

**Rio Mesa Solar Electric Generating Facility (RMSEGF)
(11-AFC-4)**

**Applicant's General Comments and Comments to Conditions of Certification
on the Preliminary Staff Assessment**

WORKER SAFETY AND FIRE PROTECTION

GENERAL COMMENTS

1. The Executive Summary contained in Part B of the PSA included additional language for Worker Safety and Fire Protection that was not originally provided in the Worker Safety and Fire Protection section included in Part A of the PSA. Applicant recommends the deletion of Worker Safety 9 as addressed within the Executive Summary for the following reasons:
 - The County vehicle for compensation for impacts on County Services including fire facilities is Ordinance 659 (which I have attached). Please see pages 6 and 7 for the fees in the specific area for RMS.
 - Within the Land Use Section of the PSA, CEC Staff incorrectly determined the Ordinance 659 fee in the Land Use Section to be ~\$25 million. This large figure understandably caused the Staff concern. Please be aware that Riverside County assesses the areas of impact from Utility Scale Solar projects as “Occupied” and “Industrial”, and they are defined as follows¹.
 - “Occupied” is everything within the fenceline
 - “Industrial” includes paved roads, power blocks, inverters, substations, and O&M Buildings; it does not include solar arrays, roads through the arrays for access and cleaning, ponds, settling basins or the like
 - Riverside County Planning Department determines the DIF for solar power plants based on the “Industrial” component as defined by the County¹. Using the County’s approved methodology, the total impact acreage for fee calculation for RMS would be approximately 87 acres, which is a small subset of the 3,805 acres.
2. Because the County has an Ordinance that is specifically designed to compensate it for impacts to County Services including Fire Facilities, and BrightSource has prepared a Fire Facilities impact assessment with a third party contractor already in response to a CEC Data Request, there is no reason for another Fire Needs Assessment Study to be performed.

For the reasons described above, Applicant sees no valid reason to hold up publication of the FSA with respect to determination of impacts to or compensation for fire and emergency service facilities. Applicant requests removal of this provision as discussed further in Specific Comment #1.

¹ Per John Snell on October 16, 2012, who spoke with the Riverside County Planning Director and confirmed this is the correct interpretation of the application of Ordinance 659 with respect to utility scale solar facilities.

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FINDINGS OF FACT

No findings of fact listed in this section of the PSA.

PROPOSED CONDITIONS OF CERTIFICATION

1. **Page 4.15-27, WORKER SAFETY-1:** Eyesight protection will be addressed in the Personal Protective Equipment Program as identified in the Construction Safety and Health Program. The Personal Protective Equipment Program will ensure that workers in the solar field receive and wear appropriate protective sunglasses. The Personal Protective Equipment Program will establish the requirements and procedures for the use of protective eye protection equipment and will provide training and, monitoring of worker use of the PPE and compliance with worker safety procedures. Please revise as follows:

WORKER SAFETY-1 The project owner shall submit to the compliance project manager (CPM) a copy of the Project Construction Safety and Health Program containing the following:

- a Construction Personal Protective Equipment Program;
- a Construction Exposure Monitoring Program;
- a Construction Injury and Illness Prevention Program;
- a Construction Heat Stress Protection Plan that implements and expands on existing Cal OSHA regulations as found in 8 CCR 3395;
- a Construction Emergency Action Plan;
- a Construction Fire Prevention Plan that includes the above-ground fuel depot; and
- ~~an Eyesight Protection from Retinal Damage Plan that is designed to insure that workers in the solar field receive and wear the appropriate protective sunglasses. This Eyesight Protection from Retinal Damage Plan would:~~
 - (1) ~~identify and acquire the appropriate eye protection (EP) equipment based on the IEC 62471 standards in sufficient numbers to provide safety glasses for the workers engaged in solar field work, and tower work where the potential exists for heliostat solar reflective exposure or SRSR exposure during operations,~~
 - (2) ~~establish the requirements and procedures for the donning and doffing of the EP by workers and provide training and,~~
 - (3) ~~monitor worker use of the PPE and compliance with the EP procedures.~~

Verification: The Personal Protective Equipment Program, the Exposure Monitoring Program, the Injury and Illness Prevention Program, the Heat Stress Protection Plan, and the Eyesight Protection from Retinal Damage Plan shall be submitted to the CPM for review and approval to document compliance of the program with all applicable safety orders. The Construction Emergency Action Plan and the Fire Prevention Plan shall be submitted to the Riverside County Fire Department for review and comment within 2 weeks of receipt, prior to submittal to the CPM for approval.

