



**GFO-19-602
Addendum 2
March 13, 2020**

Hydrogen Refueling Infrastructure

The purpose of this addendum is to make the following revisions to the Solicitation Manual, the Station Information worksheet (Attachment 1B), the Scope of Work (Attachment 2), the California Environmental Quality Act (CEQA) Worksheet (Attachment 7), the Special Terms and Conditions (Attachment 10) and the Open Retail Station Checklist (Attachment 12):

Solicitation Manual (Grant Funding Opportunity)

Page 6, Section I.D. Key Activities and Dates –

ACTIVITY	ACTION DATE
Anticipated Distribution of Questions/Answers	Week of <u>March 9</u> , 2020
Deadline to Submit Applications by 5:00 p.m.	<u>May 22</u> , 2020
Anticipated Notice of Proposed Awards Posting	<u>July</u> 2020
Anticipated CEC Business Meeting	<u>September</u> 2020

Page 14, Section I.N. Critical Milestones –

Critical Milestone 3: For stations that will be serviced by a utility, the~~The~~ Recipient must meet with representatives of the utility company that will serve each proposed station to arrange the utility connection.

Pages 15 – 16, Section I.O. CEQA Compliance –

This is a new section added to GFO-19-602.

1. **Time is of the Essence. Funds available under this solicitation have encumbrance deadlines as early as June 30, 2021. Prior to approval of a proposed award, the CEC must comply with CEQA. To comply with CEQA, the CEC must have CEQA-related information from Applicants and sometimes other entities, such as local governments, in a timely manner. Unfortunately, even with this information, the CEC may not be able to complete its CEQA review prior to the**

encumbrance deadline for every project. For example, if a project requires an Environmental Impact Report, the process to complete it can take many months. For these reasons, it is critical that Applicants organize project proposals in a manner that minimizes the time required for the CEC to comply with CEQA and provide all CEQA-related information to the CEC in a timely manner such that the CEC is able to complete its review in time for it to meet its encumbrance deadline.

2. Reservation of Right to Cancel Proposed Award. In addition to any other right reserved to it under this solicitation or that it otherwise has, if the CEC determines, in its sole and absolute discretion, that the CEQA review associated with a proposed project would not likely be completed prior to the encumbrance deadline referenced above, and that the CEC's ability to meet its encumbrance deadline may thereby be jeopardized, the CEC may cancel a proposed award and award funds to the next highest scoring Applicant, regardless of the originally proposed Applicant's diligence in submitting information and materials for CEQA review. Examples of situations that may arise related to CEQA review include but are not limited to:

- Example 1: If another state agency or local jurisdiction, such as a city or county, has taken the role of lead agency under CEQA, the CEC's review may be delayed while waiting for a determination from the lead agency.
- Example 2: If the proposed work is part of a larger project for which a detailed environmental analysis has been or will be prepared by another state agency or local jurisdiction, the CEC's review may be delayed as a result of waiting for a supplemental or initial analysis, respectively, from the other agency.
- Example 3: If the nature of the proposed work is such that a project is not categorically or otherwise exempt from the requirements of CEQA, and an initial study or other detailed environmental analysis appears to be necessary, the CEC's review, or the lead agency's review, may take longer than the time available to encumber the funds. If an initial study or environmental impact report has already been completed by another state agency or a local jurisdiction, serving as the lead agency, the Applicant must ensure that such an analysis covers the work in the proposed project, or must obtain a

revised analysis and determination from the lead agency reviewing the proposed project.

- Example 4: If the proposed project clearly falls under a statutory or categorical exemption, or is project for which another state agency or local jurisdiction has already adopted a CEQA finding that the project will cause no significant effect on the environment, the project will likely have greater success in attaining rapid completion of CEQA requirements.

The above examples are not exhaustive of instances in which the CEC may or may not be able to comply with CEQA within the encumbrance deadline, and are only provided as further clarification for potential Applicants. Please plan project proposals accordingly.

Page 24, Section II.B. Project Requirements –

The following requirements apply to all stations in each project proposed by an Applicant. To be eligible under this solicitation, each project shall meet each of the following criteria:

1. The project shall be for the construction of open retail hydrogen refueling station(s), which can include new stations and upgrades to existing hydrogen refueling station(s). Upgrades shall include additional station equipment such that the station could dispense a greater capacity of hydrogen or have increased performance. The project *shall not* include upgrades to any station with an active CEC agreement to make the station open retail. The project shall not include mobile hydrogen refueling stations, meaning stations that move and provide a temporary hydrogen refueling source and refueling capability, on demand, and that do not operate at a permanent physical address.

Page 39, Section II.I. Minimum Technical Requirements for Open Retail Hydrogen Refueling Stations –

9. The open retail hydrogen refueling station components shall be installed and the station shall have a hydrogen fuel supply and a hydrogen supply and delivery agreement from a hydrogen production plant (on or off-site), with available capacity, and a second supply arrangement as backup. Both agreements must provide renewable hydrogen to satisfy the Renewable Hydrogen Requirements (Section II.P.) of this solicitation.

