

## DOCKETED

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*Comment Received From: Turlock Irrigation District*  
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## **Compliance Incident Reporting**

*Additional submitted attachment is included below.*



November 27, 2017

California Energy Commission  
Docket Unit, MS-4  
Docket No. 17-SIT-1  
1516 9<sup>th</sup> Street  
Sacramento, CA 95814-5512

**Subject: Compliance Incident Reporting Comments (17-SIT-1)**

To Whom it may Concern:

The Turlock Irrigation District (the “District”) welcomes the opportunity to comment on the *Compliance Incident Reporting Letter to Interested Parties* (the “Notice,” TN #: 221787). As you know, the District also received a letter in May of 2017 similar to the letter attached to the Notice discussing “Incident-Reporting Requirements” (the District’s “May 2017 Letter”).

In response to the May 2017 Letter, the District sought and received assurances that the Commission was not attempting to amend the Certification for any projects with the May 2017 Letter and that the Commission would not use this new policy as a basis for finding “non-compliance.”

The District believed that these issues were closed until the Notice was published. With the publication of the Notice and the invitation for comments, the issues seem to be back before the Commission. Accordingly, the District believes that the Commission must take several important steps now to avoid creating undue regulatory uncertainty.

First, and foremost, the Commission must confirm in writing that the Compliance Incident Reporting policy is voluntary.

In response to questions posed by the District’s representatives following receipt of the May 2017 Letter, the District was assured that the Compliance Incident Reporting policy is a request for voluntary action. The District was assured that the Compliance Incident Reporting policy does not modify any existing licenses. It is critical that the Commission clearly and unambiguously affirm the voluntary nature of this policy.

Second, and related, the Commission should also clearly articulate that the Compliance Incident Reporting policy will not be used as a basis for finding a CEC-certified project out of compliance

with its Certification. Even the perception of potential “noncompliance” can be damaging to the District. Removing this unnecessary cloud on the District project’s compliance status is paramount.

We note that the exact purpose of the voluntary Compliance Incident Reporting policy is unclear. The District continues to operate two Commission jurisdictional projects in full compliance with the Conditions of Certification as set forth in the Commission’s approvals for the projects. It would be confusing and unduly burdensome to impose an additional, new set of requirements on these facilities. As long as the Compliance Incident Reporting policy remains voluntary, the District has few concerns.

In addition to affirming the voluntary nature of the policy, the District notes that many of the voluntary reporting measures in the Compliance Incident Reporting policy duplicate existing obligations. Issues affecting operational readiness are coordinated with the District’s operations center and its NERC-compliant Balancing Authority. Emergency responses and potential security issues are coordinated with federal, state and local governmental entities, including law enforcement agencies, with jurisdiction over such matters. Chemical inventories and controls are coordinated with the County acting as the local Certified Unified Program Agency (“CUPA”). Workplace issues are overseen by Cal-OSHA. The additional reporting in the Compliance Incident Reporting policy is duplicative and burdensome, diverting resources away from facility operations and incident response.

The District’s CEC jurisdictional power plants and its much more numerous non-CEC jurisdictional facilities are all overseen by the District’s elected Board of Directors. We value our relationships with all responsible agencies, in general, and the Commission, in particular, and see no need to change a successful program that is responsive to all needs.

Thank you for the opportunity to present our thoughts on the Compliance Incident Reporting policy. We look forward to the Commission providing the clarifications we have described as necessary in these comments.

Sincerely,



George A. Davies IV  
Combustion Turbine Department Manager  
Turlock Irrigation District

cc: Jeff Harris, Ellison Schneider & Harris