

DOCKETED

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Air Quality Testimony of Jacquelyn Leyva Record

Staff has had an opportunity to review the Petitioner’s filing dated November 13, 2013. In that filing the Petitioner questioned the use of certain Air Quality data, specifically the use of what appears to be an outlier in the data. To ensure an accurate analysis, Staff went back and reviewed the air monitoring stations’ values and has decided to retract the Blythe Amendment staff assessment recommended background value. Looking at the Air Resources board website, the 133 ug/m³ suggested by staff was more of an anomaly. Out of the four highest recorded values over the past 5 years from 2008 to 2012, the July 18, 2009 was almost twice the value of the next highest during the past five years. The next highest value was recorded on April 30th, 2008 at 73 ug/m³. Because the most conservative representative value is 73 ug/m³, staff has decided to leave the more conservative value used as background for the approved project of 83 ug/m³. The approved project background value was shown to be a high from the Blythe monitoring station; however, after 2009 this station was no longer an active monitoring station. Staff needed to obtain current data in Riverside County; as a result staff used the Palm Springs Fire Station monitoring station for current background concentrations. Changing the background value does not change the fact, as noted in the Staff Assessment, that the proposed amended project has lower PM10 emissions than the licensed thermal project and that the existing proposed mitigation measures would be sufficient to mitigate the projects PM10 impacts.

Table 1: Top 4 Summary: Highest 4 Daily 24-Hour PM10 Averages

<i>Palm Springs- Fire Station</i>	2008		2009		2010		2011		2012	
	Date	24-hr avg.	Date	24-hr avg.	Date	24-hr avg.	Date	24-hr avg.	Date	24-hr avg.
First High:	30-Apr	73	18-Jul	133	19-Feb	37	18-Oct	41	8-Jun	37
Second High:	28-Aug	63	4-Sep	41	20-Apr	36	15-Apr	37	21-May	29
Third High:	1-Mar	55	1-Apr	37	19-Jun	33	8-Feb	35	15-May	27
Fourth High:	12-May	53	13-May	35	19-Jul	33	8-Jul	34	20-Jun	26

Source: <http://www.arb.ca.gov/adam/topfour/topfour1.php>

Worker Safety and Fire Protection

Testimony of Alvin Greenberg, Ph.D.

Nov. 13, 2013

I was the author of the **Worker Safety and Fire Protection** section of the Staff Assessment. Regarding proposed Condition **WORKER SAFETY-8**, after considering the information in the Final Decision (dated October 23, 2010), in my section in the Staff Assessment (SA, dated September 2013), the suggested edits by the petitioner in its filing entitled "NextEra Blythe Solar Energy Center LLC's Initial Comments on the Staff Assessment, Parts A and B" (dated Nov. 7, 2013), and in its filing entitled "NextEra Blythe Solar Energy Center LLC's Prehearing Statement and Testimony" (dated November 13, 2013), I now revise my testimony in the following manner.

WORKER SAFETY-8

In order to address the latest understanding of the threat posed by the fungus (*C.immitis*) that causes Valley Fever (VF), this Condition was revised by staff to clarify the requirement found in the Final Decision (see page 187) to conduct PM10 measurements during the construction phase as an additional tool to ensure that the dust control program was implemented properly and effectively. The petitioner argues that because Riverside County is not among the highest areas of concentrations of the fungus that causes Valley Fever, that the area of land disturbance with the revised BSPP would be far less than the original project, that construction activities might not be a cause of VF outbreaks, and that the mechanics of monitoring particulate matter less than 10 microns (PM10) may not provide useful information in real-time, this existing requirement within **WORKER SAFETY-8** and staff's proposed clarification should be removed. The petitioner noted that during the construction of the Genesis and Desert Sunlight projects -- both located in eastern Riverside County not too distant from the site of the proposed BSPP -- no cases of Valley Fever have been reported during the past three years of grading and construction involving approximately 5,000 workers. The petitioner also provided a map from a Riverside County Department of Public Health Informational Bulletin (August 2012, Volume 6) showing no cases of Valley Fever east of the Coachella Valley of Valley Fever in Riverside County between 2006-2010 and stated that Riverside County Department of Public Health claims in a personal conversation of 11/12/13 that there was only one reported case of Valley Fever in the Blythe area during this five year time period

Staff believes that the petitioner has made a cogent argument for its position that monitoring PM10 at the BSPP site would not add to worker protection from the fungus (*C.immitis*) that causes Valley Fever. Also, in reviewing this requirement, staff has a better understanding of the petitioner's concern about the details of a PM10 sampling and analysis protocol (including equipment to be used, locations of samplers, the duration and frequency of sampling), what action levels are appropriate, and what action should be taken when exceedances are found. Although staff notes that real-time PM10 monitors are available, are reasonably accurate, and can be quite useful for the purpose of evaluating dust suppression methods, their use at this time and on this project at this location is not warranted.

Staff therefore agrees with the petitioner and has removed the proposed requirement for the project owner to conduct PM10 monitoring during construction activities. **WORKER SAFETY-8** should now read the following:

WORKER SAFETY-8 The project owner shall develop and implement an enhanced Dust Control Plan that includes the requirements described in **AQ-SC3** and additionally requires:

1. Site worker use of dust masks (NIOSH N-95 or better) whenever visible dust is present; and
2. 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.

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.