



February 13, 2011

California Energy Commission  
Dockets Office, MS-4  
RE: Docket No. 02-REN-1038: RP3 Program  
1516 Ninth St  
Sacramento CA 95814-5512  
(Hard copy by mail; email to [docket@energy.state.ca.us](mailto:docket@energy.state.ca.us) and [sneidich@energy.state.ca.us](mailto:sneidich@energy.state.ca.us))

**SUBJECT: Docket No. 02-REN-1038  
Submission of Written Comments on Consumer Education Program,  
Proposed Renewable Planning and Permitting Program Grants (RP3)**

We are pleased to submit our written comments to the California Energy Commission (CEC) in response to the request for stakeholder feedback on the proposed Renewable Planning and Permitting Program Grants (RP3) to be funded through California's Renewable Resources Consumer Education Account of the Energy Commission's Renewable Resources Trust Fund. CEC staff are soliciting comments and feedback at this time from stakeholders on the proposed design and content for Phase I – development of an effective grant program.

We understand that RP3 is intended to support cities and counties in (a) consideration of appropriate renewable energy project siting for incorporation in each jurisdiction's General Plan process and other special land use guidance documents, and (b) assessment of proposed renewable energy projects, providing both technical and regulatory assistance. These support services are together intended to both improve the understanding of often complex and novel proposed projects, and to expedite the permitting and commissioning of those renewable energy projects in furtherance of the State's own goals in renewable energy development and clean energy job growth.

We also recognize that the questions posed by staff are intended for those same local agencies to consider. Our responses are framed first from the perspective of having long held such a County staff position, and yet just as importantly, from assisting industrial renewable energy project development.

RP3 potential proposals are listed; we first provide possible further examples for inclusion. The CEC staff has then posed a series of questions that we address in order. Where an answer is not appropriate due to our non-status as a local agency, we indicate "no response." Following the specific responses, we offer additional considerations and recommendations.

#### CEC Staff Examples of Eligible Proposals

- Specific Plans/Zoning Ordinances/ Combining District
- General Plan Updates or Element
- Policies and Procedures Manual

- Other implementation instruments and plans needed for successfully streamlining the development of renewable energy generation, transmission and distribution infrastructure

#### Additional Suggestions for Eligible Proposals

- ✓ Demonstration Project Allowance – Local Policy and Regulation Development
- ✓ Public - Private Partnership Guidelines – Improving Outcomes, Reducing Risks

#### Questions and Answers

1. *What are the key challenges with planning, permitting and environmental issues in your local jurisdiction related to renewable energy development?*
  - Lack of technical knowledge, and lack of resources to properly investigate advanced technology in context of pertinent regulations.
  - “Silo-ing” of expertise: neither coordination nor single oversight ensuring coordination among and between agencies of purview. This results in conflicting conditions and duplicative requirements.
2. *What steps, information, tools, resources, etc. are necessary to revise the current land use plans and/or General Plans of your local jurisdiction to expedite the permitting process for renewable energy projects?*
  - Access to and integration with State-generated geographic information systems (GIS) data, and to the staff and analytical tools necessary to integrate these resources into the daily planning process.
  - Region vs. Site: State guidance and assistance to ensure that any one project is kept in perspective with regional conditions. Air Basin Planning, compared to site-specific emissions assessment, would be one example.
  - Cross-jurisdictional intervention: conflicts arise from differences between local jurisdictions, making impacts and benefits of large projects especially difficult to determine and manage.
3. *Does your local jurisdiction currently have best practices in place for permitting renewable energy projects?*
  - The stage of development of Best Practices Manuals throughout out jurisdictions is severely hampered by (a) lack of technical understanding, and (b) regulatory uncertainty. Some agencies attempt to defer solely to the State; others attempt to maintain a lead position. What constitutes “best practices” differs dramatically by project type and site. It would be more useful to assume at this stage of emergence in renewable energy, fuels and green commodities industries that Best Practices must be determined on a per-case basis. For this, the State’s technical and regulatory knowledge could be of great benefit to cities and counties trying to work with developers.
4. *What additional funds, resources, or tools would be required to develop new plans, policies or ordinances to expedite renewable energy development in your local jurisdiction?*
  - There is currently no dependable mechanism at the state level for thorough vetting and third party verification of technologies being proposed for permitting. There is, however, a prescriptive set of technical and operational standards in the law that requires there to be early determinations of system acceptability. Local agencies responsible for permitting decisions must comply with statute, yet to do so, must make critical technical

