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STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

IN THE MATTER OF:

BOTTLE ROCK GEOTHERMAL PROJECT
(BRGP) AMENDMENT TO THE
APPLICATION FOR CERTIFICATION

Docket No. 79-AFC-04

PETITION TO INTERVENE BY
CALIFORNIA UNIONS FOR RELIABLE ENERGY

July 10, 2025

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Pursuant to Cal. Code Regs., tit. 20, § 1211.7, California Unions for Reliable Energy (“CURE”) respectfully files this Petition to Intervene (“Petition”) in the Bottle Rock Geothermal Project (“Project” or “BRGP”) Amendment to the Application for Certification Proceeding, Docket 79-AFC-04. Section 1211.7(a) grants “any person” the right to file a petition to intervene which sets forth “the grounds for intervention, the position and interest of the petitioner in the proceeding, the extent to which the petitioner desires to participate in the proceedings, and the name, mailing address, e-mail address, and phone number of the petitioner.” The presiding member may grant intervention and impose reasonable conditions on an intervenor’s participation. (*Id.* § 1211.7(c)). “An intervenor is a party to a proceeding.” (*Id.* § 1211.7(c)).

The California Energy Commission (“Commission”) certified the Department of Water Resources Bottle Rock Power Plant (“BRPP”) Application for Certification in 1980. (Order 79-AFC-4; TN # 262182). DWR constructed the BRPP and

commenced geothermal power production in 1985. (TN # 262182). DWR ceased operation of the BRPP in 1990 due to reduced steam capacity. (*Id.*). In 2001, the Commission approved the transfer of ownership to Bottle Rock Power Corporation. (TN # 20552). The Commission approved an amendment to its decision that extended the environmental monitoring program during suspended operation on May 11, 2005. (TN # 34372). The Commission approved an amendment to transfer ownership to Bottle Rock Power, LLC (“BRP”), restart operations of the BRPP, and complete design changes to the facility on December 14, 2006. (TN # 38646). The Project was shut down and placed in standby mode on April 1, 2015, and has remained non-operational since that time. (TN # 204069). BRP filed a petition to change operational control of the Bottle Rock Power Plant to Mayacma Geothermal LLC, on February 14, 2023, to reflect Mayacma Geothermal’s operational control over the geothermal resource and BRPP under the terms of the lease agreement and asset purchase agreement between BRP and Mayacma Geothermal LLC. (TN # 262182). On March 13, 2025, Commission Staff (“Staff”) published the Petition to Amend the Application for Certification of DWR Bottlerock Geothermal Project. (TN # 262182).

Pursuant to Section 1769, Staff is to review the petition within 30 days after the petition is filed to determine the extent of the proposed change and prepare a summary of the petition. Staff shall approve the change where staff determines:

- (i) that there is no possibility that the change may have a significant effect on the environment, or the change is exempt from the California Environmental Quality

Act (“CEQA”); (ii) that the change would not cause the project to fail to comply with any applicable laws, ordinances, regulations, or standards (“LORS”); and (iii) that the change will not require a change to, or deletion of, a condition of certification adopted by the Commission in the final decision or subsequent amendments. (Cal. Code Regs. Tit. 20, § 1769(a)(3)(A)). Staff, in consultation with the air pollution control district where the project is located, may approve any change to a condition of certification regarding air quality, provided: (i) that the criteria in subdivisions (a)(3)(A)(i) and (ii) are met; and (ii) that no daily, quarterly, annual or other emission limit will be increased as a result of the change. (*Id.* at § 1769(a)(3)(B)). Staff shall file a statement summarizing the approval of the proposed change to the project design, operation, or performance requirements actions taken pursuant to subdivisions (a)(3)(A) or (B). (*Id.* § 1769(a)(3)(C)). If Staff determines that a change does not meet the criteria for staff approval, or if Staff submits the proposed change to the commission for consideration, or if a person files an objection, the petition shall be considered by the Commission at a noticed business meeting or hearing. (*Id.* § 1769(a)(4)). The Commission shall issue an order approving, rejecting, or modifying the petition or assign the matter for further proceedings before the Commission or an assigned committee or hearing officer. (*Id.* § 1769(a)(4)). The Commission may approve such a change only if it can make the findings specified in Section 1748(b), if applicable. (*Id.* § 1769(a)(4)).

This Petition is timely because Staff has not yet filed a statement summarizing its actions taken pursuant to Section 1769(a)(3)(A) or (B). This

Petition is also timely because this matter has not yet been assigned for further proceedings pursuant to Section 1769(a)(4)(A). Nor has a Presiding Member of the California Energy Commission Committee designated to conduct proceedings in this matter promulgated a scheduling order with a deadline to file a petition to intervene pursuant to Section 1769(a)(4)(B). In the absence of a scheduling order, the default deadline to intervene is 30 days before the first evidentiary hearing. (*Id.* § 1211.7(b)). The Commission has not yet set a date for an evidentiary hearing on this matter. Absent a scheduling order that sets an evidentiary hearing or a specific deadline for intervention, this Petition to Intervene is timely.

