

DOCKETED	
Docket Number:	23-AFC-03
Project Title:	Black Rock Geothermal Project (BRGP)
TN #:	255592
Document Title:	Petition to Intervene by Supporters Alliance for Environmental Responsibility
Description:	N/A
Filer:	Rebecca Davis
Organization:	Lozeau Drury LLP
Submitter Role:	Intervenor
Submission Date:	4/9/2024 10:43:24 AM
Docketed Date:	4/9/2024

STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

IN THE MATTER OF:

BLACK ROCK GEOTHERMAL PROJECT
APPLICATION FOR CERTIFICATION

Docket No. 23-AFC-03

PETITION TO INTERVENE BY
SUPPORTERS ALLIANCE FOR ENVIRONMENTAL RESPONSIBILITY

April 9, 2024

Rebecca Davis
Victoria Yundt
LOZEAU DRURY LLP
1939 Harrison Street, Suite 150
Oakland, California 94612
510-836-4200
rebecca@lozeaudrury.com
victoria@lozeaudrury.com

Attorneys for Supporters Alliance for
Environmental Responsibility

STATE OF CALIFORNIA

**STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION**

IN THE MATTER OF:

BLACK ROCK GEOTHERMAL PROJECT
APPLICATION FOR CERTIFICATION

Docket No. 23-AFC-03

**PETITION TO INTERVENE BY
SUPPORTERS ALLIANCE FOR ENVIRONMENTAL RESPONSIBILITY**

Pursuant to Cal. Code Regs., tit. 20, § 1211.7, Supporters Alliance for Environmental Responsibility (“SAFER”) respectfully files this Petition to Intervene (“Petition”) in the Black Rock Geothermal Project (“Project”) Application for Certification (“AFC”) proceeding, Docket No. 23- AFC-03. Section 1211.7(a) provides that “any person may file a petition to intervene” by including in the petition “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 scheduling order issued by the Presiding Member of the California Energy Commission Committee on September 15, 2023 set a deadline to file a Petition to Intervene ten days after the filing of the Final Staff Assessment. The Final Staff Assessment has not yet been filed in this matter. Moreover, the default deadline to file a Petition to Intervene is 30 days before the first evidentiary

hearing. (*Id.* § 1211.7(b).) The Committee has not yet set a date for an evidentiary hearing on this matter. Accordingly, this Petition is timely.

I. POSITION AND INTEREST STATEMENT

SAFER is a California public benefit corporation that advocates for programs and policies that promote good jobs and a healthy natural and working environment for workers and their families.

SAFER regularly advocates for changes to projects that will further SAFER's purposes including changes that minimize harm to wildlife; reduce greenhouse gas, air quality, and water quality impacts; preserve open and wild spaces for use and enjoyment by SAFER members and future generations; and minimize risks to human health and safety.

Members of SAFER live, work, and recreate in Imperial County in areas that will be affected by the proposed Black Rock Geothermal plant. These members will suffer the impacts of a poorly executed or inadequately mitigated Project.

Environmental degradation impacts quality of life for SAFER's members, many of whom live in geographic areas of the State, including the Imperial County, most impacted by water restrictions, poor air quality, increased temperatures, hazardous waste storage, and their associated health outcomes. Well-designed projects that reduce environmental impacts improve long-term economic and social outcomes. It is in SAFER's interest to ensure that the Project is adequately analyzed and that its environmental and public health impacts are mitigated to the fullest extent feasible.

While SAFER supports the development of clean, renewable energy technology, including the use of geothermal energy where feasible, an important part of SAFER's ongoing advocacy involves participating in and, where appropriate, challenging Projects that would result in harmful environmental effects, or the violation of environmental laws, to the detriment of SAFER's members.

II. GROUNDS FOR INTERVENTION AND EXTENT OF PARTICIPATION

The Commission has routinely granted requests to intervene by environmental organizations, labor unions, and similar coalitions in prior siting cases and permit proceedings for power plants. In this matter, the Commission has already granted Petitions to Intervene filed by California Unions for Reliable Energy (CURE) and United Automobile, Aerospace and Agricultural Implement Workers of America (UAW) Region 6. The same decision should be reached here.

SAFER regularly participates in CEQA proceedings throughout the State. In doing so, SAFER identifies deficiencies in environmental analyses including unanalyzed or inaccurately analyzed environmental impacts and proposes additional feasible mitigation measures to reduce or avoid significant impacts on, *inter alia*, biological resources, air quality, water quality and capacity, noise, energy, geology and soils, and climate change.

If granted intervention, SAFER intends to participate in all phases of this proceeding. SAFER intends to participate in all topics relevant to the Commission's consideration of the Project including, but not limited to: project

alternatives, environmental baseline, air quality and greenhouse gas impacts, impacts on biological resources, water quality and quantity impacts, public health and worker safety impacts, cumulative impacts, geologic hazards and resources, recreation impacts, compliance with all applicable laws, environmental baseline, alternatives analysis, and adequate mitigation measures. SAFER reserves the right to participate in other topics as well.

