



CH2M HILL
2485 Natomas Park Drive
Suite 600
Sacramento, CA 95833
Tel 916-920-0300
Fax 916-920-8463

May 19, 2009
File No.: 04.02.16.02
Project No. 357891

DOCKET	
07-AFC-5	
DATE	<u>May 19 2009</u>
RECD.	<u>May 19 2009</u>

Mr. John Kessler, Project Manager
California Energy Commission
Systems Assessment and Facilities Siting Division
1516 9th Street, MS 15
Sacramento, CA 95814-5504

RE: Supplemental Data Response, Set 2C
Ivanpah Solar Electric Generating System (07-AFC-5)

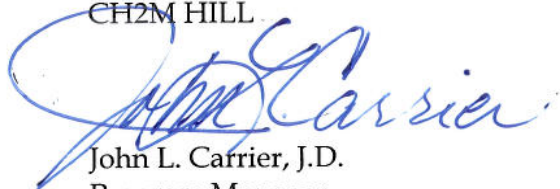
Dear Mr. Kessler:

On behalf of Solar Partners I, LLC, Solar Partners II, LLC, Solar Partners IV, LLC, and Solar Partners VIII, LLC, please find attached one original and four hard copies and five CD copies of the Supplemental Data Response, Set 2C, which provides a Health and Safety Plan.

Please call me if you have any questions.

Sincerely,

CH2M HILL



John L. Carrier, J.D.
Program Manager

Enclosure
c: POS List
Project File

Ivanpah Solar Electric Generating System (ISEGS)

(07-AFC-5)

Supplemental Data Response, Set 2C

(Response to Data Request: Worker Safety)

Submitted to the
California Energy Commission

Submitted by
Solar Partners I, LLC; Solar Partners II, LLC; Solar Partners IV, LLC;
and Solar Partners VIII, LLC

May 19, 2009

With Assistance from

CH2MHILL
2485 Natomas Park Drive
Suite 600
Sacramento, CA 95833

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Introduction

Attached is a supplemental response by Solar Partners I, LLC; Solar Partners II, LLC; Solar Partners IV, LLC; and Solar Partners VIII, LLC (Applicant) to the California Energy Commission (CEC) Staff's data request for the Ivanpah Solar Electric Generating System (Ivanpah SEGS) Project (07-AFC-5). This data request was the result of the PSA workshop discussion held at Primm, Nevada on January 9, 2009. As before, within each discipline area, the responses are presented in alphabetical order and are numbered for tracking and reference convenience. New graphics or tables are numbered in reference to the Supplemental Data Request number. For example, if a table were used in response to Data Request BR-5, it would be numbered Table BR5-1. The first figure used in response to Data Request BR-5 would be Figure BR5-1, and so on.

The Applicant looks forward to working cooperatively with the CEC and Bureau of Land Management (BLM) staff and the other resource agencies as the Ivanpah SEGS Project proceeds through the licensing process. We trust that these responses address the Staff's questions and we remain available to have any additional dialogue the Staff may require.

Worker Safety (WS-1)

WS-1 On January 15, 2009, following the PSA workshop held in Primm, Tom Hurshman (BLM's Project Manager) provided the Applicant with a list of documents that BLM needed in order to prepare its Environmental Impact Statement. In that list it stated that BLM needs a conceptual health and safety plan for the construction and operation phases to include in the analysis.

Response: A Draft Health and Safety Plan has been prepared by the Applicant and is provided as Attachment WS-1A. It should be noted that the Applicant is in the process of selecting an EPC contractor. Once selected, the EPC contractor will prepare a site-specific and company-specific health and safety plan for the project. It will be provided to the agencies once it's available.

ATTACHMENT WS-1A

Bright Source Energy

Contractor

Safety and Health

Standards

DRAFT

**BRIGHT SOURCE ENERGY CONTRACTOR
SAFETY and HEALTH STANDARDS**

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**BRIGHT SOURCE ENERGY CONTRACTOR
SAFETY and HEALTH STANDARDS**

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**BRIGHT SOURCE ENERGY CONTRACTOR
SAFETY and HEALTH STANDARDS**

EXHIBITS

- Exhibit A Recordkeeping and Reporting Requirements**
- Exhibit B Safe Work Practices – Site Safety Rules**
- Exhibit C Contractor Safety Assessment Program Checklist**
- Exhibit D Safety Adherence Policy and Procedure**

DRAFT

**BRIGHT SOURCE ENERGY CONTRACTOR
SAFETY and HEALTH STANDARDS**

1.0 MISSION STATEMENT

**BRIGHT SOURCE ENERGY
SAFETY, HEALTH & ENVIRONMENTAL
MISSION STATEMENT**

Bright Source Energy is committed to proactively protecting human health and the environment. We will operate our business in a manner that consciously safeguards our employees, customers and communities in which we do business. In striving for responsible environmental, health and safety stewardship, Bright Source Energy pledges to:

- Diligently develop, construct and operate our facilities in an environmentally responsible manner that promotes pollution prevention and places the highest priority on health and safety.
- Operate facilities that meet all applicable federal, state and local environmental, health and safety rules, regulations, ordinances and statutes as well as recognized industry guidelines and standards.
- Continually measure, evaluate and improve our environmental, health and safety performance.
- Promote environmental, health and safety awareness that fosters a caring, ownership-driven culture among employees, contractors and vendors.