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2. **Page 4.15-28, WORKER SAFETY-2:** Eyesight protection will be addressed in the Personal Protective Equipment Program as identified in the Operations and Maintenance Safety and Health Program. The Personal Protective Equipment Program will ensure that workers in the solar field receive and wear appropriate protective sunglasses. The Personal Protective Equipment Program will establish the requirements and procedures for the use of protective eye protection equipment and will provide training and, monitoring of worker use of the PPE and compliance with worker safety procedures. Please revise Worker Safety-2 as follows:

WORKER SAFETY-2 The project owner shall submit to the CPM a copy of the Project Operations and Maintenance Safety and Health Program containing the following:

- an Operation Injury and Illness Prevention Plan;
- an Operation Heat Stress Protection Plan that implements and expands on existing Cal OSHA regulations (Cal. Code of Regs., tit. 8, § 3395);
- a Best Management Practices (BMP) for the storage and application of herbicides and pesticides;
- an Emergency Action Plan;
- Hazardous Materials Management Program;
- Fire Prevention Plan that includes the fuel depot should the project owner elect to maintain and operate the fuel depot during operations (8 Cal Code Regs. § 3221);
- Personal Protective Equipment Program (Cal Code Regs., tit. 8, §§ 3401—3411); and
- ~~• an Eyesight Protection from Retinal Damage Plan that is designed to insure that workers in the solar field receive and wear the appropriate protective sunglasses. This Eyesight Protection from Retinal Damage Plan would:~~
 - ~~(1) — identify and acquire the appropriate eye protection (EP) equipment based on the IEC 62471 standards in sufficient numbers to provide safety glasses for the workers engaged in solar field work, and tower work where the potential exists for heliostat solar reflective exposure or SRSR exposure during operations,~~
 - ~~(2) — establish the requirements and procedures for the donning and doffing of the EP by workers and provide training and,~~
 - ~~(3) — monitor worker use of the PPE and compliance with the EP procedures.~~

Verification: The Operation Injury and Illness Prevention Plan, Heat Stress Protection Plan, BMP for Herbicides, and Personal Protective Equipment Program, and the Eyesight Protection from Retinal Damage Plan shall be submitted to the CPM for review and comment concerning compliance of the programs with all applicable safety orders. The Fire Prevention Plan and the Emergency Action Plan shall also be submitted to the Riverside County Fire Department for review and comment within 2 weeks after receipt.

3. **Page 4.15-31, WORKER SAFETY-6:** Please revise this condition as follows:

WORKER SAFETY-6 The project owner shall provide a second access gate if required at the time of development by the Riverside County Fire Department for emergency

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personnel to enter the site . ~~This secondary access gate shall be at least one quarter mile from the main gate.~~

Plans for the secondary access gate and the method of gate operation shall be submitted to the Riverside County Fire Department for review and comment and to the CPM for review and approval.

Verification: At least sixty (60) days prior to the start of site mobilization, the project owner shall submit to the Riverside County Fire Department for review and comment within 2 weeks after receipt and to the CPM for review and approval preliminary plans showing the location of a second access gate to the site, if required, and a description of how the gate will be opened by the fire department. The final plan submittal shall also include a letter containing comments from the Riverside County Fire Department or a statement that no comments were received.

4. **Page 4.15-31, WORKER SAFETY-7:** The dust (PM10) control measures found in the Air Quality section of this PSA should be strictly adhered to in order to adequately reduce the risk of contracting Valley Fever to a less than significant level. Dust control for the project as required, will be addressed in **AQ-SC3**, and is not a part of the Worker Safety Program. The use of dust masks will be addressed in the Personal Protective Equipment Programs as identified in the Construction Safety and Health Program and the Operations and Maintenance Health and Safety Program. The Personal Protective Equipment Programs will ensure that workers receive and wear appropriate dust masks during earthmoving activities. The Personal Protective Equipment Program will establish the requirements and procedures for the use of dust masks and will provide training and, monitoring of worker use of the PPE and compliance with worker safety procedures. For these reasons, WORKER SAFETY-7 should be deleted in its entirety:

~~**WORKER SAFETY 7** The project owner shall develop and implement an enhanced Dust Control Plan that includes the requirements described in **AQ-SC3** and additionally requires:~~

- ~~a) site worker use of dust masks (NIOSH N 95 or better) whenever visible dust is present;~~
- ~~b) implementation of methods equivalent to Rule 402 of the Kern County Air Pollution Control District (as amended Nov. 3, 2004); and~~
- ~~c) implementation of enhanced dust control methods (increased frequency of watering, use of dust suppression chemicals, etc. consistent with **AQ-SC4**) immediately whenever visible dust comes from or onto the site or when PM10 measurements obtained when implementing b) (above) exceed 50 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$).~~

~~**Verification:** At least 60 days prior to the commencement of site mobilization, the enhanced Dust Control Plan shall be provided to the CPM for review and approval.~~

5. **Page 4.15-31, WORKER SAFETY-8:** Please revise as follows

WORKER SAFETY-8 The project owner shall comply with NFPA 56(PS) and not allow any fuel gas pipe cleaning activities on site, either before placing the pipe into service or at any time during the lifetime of the facility, that involve “flammable gas blows” where

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natural (or flammable) gas is used to blow out debris from piping and then vented to atmosphere. Instead, an inherently safer method involving a non-flammable gas (e.g. air, nitrogen, steam) or mechanical pigging shall be used. Pursuant to NFPA 56(PS), exceptions to this provision may be allowed only if no other satisfactory method is available, and then only with the approval of the CPM.