efficacy determinations upon technologies proposed for private projects without recourse to state assessment. Until existing prescriptive laws are changed, the State should bear the primary responsibility of assessment and certification for technologies being proposed for renewable energy generation projects in those instances where prescriptive standards apply. We recommend that the State develop a energy technology assessment and certification program that local jurisdictions can rely upon, similar to the Air Resource Board's low carbon engine certification program.

5. *Will your local jurisdiction be able to contribute match funds for an RP3 grant to develop the needed new plans, policies, or ordinances to expedite renewable energy development? If so, how much? Has your local jurisdiction already begun the process to develop such plans, policies, or ordinances?*
  - No response.
  
6. *Does your current local jurisdiction's renewable energy development plan integrate with regional or statewide energy plans such as; Desert Renewable Energy Conservation Plan, Renewable Energy Transmission Initiative, a Natural Community Conservation Plan, or a Habitat Conservation Plan?*
  - This may be "Action Item 1" for the state's RP3 program: Determine on a per-jurisdiction level, to what degree local programs are currently aware of and integrated with existing regional / state-wide initiatives. In each jurisdiction, some amount of training will be appropriate, and conversely, the local conditions and policies should inform and help shape each Initiative. The State is in the best position to coordinate a methodical assessment and extended integration effort.
  
7. *How will your local jurisdiction's planning effort help it reach state renewable energy procurement goals (Renewables Portfolio Standard – 33 percent by 2020), and reduce greenhouse gas emissions (AB 32)?*
  - No response.

#### Additional Considerations and Recommendations

- A. Develop and maintain a "State Permitting Portal" as indicated in the CEC's 2011 Bioenergy Action Plan, where stakeholders can find current permitting contacts for Renewable Energy project development. Each entry should be hyper-linked to functional websites at the jurisdictional levels, in a format similar to the CalRecycle "Solid Waste Information System" (SWIS) that can be searched for any number of chosen parameters.
  
- B. Assess renewable energy resource GIS data and analytical tool availability for the western region including, for example, the US Geological Survey's geothermal resource mapping and the California Department of Forest and Fire Protection (CalFire) Forest and Range Assessment Program (FRAP). Integrate in a web-accessible format searchable by jurisdiction and by resource. Rely on and contract with institutional programs such as the University of California, Davis-based California Biomass Collaborative to create and maintain the tools on along-term basis.
  
- C. Recognize where there are conflicting opinions, policies, regulations and laws as to what is or is not "renewable". Make such discussion public and transparent, allowing discrepancies to surface and moved toward consensus. Apply a very liberal, inclusive policy, when

developing the assessment tools noted above, such that *potential* renewables are incorporated along with those resources fully accepted as “renewable”.

- D. The existing prescriptive statutes dictating technical and operational standards for the thermal conversion of waste-sourced feedstock into energy, fuels and other commodities, have placed local permitting authorities in the untenable, unsupported and wholly inappropriate position of attempting to determine technical and operational efficacy separate from data provided by a project proponent.

For such a waste conversion project to be eventually certified as an “eligible renewable energy generation facility” per current RPS guidebook language, the local agency of purview must complete the proposal review for solid waste facility permitting, inclusive of compliance with the California Environmental Quality Act. To do so in compliance with local and state law, the assessment of potential impacts must adhere to those same prescriptive criteria, which thus requires the agency to perform vetting and make critical technical and operational determinations, without State support.

In that this is a State law dictating compliance with a State certification process, it should fall to the State to provide third party environmental technology verification and certification. An Environmental Technology Verification (ETV) exists at Federal level ([www.epa.gov/etv](http://www.epa.gov/etv)) that could provide the model.

We are available for further discussion should staff find this useful. Please call me at (530) 823-7300 or (530) 613-1712 (cell), if you have any questions.

Sincerely,

**JDMT, Inc**



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