

<b>DOCKETED</b>	
<b>Docket Number:</b>	17-SIT-02
<b>Project Title:</b>	Compliance Docketing Policy
<b>TN #:</b>	223545
<b>Document Title:</b>	Response to Comments from 01-25-18 Workshop Draft Compliance Docketing Policy
<b>Description:</b>	Draft Docketing Policy Response to Comments
<b>Filer:</b>	Mary Dyas
<b>Organization:</b>	California Energy Commission
<b>Submitter Role:</b>	Commission Staff
<b>Submission Date:</b>	5/23/2018 9:46:52 AM
<b>Docketed Date:</b>	5/23/2018

## CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET  
SACRAMENTO, CA 95814-5512  
[www.energy.ca.gov](http://www.energy.ca.gov)



May 23, 2018

**TO:** Project Owners and Interested Parties

**FROM:** Christine Root, Compliance Office Manager

**SUBJECT: RESPONSE TO COMMENTS FROM JANUARY 25, 2018 WORKSHOP  
DRAFT COMPLIANCE DOCKETING POLICY (17-SIT-02)**

In an effort to create a more transparent compliance process after a project receives a license from the California Energy Commission, staff has developed the attached Compliance Docketing policy.

The Energy Commission Siting, Transmission and Environmental Protection (STEP) Division Compliance Office held a workshop on January 25, 2018 to discuss the Draft Compliance Docketing Policy.

Staff would like to thank everyone for their participation in the workshop. Staff appreciates the comments received and is providing the attached responses to both oral and written comments.

Staff intends to implement the attached Compliance Docketing Policy beginning June 30, 2018.

If you have any questions or concerns, please contact Mary Dyas, Compliance Project Manager, at (916) 1-8891, or by fax to (916) 654-3882, or via e-mail at [mary.dyas@energy.ca.gov](mailto:mary.dyas@energy.ca.gov).

Sincerely,

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Christine Root  
Compliance Office Manager  
Siting, Transmission, & Environmental Protection  
Division

Attachments

- Compliance Docketing Policy
- Responses to Comments

Posted to:

- <http://www.energy.ca.gov/siting/>

## DRAFT COMPLIANCE DOCKETING POLICY

In order to make certain compliance documents available to the public from the Energy Commission's website, the Compliance Project Manager will docket specific final staff-approved compliance submittals to the project's compliance proceeding docket. As a reminder, all documents that are not docketed by staff can be requested through a Public Records Act request unless they are filed under an Application for Confidentiality and approved by the Executive Director.

A list of documents that staff will docket under this policy is provided below:

**Periodic Reports:** The following reports are provided throughout the life of the project and contain information on a variety of technical areas:

- Monthly Compliance Reports (during construction)
- Annual Compliance Reports (during project operation)
- Periodic Compliance Reports (during project operation)
- Quarterly Operating Report (during project operation)

**Other Major Filings and Plans:** Major reports typically provided at the beginning of a project (during the pre-construction, construction, or pre-operation phases) and may be updated when a change in circumstances warrants revising the plan:

- Biological Resources Mitigation Implementation and Monitoring Plan (BRMIMP)
- Avian and Bat Monitoring Plan
- Avian and Bat Monitoring Reports (Seasonal and Annual)
- Technical Advisory Committee/Group (TAC/TAG) Meeting Agendas and Notes
- Evaporation Pond Monitoring Plan
- Periodic (Annual) Compensatory Mitigation Compliance Reports
- Storm Water Pollution Prevention Plan (SWPPP)
- Soil Management Plan
- Noise Control Program
- Paleontological Resources Report
- Paleontological Resources Mitigation and Monitoring Program
- Construction Water Use Plan
- Surface Treatment Plan
- Operational Lighting Plan

- Landscaping Plan
- Demolition Waste Management Plan
- Air Quality Construction/Demolition Mitigation Plan (AQCMP)
- NOISE-1, Public Notification Process
- Traffic Control Plan
- Power Tower Luminance Monitoring Plan
- Heliostat Positioning and Monitoring Plan (or comparable plan for solar trough)

**Staff Generated Compliance Documents:** Reports and letters created by staff to help ensure the on-going compliance of a power plant facility. These documents will be docketed after they have been provided to the project owner.