Verification: At least 30 days before any fuel gas pipe cleaning activities are conducted onsite involving fuel gas pipe of four-inch or greater external diameter, the project owner shall submit a copy of ~~a~~ the Fuel Gas Pipe Cleaning Work Plan which shall indicate the method of cleaning to be used, what gas will be used, the source of pressurization, and whether a mechanical PIG will be used, to the CBO for information and to the CPM for review and approval.

6. **Page 4.15-31, WORKER SAFETY-9:** Refer to Specific Comment #1 regarding Riverside Board Policy B-29 and County Ordinance No. 659. Please delete Worker Safety-9 in its entirety. As recommended in that comment, WORKER SAFETY-9 should be deleted in its entirety.

~~**WORKER SAFETY 9** In the event that Riverside County Solar Policy B-29 is overturned, the project owner shall either:~~

~~(1) Reach an agreement with the Riverside County Fire Department (RCFD) regarding funding of its project related share of capital and operating costs to improve fire protection/emergency response infrastructure and provide appropriate equipment as mitigation of project related impacts on fire protection/emergency response services within the jurisdiction; **or**~~

~~(2) If no agreement can be reached, the project owner shall fund a study (the "independent fire needs assessment and risk assessment") conducted by an independent contractor who shall be selected by the project owner and approved by the Energy Commission compliance project manager (CPM), in consultation with Riverside County Fire Department, and fulfill all mitigation identified in the independent fire needs assessment and a risk assessment. The study shall evaluate the project's proportionate funding responsibility for the above identified mitigation measures, with particular attention to emergency response and equipment/staffing/location needs.~~

~~Should the project owner pursue option (2), above, the study shall evaluate the following:~~

~~(a) the project's proportionate (incremental) contribution to potential cumulative impacts on the RCFD and the project allocated costs of enhanced fire protection/emergency response services including the fire response, hazardous materials spill/leak response, rescue, and emergency medical services necessary to mitigate such impacts;~~

~~(b) the extent that the project's contribution to local tax revenue will reduce impacts on local fire protection and emergency response services; and~~

~~(c) recommend an amount of funding (and corresponding payment plan) that represents the project's proportional payment obligation for the above identified mitigation measures.~~

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Compliance Protocols shall be as follows:

~~(a) the study shall be conducted by an independent consultant selected by the project owner and approved by the CPM. The project owner shall provide the CPM with the names of at least three consultants, whether entities or individuals, from which to make a selection, together with statements of qualifications;~~

~~(b) the study shall be fully funded by the project owner.~~

~~(c) the project owner shall provide the protocols for conducting the independent study for review and comment by the RCFD and review and approval by the CPM prior to the independent consultant's commencement of the study;~~

~~(d) the consultant shall not communicate directly with the project owner or RCFD without express prior authorization from the CPM. When such approval is given, the CPM shall be copied on any correspondence between or among the project owner, RCFD, and the consultant (including emails) and included in any conversations between or among the project owner, RCFD and consultant; and~~

~~(e) the CPM shall verify that the study is prepared consistent with the approved protocols, or~~

~~(3) If the project owner and RCFD do not agree to the recommendations of the independent consultant's study, the Energy Commission or its designee shall, based on the results of the study and comments from the project owner and RCFD, make the final determination regarding the funding to be provided to the RCFD to accomplish the above-identified mitigation.~~

~~No construction shall occur until funding of mitigation occurs pursuant to either of the resolution options set forth above.~~

Verification: At least five (5) days before start of construction, the project owner shall provide to the CPM:

~~(1) A copy of the individual agreement with the RCFD; and evidence in each January Monthly Compliance Report that the project owner is in full compliance with the terms of such agreement; or~~

~~(2) A protocol, scope and schedule of work for the independent study and the qualifications of proposed contractor(s) for review and approval by the CPM; a copy of the completed study showing the precise amount the project owner shall pay for mitigation; and documentation that the amount has been paid.~~

~~Annually thereafter, the owner shall provide the CPM with verification of funding to the RCFD if annual payments were approved or recommended under either of the above-described funding resolution options.~~

7. **Page 4.15-31, WORKER SAFETY-10:** Refer to Specific Comment #1 regarding Riverside Board Policy B-29 and County Ordinance No. 659. Please delete Worker Safety-10 in its entirety.

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~~**WORKER SAFETY 10**~~ In the event that Riverside County Solar Policy B-29 is overturned, the project owner shall:

Provide a \$200,000 payment to Riverside County Fire Department prior to the start of construction. This funding shall off set any initial funding required by ~~**WORKER SAFETY 9**~~ above until the funds are exhausted. This offset will be based on a full accounting by the Riverside County Fire Department regarding the use of these funds.

~~**Verification:**~~ At least five (5) days prior to the start of construction the project owner shall provide documentation of the payment described above to the CPM. The CPM shall adjust the payments initially required by ~~**WORKER SAFETY 9**~~ based upon the accounting provided by the Riverside County Fire Department.