reply briefs, as necessary.
- Following evidentiary hearings, the Committee will prepare the proposed decision. The Contractor shall review the proposed decision in the appropriate subject areas and comment on facts, conclusions and recommendations from staff's perspective.
- If necessary, the Contractor will appear at hearings on the proposed and final decisions to present staff's position.

The schedule for hearings and decisions varies among AFCs, SPPEs, Petitions, and TCDs. The typical schedule during the 12-month AFC or TCD hearings/decisions phase is as follows:

Event	Calendar Day	Product
Pre-hearing Conference (PHC) Statements Filed	230	PHC Statements
Pre-hearing Conference	235	PHC
Evidentiary Hearings	235-245	Hearing
Committee Issues Proposed Decision	305	Review Presiding Member's Proposed Decision
Committee Hearing on Proposed Decision	330	Hearing
Staff Comments on Proposed Decision	335	Comments
Hearing on Decision	365	Hearing

Hearings on SPPEs are similar to those above. Note that all Calendar Day listings are approximate.

Task 7 – Siting Project Management (Applies to AFC/NOI/SPPE/TCD/ Replacement Tire Efficiency Program Rulemaking)

The Contactor will be required to provide project management services to support processing AFCs, NOIs, SPPEs, and TCDs, and Replacement Tire Efficiency Program rulemaking.

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 and the Replacement Tire Efficiency Program rulemaking.
- 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/Negative Declarations, and Environmental Impact Reports.
- Organize and conduct workshops and meetings between the staff, energy facility applicants, intervenors, 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 data adequacy recommendations and siting project presentations, and at Committee status conferences by answering general questions from the Commissioners.
- Provide expert witness testimony in evidentiary hearings on the executive summary and project description.

Task 8 – 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, Delegate Chief Building Official (DCBO) performance evaluation and auditing, incident investigations, 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 and testimony at workshops and public hearings and respond to questions and cross examination.
- 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.
- Coordinate or assist staff with the coordination of power plant-related incident investigations involving failures of design, equipment, materials, processes, or procedures in which the CEC has an interest. Investigations will often include a "root cause" analysis that investigates and documents the human and causal factors, failure modes and resulting effects. Investigation activities include conducting interviews of personnel with knowledge of the incident, physical data analysis, review of the facility's applicable personnel safety plans and procedures, and a review of applicable LORS.
- Provide an Environmental Coordinator during power plant 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

(Tasks 9 – 10)

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 (GHG), climate change, gas transmission pipeline safety, and providing training on environmental and engineering topics.

Task 9 – Laws, Ordinances, Regulations and Standards Assistance

The Contractor shall:

- Identify and review LORS that apply to electricity infrastructure projects subject to the CEC's power plant certification and TCD authority. Applicable LORS are those that apply to the location, design, construction, or operation of a proposed facility for certification or designation by the CEC.
- Summarize applicable LORS and compile a compendium for each technical area analyzed in an AFC or TCD 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 or designation authority.
- Analyze and report on the effects of U.S. Environmental Protection Agency and State Water Resources Control Board (SWRCB) water quality control actions on section 316 (b) of the Clean Water Act and on the use of coastal and estuarine waters for power plant cooling. Coordinate with federal, state and local agencies and assist in conducting environmental and/or engineering analysis of federal and state environmental impact documents related to section 316 (b) of the Clean Water Act and SWRCB power plant cooling policies. Assist staff in developing alternative analyses to be submitted to state or local agencies for use in developing their cooling water control strategies. Assist staff in conducting analyses of 1) water consumption in the electric generation sector in California and 2) measures for reducing consumption of potable water and/or impacts from the use of seawater. 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 10 – Greenhouse Gases and Global Climate Change Assessment

The Contractor shall provide engineering and environmental services technical assistance to CEC staff and other stakeholders in assessing GHG emission impacts in CEC power plant licensing cases and compliance assessments.

The Contractor shall:

- Evaluate the effects of GHG reduction programs applicable to California energy facilities, renewable energy generation market penetration, federal and state climate change and GHG rulemaking, and energy efficiency programs. This will establish the baseline conditions and effect of the project on the baseline and existing GHG reduction programs for CEC power plant licensing cases and compliance assessments.
- Review GHG emissions estimate forecasts for CEC energy forecast model inputs and policies and incorporate them into GHG analyses performed for CEC power plant licensing cases and compliance assessments.
- Provide expert testimony for GHG and climate change matters.
- Based on the GHG and Climate Change assessments performed during, and in preparation for, CEC power plant licensing cases and compliance assessments, provide expert testimony in state and federal policy and rulemaking proceedings on global climate change and GHG emissions.

Task 11 – 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 power plant permitting or TCD 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.