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Description:	CEJA Comment in support of City of Oxnard request for extension of time to file comments on PSA.
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July 12, 2016

Raoul Renaud, Hearing Officer
California Energy Commission
1516 Ninth Street
Sacramento CA 95814-5512

**Re: Request for Extension of PSA Comment Period for Puente Power Project
(Docket No. 15-AFC-01)**

Dear Mr. Renaud:

Pursuant to the Commission Staff's June 29, 2016 Memorandum, the California Environmental Justice Alliance ("CEJA") hereby submits its comments in support of the City of Oxnard's request for an extension of the comment period for the Preliminary Staff Assessment ("PSA") in the above-captioned matter. The request for an extension is timely because, until the parties had a chance to review the PSA, it was not clear how much time would be needed to provide comments. In particular, CEJA needed to conduct an initial review with an eye to the effort of translating the PSA into terms the community could understand before it could determine how great of an extension it would need. CEJA now agrees with, and supports, the request for a 90 day period to analyze the PSA for the Puente Power Project ("P3") for three reasons. First, CEJA represents Oxnard residents who are monolingual Spanish speakers, and requires additional time to convey to them the English-only PSA, and receive their feedback. Second, in CEJA's experience, a 45-day CEQA comment period is far too short to prepare and generate community, legal and technical comments on a lengthy environmental review document that considers a major industrial project in an environmental justice community. Third, the Commission's environmental review process has now been declared the sole venue to examine all environmental justice impacts related to P3 and the electricity system in the Moorpark area, which means the PSA is the community's only opportunity to ensure those impacts are adequately considered and addressed. Overall, the extension of time is critical to properly allow the Commission to learn of P3's impacts and consider the alternatives to P3.

CEJA member and partner organizations organize and represent people who live in environmental justice communities throughout California, including the Central Coast Alliance United for a Sustainable Economy ("CAUSE"), whose members include many Spanish-speaking residents and farmworkers in Oxnard. CEJA appreciates that the CEC's notices regarding the PSA are provided in Spanish as well as English, but the PSA itself is entirely in English. Oxnard's Spanish-speaking residents are engaged around the P3 licensing process, and have been awaiting issuance of the PSA. Because the CEC serves a substantial number of non-English speakers, it must make information concerning the P3 project language accessible. Public participation and comment during any environmental review process are an "essential part

of the CEQA process.” 14 Cal. Code Reg. § 15201. A state court has ruled that “[residents’] meaningful involvement in the CEQA review process [may be] effectively precluded by the absence of the Spanish translation.” *El Pueblo Para el Aire y Agua Limpio v. County of Kings*, 22 Env. L. Rptr. 20357, 20358 (Cal. Super. Ct. 1991). CEJA intends to present the Commission with vital information from these residents who persevere in their efforts to achieve environmental justice and prevent the brunt of P3’s impacts from falling on their communities. The fact that the PSA is presented only in English presents yet another barrier to the Oxnard residents analyzing it, and to the Commission receiving their analysis.

This is not the first time CEJA and its member and partner organizations have engaged with the comment process under the California Environmental Quality Act (“CEQA”) in a predominantly Spanish-speaking community. In their experience, a 45-day CEQA comment period is inadequate to translate and convey to members the substance of a draft environmental report. Here, as pointed out by the City of Oxnard, the PSA is more than 1200 pages. For a non-profit entity like CEJA to engage its legal and technical resources, and work with its community base to provide information, and then relay the community’s comments to the Commission, requires significantly more than 45 days. A new gas-fired power plant in an environmental justice community is a more complicated project than the sort of run-of-the-mill land use decision a 45-day comment period would satisfy. Accordingly, meaningful public participation in this environmental decision-making process requires a full 90 days.

Finally, on June 1, 2016, the California Public Utilities Commission (“PUC”) issued a decision approving the contract between Southern California Edison and NRG for P3. That decision emphasized that the CEC has the responsibility for addressing environmental justice impacts of new gas-fired generation like P3. The PUC concluded that although Oxnard hosts environmental justice communities, including linguistically isolated and at-risk populations, it, as an agency, would not require *utility* analysis of environmental justice. In the PUC’s view, the CEC bears the entire duty to consider and address environmental justice issues. This is a serious responsibility, one that cannot be met if the CEC allows only a bare minimum time for the affected communities to make their voices heard.

CEJA appreciates the hard work staff have invested in the proceeding thus far. We request that you provide additional time, so that parties may engage with the facts raised by the proposed P3 plant in a meaningful way, as contemplated by CEQA and the Warren Alquist Act.

Dated: July 12, 2016

Respectfully Submitted,

By: /s/

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