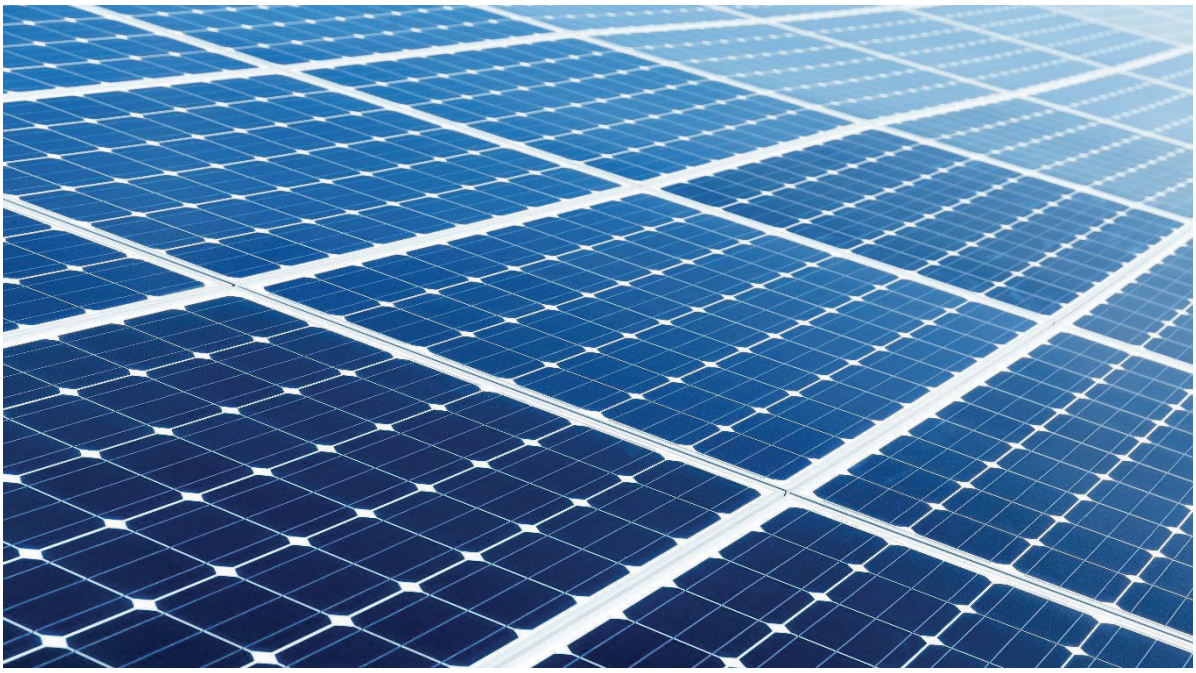
Attachment A

Statutory Exemption Report



Stockton East Water District Solar Project

Statutory Exemption Report

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1 Introduction

This report serves as the documentation of analysis performed by Rincon Consultants, Inc. (Rincon) on behalf of Stockton East Water District (SEWD) for the Stockton East Water District Solar Project (Project). The Project involves construction, operation, maintenance, and decommissioning of a solar photovoltaic and battery energy storage electricity generating facility. The Project would be located on SEWD's water treatment plant site in unincorporated San Joaquin County, California.

CEQA Guidelines Section 15268 state that a Statutory Exemption can be made for ministerial projects. According to Section *CEQA Guidelines* Section 15369, "Ministerial" describes a governmental decision involving little or no personal judgment by the public official as to the wisdom or manner of carrying out the project. The public official merely applies the law to the facts as presented but uses no special discretion or judgment in reaching a decision. A ministerial decision involves only the use of fixed standards or objective measurements, and the public official cannot use personal, subjective judgment in deciding whether or how the project should be carried out. The determination of what is "ministerial" can most appropriately be made by the particular public agency involved based upon its analysis of its own laws, and each public agency should make such determination either as a part of its implementing regulations or on a case-by-case basis which projects are considered exempt from CEQA.

The intent of the analysis is to document whether the Project meets the requirements as a Statutory Exemption under the California Environmental Quality Act (CEQA). This report provides an introduction, project description, and evaluation of the Project's consistency with the requirements for a Statutory Exemption. The report concludes that the Project is eligible for a Statutory Exemption.

2 Project Description

2.1 Project Title

Stockton East Water District Solar Project (Project)

2.2 Project Location and Setting

The Project would be located at the Dr. Joe Waidhofer drinking water treatment plant located at 6767 E Main Street in unincorporated San Joaquin County. Figure 1 shows the project location. The water treatment plant is located north of E. Main Street and east of S. Patton Avenue. The Project site is located on the outskirts of the City of Stockton and is in an area characterized by agricultural land, utility infrastructure, and rural residences. The facility is surrounded by agricultural land.

2.3 General Plan and Zoning Designations

The Project site has a San Joaquin County General Plan land use designation of Public (P).

The Project site is zoned as Public Facilities (P-F).

