

# Opt-In Certification Program

# FACT SHEET

## Eligible Projects



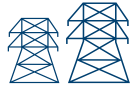
Solar photovoltaic or terrestrial wind electrical generating power plants 50 megawatts (MW) or greater



Energy storage systems capable of storing 200 megawatt-hours (MWh) or more



A stationary power plant using any source of thermal energy, excluding fossil or nuclear fuels, 50 MW or greater



Certain transmission lines associated with these generating and storage facilities



Specified facilities that manufacture or assemble clean energy or storage technologies or related components

## Background

Senate Bill 100 (2018) requires all electricity in California to come from renewable and zero-carbon resources by 2045. To achieve this target, new power supplies in the state must be built at a record-setting rate, which will likely require developing land and ocean space in many parts of the state.

Assembly Bill 205 (2022) gives the CEC authority to permit certain clean and renewable energy facilities in a timely and efficient manner.

The Opt-In Certification Program, as it's known, is an optional permitting process through which developers can submit project applications. The CEC permit is in lieu of any permit that would normally be required by the local land use authority and most, but not all, state permits.

## More info:

- Statutory and regulatory provisions governing the Opt-In Certification Program can be found at Chapter 6.2 of Division 15 of the Public Resources Code and California Code of Regulations, title 20, sections 1875 through 1882
- The 2021 SB 100 Agency Report is available at [energy.ca.gov/sb10](https://energy.ca.gov/sb10)

## Quick Facts

Opt-In Certification is a process that allows certain clean energy development projects to choose a consolidated state permitting option.

Only specified non-fossil-fuel power plants, energy storage projects, and related manufacturing and assembly facilities can apply for Opt-In Certification.

The CEC will be the lead agency and hold public meetings at or near the proposed project location to allow for local input into the project and process.

With certain exceptions, environmental review must be completed no later than 270 days after an application is deemed complete.

## CEC certification of a project application requires: \*

- An applicant has entered into one or more legally binding and enforceable agreements with, or that benefit, a coalition of one or more community-based organizations.
- An applicant will use a skilled and trained workforce and pay construction workers at least prevailing wages, subject to statutory enforcement, or a project labor agreement.
- The construction or operation of the facility will have an overall net positive economic benefit to the local government that would have had permitting authority over the site and related facility.
- The project will comply with all applicable laws, ordinances, regulations, and standards (LORS), or CEC must find that despite a nonconformance with state, regional, or local LORS, the project is required for public convenience and necessity, and there are not more prudent and feasible means of achieving public convenience and necessity. In making the determination, the CEC considers the impacts of the facility on the environment, consumer benefits and electric system reliability, among other factors.
- Any significant effects of the project must be avoided or substantially lessened, or the CEC must adopt a statement of overriding considerations for significant effects found infeasible to avoid or mitigate.

**\*This list is not exhaustive; other requirements may apply based on each project.**

## Process and Deadlines \*\*

**Day 0:** File the Determination of Complete Application

**Day 3:** File and circulate the Notice of Preparation of an EIR

**Day 5:** Send invitation to request tribal consultations.

**Day 30:** Hold public informational and scoping meeting as close as practicable to the project site.

**Day 150:** File and circulate the draft EIR and Notice of Availability and public comment period begins.

**Day 180 – 210:** Hold a public meeting on the draft EIR at a location as close as possible to the proposed project site.

**Day 210:** Close the public comment period on draft EIR (60 days from publication date).

**Day 240:** File final EIR

**Day 240:** File the CEC's executive director's recommendation.

**Day 270:** Present final EIR and staff recommendation at a publicly noticed CEC Business Meeting. The CEC Commissioners can approve or disapprove project, or require additional information or analysis.

**Day 360:** State agencies retaining permit authority make permit decisions on application approved by the CEC.

**\*\*These deadlines are subject to any substantial changes made to the project or certain other events occurring after an application is deemed complete.**

## The CEC is mandated to:

1. Be the lead agency under the California Environmental Quality Act (CEQA) and prepare an environmental impact report (EIR).
2. Meet with applicants prior to filing.
3. Hold public meetings about each project as close as practicable to the proposed project site.
4. Invite California Native American tribes that are culturally and traditionally associated with the proposed site area to consultation.
5. Take final action on the application within 270 days of determining the application is complete, with some exceptions.

## For more information:

Find more details on the program and sign up to receive information about a project on the CEC's website at [www.energy.ca.gov/programs-and-topics/topics/power-plants/opt-certification-program](http://www.energy.ca.gov/programs-and-topics/topics/power-plants/opt-certification-program).



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