SAFER seeks to participate fully as a party in the proceeding to ensure that evidence of the Project's potential impacts is fully presented to the Commission and that Project impacts are adequately mitigated. SAFER 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 SAFER's representatives at:

Rebecca Davis
Victoria Yundt
Lozeau Drury LLP
1939 Harrison Street, Suite 150
Oakland, California 94612
510-836-4200
rebecca@lozeaudrury.com
victoria@lozeaudrury.com

IV. CONCLUSION

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

Dated: April 9, 2024

Respectfully submitted,

/s/ Rebecca L. Davis

Rebecca Davis

Victoria Yundt

Lozeau Drury LLP

1939 Harrison Street, Suite 150

Oakland, California 94612

510-836-4200

rebecca@lozeaudrury.com

victoria@lozeaudrury.com

Attorneys for Supporters Alliance
for Environmental Responsibility

DOCKETED	
Docket Number:	23-AFC-03
Project Title:	Black Rock Geothermal Project (BRGP)
TN #:	256299
Document Title:	ORDER GRANTING PETITION TO INTERVENE FILED BY SUPPORTERS ALLIANCE FOR ENVIRONMENTAL RESPONSIBILITY - Black Rock
Description:	N/A
Filer:	Wendi DuBose
Organization:	California Energy Commission
Submitter Role:	Commission Staff
Submission Date:	5/10/2024 4:44:22 PM
Docketed Date:	5/10/2024

CALIFORNIA ENERGY COMMISSION

715 P Street
Sacramento, California 95814
energy.ca.gov
CEC-70 (Revised 7/2022)



*APPLICATION FOR CERTIFICATION
FOR THE:*

Black Rock Geothermal Project

Docket No. 23-AFC-03

**ORDER GRANTING PETITION TO INTERVENE FILED BY
SUPPORTERS ALLIANCE FOR ENVIRONMENTAL RESPONSIBILITY**

Upon consideration of the Petition to Intervene (Petition)¹ filed by Supporters Alliance for Environmental Responsibility, (SAFER or Petitioner) in the application for certification (AFC) of the Black Rock Geothermal project (Project),² the California Energy Commission (CEC) committee designated to conduct proceedings in this matter (Committee)³ makes the following findings:

1. On April 9, 2024, the Petition was filed by:

Supporters Alliance for Environmental Responsibility

Victoria Yundt
Rebecca Davis
LOZEAU DRURY LLP
1939 Harrison Street, Suite 150
Oakland, California 94612
510-836-4200
Victoria@lozeaudrury.com
rebecca@lozeaudrury.com

¹ The AFC and all filed documents related to the Black Rock proceeding are available via the "Docket Log (23-AFC-03)" link on the [Black Rock proceeding web page](https://www.energy.ca.gov/powerplant/steam-turbine/morton-bay-geothermal-project-mbgp) at <https://www.energy.ca.gov/powerplant/steam-turbine/morton-bay-geothermal-project-mbgp>. The petition is TN 255592.

² The AFC comprises many separate documents filed in the docket beginning April 18, 2023, e.g., Volume 1 is TN 249752.

³ On May 31, 2023, the CEC adopted an order appointing the following committee: Commissioner Gallardo as Presiding Member and Commissioner McAllister as Associate Member. (TN 250454.)

2. The Petition contains the information required by the CEC's regulations.⁴
3. SAFER's Petition states it intends to participate in all topics relevant to the CEC's consideration of the Project including, but not limited to, project alternatives, environmental baseline, air quality and greenhouse gas impacts, impacts on biological resources, water quality and quantity impacts, public health and worker safety impacts, cumulative impacts, geologic hazards and resources, recreation impacts, compliance with all applicable laws, environmental baseline, alternatives analysis, and adequate mitigation measures. SAFER reserves the right to participate in other topics as well.⁵
4. No opposition to the Petition has been filed, and the deadline for such opposition was April 23, 2024.
5. Petitioner has demonstrated a bona fide interest in the Project and has demonstrated possession of information or expertise that may help the Committee in preparing a proposed decision.
6. Petitioner's stated interests are relevant to the above-captioned proceeding.
7. Intervention is granted at the Committee's discretion to the degree that it finds intervention reasonable and relevant. The Presiding Member or Committee may impose conditions on all intervenors' participation to promote the orderly conduct of the proceeding.

THEREFORE, the Committee **ORDERS** that the Petition be **GRANTED** and that Petitioner may participate on the following topic areas as requested:

- **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**

⁴ Cal. Code Regs., tit. 20, § 1211.7, subd. (a).

⁵ TN 254305, pp. 5-6.

- **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**
- **worker safety**

The Committee further **ORDERS** that Petitioner's name be placed upon the Project's Proof of Service List as an intervenor. Petitioner may exercise the rights and shall fulfill the obligations of a party as set forth in all orders issued in the proceeding and California Code of Regulations, title 20, section 1211.7(a). Deadlines and other matters shall not be extended or changed by the granting of the Petition.⁶

Petitioner's intervention is subject to modification at the discretion of the Presiding Member or the Committee. The CEC welcomes and values intervenor participation in its energy facility siting process. The Public Advisor's webpage [Public Participation in Siting Cases](https://www.energy.ca.gov/programs-and-topics/topics/power-plants/public-participation-siting-cases) can be found at <https://www.energy.ca.gov/programs-and-topics/topics/power-plants/public-participation-siting-cases>. Portions of the [CEC's regulations](#) relating to power plant siting cases (Title 20) can be found at <https://www.energy.ca.gov/programs-and-topics/topics/power-plants/power-plant-siting-certification-title-20>.

As an intervenor, Petitioner is required to file and serve documents on other parties and to follow the CEC's procedures and orders regarding presenting witnesses and evidence. Petitioner is further required to review the rules regarding filings, the rules of evidence that apply at the Evidentiary Hearings, and the rules prohibiting off-the-record contacts with commissioners, their advisors, or the hearing officer(s) about the Project. Petitioner's failure to fulfill these responsibilities may result in the Committee limiting or precluding Petitioner's participation in the proceedings.

⁶ Cal. Code Regs., tit. 20, § 1211.7, subd. (d).