2.4 Project Characteristics

Lepton CS, LLC has entered into a Solar Power Services Agreement (SPSA) with SEWD for the use of energy generated from a solar photovoltaic and battery energy storage electricity generating facility which will serve SEWD's on-site consumption. Per the terms of the SPSA, Lepton CS, LLC is the power provider and would construct, operate, maintain, and decommission the solar facility and associated infrastructure to provide power to serve SEWD's facility. The Project would offset the water treatment plant's energy usage from PG&E under the Net Billing Tariff. The Project is anticipated to generate power for 30 years or more with the option to extend following the initial term. The Project will be interconnected to PG&E's distribution system through a primary meter within the project site.

The Project would involve the following components, as shown on Figure 1:

- An approximately 3.3-acre ballasted solar array[1] partially located on top of an underground water tank
- An approximately 1.7-acre ground mounted solar array
- A main service panel with expected incoming power of 240/120VAC, 1PH, 3W, and 60Hz
- Approximately 2 MW nameplate capacity of the facility
- Electrical inverters, service boards, metering facilities, conductors, safety equipment, transformers, cabling, and other system components
- Interconnection PG&E's Distribution System at the southwest corner of the site near the intersection of E. Main Street and S. Patton Avenue

[1] A ballasted solar array is a system where solar panels are secured to a roof or ground using weight (ballast) rather than traditional mechanical anchors that penetrate the surface

- Approximately 2-MW, 0.14-acre battery energy storage system and equipment pad, including concrete pads, transformers, cabling and other system components

The total area of disturbance would be approximately 5.2 acres. No changes would be made to the water treatment plant facilities (including the office and maintenance buildings and water treatment ponds) other than adding the components listed above.

Construction activities are anticipated to occur for approximately 6 months. After construction, the Project would be automated. Production and system health data, as well as onsite weather data, would be monitored remotely and gathered electronically. Periodic site maintenance and washing of the solar panels, which may be necessary to maintain efficiency, would occur on an as-needed basis and is anticipated to occur up to two times per year, depending on annual precipitation and vegetation growth. Such maintenance would require temporary staffing on site and use of a water truck. No lighting would be required for the Project.

Figure 1 Project Location and Project Site Plan



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25-17687 EPS
Fig 2 Project Location

3 Statutory Exemption Applicability

Article 18 of the *CEQA Guidelines* describes the exemption from CEQA granted by the California Legislature, which are referred to as Statutory Exemptions. Pursuant to *CEQA Guidelines* Section 15268, this includes ministerial projects. The determination of what is ministerial "can most appropriately be made by the particular public agency involved based upon its analysis of its own laws." In the absence of any discretionary provision contained in the local ordinance or other law establishing the requirements for the permit, license, or other entitlement for use, the issuance of building permits and business licenses as well as the approval of final subdivision maps and individual utility service connections and disconnections are presumed to be ministerial (*CEQA Guidelines* Section 15268[b]).

As described previously, the Project is located within an unincorporated area of San Joaquin County and thus subject to the San Joaquin County General Plan and San Joaquin County Ordinance Code. San Joaquin County's Development Title, Title 9 of the County's Ordinance Code, governs land use and development.

The Project site has a San Joaquin County General Plan land use designation of Public (P) and the site is zoned Public Facilities (P-F). According to the Community Development Element of the County's General Plan, the Public designation "provides for location of services that are necessary to the health and welfare of the community." Allowed uses include water and wastewater facilities and other compatible public and quasi-public uses. As a solar facility that would serve SEWD's water treatment plant, the Project is substantially similar to "public uses" and therefore falls within the appropriate uses for land designated Public.

Further, Table 9-204.020-1 the San Joaquin County Development Code lists permitted uses in the Public Facilities zoning district. This table lists small scale energy systems as "P/Z" meaning Permitted Use (Building Permit may be required) and Zoning Compliance Review required. According to Development Code Section 9-409.430(a)(1), "small energy systems less than 2.5 acres in size are allowed as accessory uses by right; only a building permit is required." However, the Project is larger than 2.5 acres in size; therefore, it is not exempt. According to Development Code Section 9-409.430(a)(2), non-exempt small-scale energy systems require a Zoning Compliance Review. Chapter 9-803 of the Development Code sets forth the process for Zoning Compliance Review, which involves review and approval by the Zoning Administrator. If the Zoning Administrator determines that the proposal conforms to the requirements of the Development Title, a Zoning Certificate will be issued. Because the zoning compliance review is an administrative check to ensure the project complies with zoning regulations, it is considered a ministerial approval. As explained in Section 1, Introduction, *CEQA Guidelines* Section 15268 state that a Statutory Exemption can be made for ministerial projects.

4 Summary

Based on the analysis presented herein, the Project meets all criteria to be Statutorily Exempt from CEQA pursuant to *CEQA Guidelines* Section 15268. The San Joaquin County Development Code Section 9-409.430(a)(2) allows this facility with a Zoning Compliance Review, thereby making this project a ministerial project per County regulations and therefore statutorily exempt. Therefore, it is concluded pursuant to *CEQA Guidelines* Section 15268 that the Project is ministerial and thus exempt from further CEQA analysis.