I. POSITION AND INTEREST STATEMENT

CURE is a coalition of unions whose members' environmental and economic interests are affected by the Project. Union members live in communities that suffer the impacts of projects that are detrimental to human health and the environment. Unions have a corresponding interest in acting to minimize the impacts of projects that would degrade the environment, and in enforcing environmental laws to protect their members.

The Project also affects the union members' longer term economic and environmental interests. CURE's coalition members construct, maintain and operate conventional and renewable power plants, energy storage facilities, and other industrial facilities in California where the coalition members live, work, and recreate. CURE is equally committed to building both a strong economy and a healthy environment. Environmental degradation jeopardizes future jobs by

causing construction moratoriums, depleting limited air pollutant emissions offsets, consuming limited freshwater resources, and imposing other stresses on the environmental carrying capacity of the state. This in turn reduces future employment opportunities. In contrast, well designed projects that reduce environmental impacts improve long-term economic prospects.

Finally, CURE's members are concerned about projects that cause serious environmental harm without providing countervailing economic benefits. The Commission's siting process requires the Commission to determine whether the Project will have a substantial adverse impact on the environment. The Commission's process also provides for a balancing of the Project's socioeconomic and environmental impacts. CURE's ultimate position and participation in this proceeding will be determined based on all the factors the Commission considers when determining whether to approve the application.

II. GROUNDS FOR INTERVENTION AND EXTENT OF PARTICIPATION

The Commission has granted CURE's petitions for intervention in all prior siting cases and small power plant exemption cases in which CURE has sought intervention since the enactment of Assembly Bill 1890. The Commission rejected the only challenge to CURE's participation in those cases, finding CURE's interests "undeniably relevant" to the proceedings. (In the Matter of Application for Certification for the High Desert Power Project, Docket No. 97-AFC-01, Order Granting Petition to Intervene at 2 (Dec. 24, 1997). Most recently, the Commission granted CURE's intervention in the Black Rock Geothermal Project proceeding. (In

the Matter of Black Rock Geothermal Project (BRGP), Docket No. 23-AFC-03, Committee Order Granting Petition to Intervene Filed by California Unions for Reliable Energy, TN # 251916 (Aug. 25, 2023)). The same decision should be reached here.

CURE has participated in permit proceedings for power plant projects throughout California. In those cases, CURE identified deficiencies in the project description and environmental setting that prevented adequate assessments of impacts to the environment and public health. CURE also identified underestimated, unanalyzed, and unmitigated impacts related to construction air emissions, operational air emissions, public health, greenhouse gas emissions, biological resources, cultural and tribal resources, energy use, geology and soils, hazards, hydrology and water quality, land use and planning, noise, public services, transmission system engineering, recreation transportation, utilities, wildfire, and cumulative impacts, and alternatives, among other topics. For those projects, CURE provided evidence, including expert testimony, regarding potentially significant impacts and feasible mitigation measures to reduce impacts to less than significant.

If granted intervention, CURE intends to participate fully in all phases of this proceeding. CURE intends to participate in all topics relevant to the Commission's consideration of the Project including, but not limited to: whether the change may have a significant effect on the environment or is exempt from CEQA, whether the change would cause the project to fail to comply with any LORS, and

whether the change will require a change to, or deletion of, a condition of certification adopted by the commission in the final decision or subsequent amendments. CURE intends to participate in all topics relevant to the Commission's consideration of the Project including, but not limited to: environmental setting, air quality, alternatives, biological resources, compliance with laws, ordinances, regulations and standards, cultural resources, cumulative impacts, efficiency, demonstration, facility design, geologic hazards and resources, greenhouse gas emissions, hazardous materials, land use, noise and vibration, paleontological resources, project description, project overview, project schedule, public health, public services, recreation, reliability, socioeconomics, soil and agricultural resources, traffic and transportation, transmission line safety and nuisance, transmission system design, tribal resources, visual resources, waste management, water resources, wildfire, and worker safety. CURE reserves the right to participate in other topics should CURE identify any issues which warrant participation. CURE may participate in all aspects of this proceeding, including, but not limited to, discovery, workshops, testimony, briefing, and cross-examination of witnesses.

III. CONTACT INFORMATION

All filings in this proceeding should be served on CURE's representative at:

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IV. CONCLUSION

For the foregoing reasons, CURE respectfully requests that the Committee grant its petition to intervene in this proceeding and allow CURE to participate as a party without limitation.

Dated: July 10, 2025

Respectfully submitted,

Original Signed by:

/s/ Kelilah Federman

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