- Compliance Advice Letters
- Settlement Agreements/Announcements that are published to the Case Settlement Page  
(<http://www.energy.ca.gov/commission/enforcement/litigation/index.php>)
- Periodic Operational Inspection Reports
- Notice to Proceed (with construction)

**COMMENTS ON THE DRAFT COMPLIANCE DOCKETING POLICY (17-SIT-02)**  
**January 25, 2018 Workshop**

Commenters	Comment Category <sup>1</sup>	Staff Response
<p>Jeff Harris, Ellison Schneider Harris &amp; Donlan LLP</p> <p>George Piantka NRG</p> <p>Scott Galati DayZen LLC</p> <p>Melissa Foster Stoel Rives</p>	<p>1. Docketing invites public comment</p> <ul style="list-style-type: none"> <li>- No live links on docketed compliance documents;</li> <li>- No email blast to List Serves when compliance documents are docketed;</li> <li>- Constant docketing of compliance documents;</li> <li>- Docketing compliance documents may encourage the public to “appeal” routine compliance filings.</li> </ul>	<p><i>In the effort to create greater transparency in the Energy Commission’s Energy Facility Compliance Process, staff is proposing to docket some of the compliance submittals<sup>2</sup> that are already available to the public through Public Records Act (PRA) requests.</i></p> <p><i>Except for documents determined to be confidential, all documents submitted to the Energy Commission are available to the public. Therefore, by including compliance documents in the docket, the Energy Commission’s power plant siting and compliance processes remain open and transparent to the public.</i></p> <p><i>The public may participate and provide comments on compliance documents. Providing only a summary of these compliance submittals would not create greater transparency or be in the best interest of the public.</i></p> <p><i>The benefit of creating greater transparency outweighs the risk of the public believing that they can “appeal” a compliance filing. Making these documents more accessible would not change much in terms of public involvement. There have been cases where the public has made the Energy Commission aware of issues with compliance submittals which led to improvements to the document and in turn improvements in the project’s compliance with certain conditions.</i></p>

<sup>1</sup> The Comment Categories are summarized from comments made at the January 25, 2018 workshop as well as comments submitted to the Docket. The audio of the workshop and a link to the docket log can be found at <http://www.energy.ca.gov/siting/>.

<sup>2</sup> A November 14, 2007 letter sent to project owners and interested parties outlines the draft Compliance Docketing Policy and lists the documents proposed. This letter can be found at <http://www.energy.ca.gov/siting/>.

Commenters	Comment Category <sup>1</sup>	Staff Response
<p>Jeff Harris, Ellison Schneider Harris &amp; Donlan LLP</p> <p>George Piantka NRG</p> <p>Scott Galati DayZen LLC</p> <p>Valerie Winn Pacific Gas &amp; Electric</p>	<p>2. Confidentiality</p> <ul style="list-style-type: none"> <li>– Redacting certain information could be time consuming.</li> </ul>	<p><i>Redacted information would be handled through the Energy Commission’s confidentiality process. This process determines if a document is confidential, including which information, if any, should be redacted.</i></p> <p><i>It has been staff’s experience that only in limited circumstances (issues of security, personal information regarding a public complaint), information has been redacted before release to the public.</i></p>
<p>Melissa Foster Stoel Rives</p>	<p>3. Compliance documents are “living” documents.</p> <ul style="list-style-type: none"> <li>– Change over time and can’t really be considered as final</li> </ul>	<p><i>Though some compliance documents may be modified over time, the initial staff approved version of a document will be docketed. The approved plan or report may be updated when a change in circumstances warrants revising the plan, at which time the revised version will be docketed.</i></p> <p><i>Living documents include, but are not limited to the following:</i></p> <ul style="list-style-type: none"> <li>• <i>Biological Resources Mitigation Implementation and Monitoring Plan (BRMIMP)</i></li> <li>• <i>Avian and Bat Monitoring Plan</i></li> <li>• <i>Avian and Bat Monitoring Reports (Seasonal and Annual)</i></li> <li>• <i>Paleontological Resources Mitigation and Monitoring Program</i></li> </ul> <p><i>See the Compliance Docketing Policy for the full list of documents.</i></p>