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**POST-SCOPING WORKSHOP COMMENTS OF CALIFORNIA UNIONS FOR
RELIABLE ENERGY ON POTENTIAL CHANGES TO THE ENERGY
COMMISSION’S SITING COMPLIANCE PROCESS**

Additional submitted attachment is included below.

STATE OF CALIFORNIA
California Energy Commission

In the Matter of:

Siting Compliance Process Review and
Improvement Proceeding

Docket No. 15-OII-01

**POST-SCOPING WORKSHOP COMMENTS OF
CALIFORNIA UNIONS FOR RELIABLE ENERGY
ON POTENTIAL CHANGES TO THE ENERGY COMMISSION'S SITING
COMPLIANCE PROCESS**

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Marc D. Joseph
Rachael E. Koss
Adams Broadwell Joseph & Cardozo
601 Gateway Boulevard, Suite 1000
South San Francisco, CA 94080
(650) 589-1660 Voice
(650) 589-5062 Facsimile
mdjoseph@adamsbroadwell.com
rkoss@adamsbroadwell.com
Attorneys for the CALIFORNIA UNIONS
FOR RELIABLE ENERGY

California Unions for Reliable Energy (“CURE”) submits these post-scoping workshop comments on potential changes to the Energy Commission’s siting compliance process. CURE supports the Commission’s goals of standardizing the compliance process, increasing both transparency of the process and public participation in the process, and improving the implementation of conditions of certification. However, we have concerns with proposals to streamline the petition for modification process by (1) allowing staff more flexibility to approve project changes without involving the Commission itself, and (2) completely excluding certain changes from the petition for modification process.

First, if the Commission considers allowing staff more flexibility to approve project changes without involving the Commission itself, at a minimum, the regulations must state that only those changes that meet the following three factors may be considered for approval by staff: (1) there is no possibility that the changes could result in a significant effect on the environment under the California Environmental Quality Act; (2) the changes require no additional review of or changes to a permit under the Clean Air Act; and (3) the project, with the proposed changes, would comply with all applicable laws, ordinances, regulations and standards pursuant to the Warren-Alquist Act.

Second, if the Commission considers allowing staff more flexibility to approve project changes, the regulations must establish a formal process for public notice and participation in the approval process. The process must include an opportunity for public comment on whether a staff-only approval in that instance is appropriate, as well as public comment on the effects of the project change. This could be in the form of public notice of the change requested, a defined period for a member of the public to object, followed by an appeal process where the public can appeal staff’s approval to the full Commission within a certain amount of time following staff’s approval. Transparency in this instance -- when a project change is subject to staff approval only -- is particularly important because what may appear to be an insignificant change in site arrangement, for example, may have significant consequences. Further, a single minor change may be one change in a series of changes that are collectively significant, requiring additional environmental review.

Finally, the Commission should not entertain the proposal to create specific categories of project changes that are entirely exempt from the petition for modification process. In no instance should the Commission empower project applicants to make unilateral changes to their projects without any Commission review whatsoever. The Commission’s project approval process is thorough, resulting in detailed requirements for project design, construction and operation. Precise conditions of certification are the norm, and the method by which the Commission fulfills both CEQA and the Warren-Alquist Act. It is the Commission’s obligation to protect environmental quality, ensure a project’s continuing compliance with applicable laws, ordinances, regulations and standards, and ensure

a project's conformity with all applicable air quality requirements.¹ Allowing a project applicant to unilaterally change any part of the Commission's license would undermine the Commission's ability to fulfill its obligations.

Thank you for the opportunity to provide comments on potential changes to the Commission's siting compliance process. We look forward to working with the Commission to improve the compliance process.

Respectfully submitted,

/s/

Rachael E. Koss
ADAMS BROADWELL JOSEPH &
CARDOZO

Attorneys for the CALIFORNIA UNIONS
FOR RELIABLE ENERGY

¹ 20 Cal. Code Regs. §§ 1752, 1752.3, 1755.