Page 46, Section III.C. Page Limitations –

The number of pages for each application's Project Narrative is limited to 60 pages. Application forms (Attachments 1A and 1B), scope of work, schedule of products and due dates, budget forms, resumes, contact list, Critical Milestone meeting notes and site control documentation, letters of support/commitment, HySCapE files, CEQA worksheets, Localized Health Impacts information, and the Operation and Maintenance Plan, **and photographs and drawings of proposed station sites** do not count towards this page limitation.

Page 47, Section III.D. Application Organization –

One row is added to the Application Organization table, at the bottom of the table:

Item	Attachment Number
<u>Photographs and Drawings of Station Sites</u>	<u>N/A</u>

Page 50, Section III.D.3.b.iii. Application Organization / Project Narrative / Hydrogen Refueling Station Design and Performance –

- iii. Provide photographs, drawings, and narrative to show the proposed station location sites will have sufficient space for all vehicles using the station including fuel delivery vehicles, pedestrians, and equipment. **The photographs and drawings may be submitted as a separate attachment, per the application organization table in Section III.D. Any narrative describing the proposed station location sites, photographs, and drawings must be in the project narrative, not in the separate attachment.**

Page 56, Section III.D.13. Application Organization / CEQA Worksheet –

Applicants are encouraged to provide documentation of communication with the local lead agency, if one exists (e.g., a county or city). Documentation **can include** such as a completed notice of exemption, a letter from the local agency acknowledging their role in the CEQA process, or a permit application to the lead agency that is stamped as received. If no CEQA review would be required by the local lead agency, provide documentation (letter or e-mail) from the local agency explaining why not.

~~For all hydrogen refueling stations the CEC funds, the CEC acts as a responsible agency in terms of CEQA. The CEC makes a CEQA determination on each station before the Business Meeting approval to comply with CEQA. Local AHJs~~

~~are the lead agency for all these stations and the CEC's findings are not binding on AHJs.~~ **Prior to approval of a proposed award, the CEC must comply with CEQA. In most cases, the CEC will act as a responsible agency. Please refer to Section I.O. for additional information about CEQA compliance.**

Station Information (Attachment 1B)

On the Initial Batch worksheet, the following notes are clarified:

Critical Milestone 1 - AHJ meetings (formal or informal) for entitlements and permitting; Office of the File Marshal; and with a designated Hydrogen Safety Panel representative must be complete for all stations in the initial batch. If not complete, ~~DO NOT submit the station address~~ **the station is not eligible for the initial batch and cannot be listed here.**

Critical Milestone 2 (site control) must be complete for all stations in the initial batch. If not complete, ~~DO NOT submit the station address~~ **the station is not eligible for the initial batch and cannot be listed here.**

On the Backup Stations worksheet, the following notes are clarified:

Critical Milestone 1 - AHJ meetings (formal or informal) for entitlements and permitting; Office of the File Marshal; and with a designated Hydrogen Safety Panel representative must be complete for all backup stations. If not complete, ~~DO NOT submit the station address~~ **the station is not eligible as a backup station and cannot be listed here.**

Critical Milestone 2 (site control) must be complete for all backup stations. If not complete, ~~DO NOT submit the station address~~ **the station is not eligible as a backup station and cannot be listed here.**

Scope of Work (Attachment 2)

Page 8, Task 1.7 Identify and Obtain Required Permits –

Removes the text: Although the CEC budget for this task will be zero dollars, the Recipient shall budget match funds for any expected expenditures associated with obtaining permits.

CEQA Worksheet (Attachment 7)

Page 6, Under NO checkbox –

Removes the text: (must occur before the Energy Commission will approve the award).

Special Terms & Conditions (Attachment 10)

Page 2 –

Critical Milestone 3: For stations that will be serviced by a utility, the
The Recipient must meet with representatives of the utility company that will serve each proposed station to arrange the utility connection.

Open Retail Station Checklist (Attachment 12)

Page 1 –

Adds the following information before the checklist table:

By completing and signing this Open Retail Station Checklist, the Recipient is self-certifying that the station listed above meets and will adhere to each of the Minimum Technical Requirements for Open Retail Hydrogen Refueling Stations of GFO-19-602 (Section II.I.).

The CEC reserves the right to modify the Open Retail Station Checklist to maintain consistency with the Minimum Technical Requirements for Open Retail Hydrogen Refueling Stations, which the CEC reserves the right to modify to reflect the current state-of-the-art within the hydrogen refueling industry.

Should this hydrogen refueling station come out of compliance with the Checklist, or should the design change, the Recipient shall submit to the CEC a new completed, signed, and dated Open Retail Station Checklist.

Page 2, Checklist –

The station's refueling components are installed and the station has a dedicated hydrogen fuel supply and delivery agreement from a hydrogen production plant (on or off-site), with available capacity, and a second supply arrangement as

backup. **Both agreements provide renewable hydrogen to satisfy the Renewable Hydrogen Requirements of GFO-19-602.**

Page 3, Certification –

I certify that the station will remain open retail for a minimum of five years **and will meet and adhere to these Open Retail Station Requirements during station operation.**

**Phil Dyer,
Commission Agreement Officer**