BRIGHT SOURCE ENERGY CONTRACTOR SAFETY and HEALTH STANDARDS

2.0 PURPOSE

The purpose of this document is to define minimum Contractor Safety Standards while performing work or services at Bright Source Energy or Bright Source Energy-controlled premises. It also defines safety criteria for the qualification and selection of contractors, subcontractors and/or vendors.

It is a contractual requirement that Bright Source Energy contractors and vendors comply with all State and Federal safety, health and environmental regulations that apply to their work or services. Furthermore, it is required that any additional Bright Source Energy standards or Site-Specific standards be adhered to.

If any Company, Bright Source Energy, State, Federal or other safety rule, regulation or standard is in conflict, the most stringent requirement will be adhered to.

3.0 SCOPE

This program has been developed to include regulatory safety requirements as well as industry best practices and Bright Source Energy standards into the work environment; therefore, all contractors, subcontractors and vendors performing work at or for Bright Source Energy shall assure compliance and shall adhere to these requirements and standards as they apply to their scope of work.

4.0 DEFINITIONS

- 4.1 **Incident** – An unplanned or unwanted occurrence that results in injuries, damage to property or the environment, lost production, or lost profit opportunities.
- 4.2 **Near - Misses** – Is a situation that was observed and corrected prior to resulting in one of the above incidents.
- 4.3 **Bright Source Energy** – Means Bright Source Energy Corporation and any of its affiliates.
- 4.4 **Contractor** – Means any contractor, vendor or service company.

5.0 REFERENCES

- 5.1 **29CFR 1910 OSHA General Industry Safety Standards**
- 5.2 **29CFR 1926 OSHA Construction Safety Standards**
- 5.3 **Applicable Approved State OSHA Plans**

BRIGHT SOURCE ENERGY CONTRACTOR SAFETY and HEALTH STANDARDS

5.4 NFPA - National Fire Protection Association

5.5 ANSI - American National Standards Institute

5.6 DOT – Department Of Transportation

6.0 RESPONSIBILITIES

When a responsibility is defined for a certain position in this document, a designee may perform activities related to the responsibility.

6.1 Bright Source Energy Project Manager

The Bright Source Energy Project Manager is responsible to ensure all Bright Source Energy projects are managed in accordance with specifications in the contract, Bright Source Energy Safety Standards, site-specific regulations and all applicable State and Federal regulations.

6.2 Bright Source Energy Site Safety Representative

The Bright Source Energy Site Safety Representative shall assist in safety, health and environment activities related to construction to ensure compliance with applicable regulations, industry and Bright Source Energy standards and site-specific safety regulations.

The Bright Source Energy Site Safety Representative will periodically assess construction activities to ensure contractors are performing their tasks in accordance with the contract, Bright Source Energy Safety Standards and applicable agency safety regulations.

6.2 Bright Source Energy Safety and Health Manager

The Bright Source Energy Safety and Health Manager shall assist in the contractor evaluation process, contractor assessment process and development of site-specific safety procedures to provide adequate protection of personnel and property during construction and commissioning of facilities.

6.3 All Project Supervisors

Supervision must be familiar with this program and with their individual responsibilities regarding its implementation and enforcement as well as their respective company's safety program.

6.4 All Project Employees

All project employees are responsible for promoting good safety practices including, but not limited to, ensuring they are trained and knowledgeable in the work practices they are responsible for, informing their supervisor of

BRIGHT SOURCE ENERGY CONTRACTOR SAFETY and HEALTH STANDARDS

any unsafe actions or conditions, following all safety policies, procedures and practices and prompt reporting of all injuries, illnesses and incidents.

Furthermore all project employees have the right and responsibility to stop work that is performed in an unsafe manner.

6.5 Contractor Companies

Contractors engaged by Bright Source Energy are individually responsible for the safety of their employees and the safety and selection/qualification of lower-tier subcontractors.

It is the responsibility of each contractor and lower tier subcontractor to be in compliance with all applicable statutes, codes, regulations, standards and all Bright Source Energy Contractor Safety Standards and regulations as they relate to their scope of work.

7.0 SAFETY PROGRAM REQUIREMENTS

Bright Source Energy does not assume any responsibility for a contractor's, or subcontractors' compliance with regulations, standards, or statutes that apply to the contractor's or subcontractors' employees, work, or other activities performed for Bright Source Energy.

7.1 Contractor Qualification

During the qualification of contractors for potential work on Bright Source Energy projects, the contractor's historical and current safety performance will be evaluated.

7.2 Contractors Safety and Health Program Submittal

When a contractor is sent a Request For Proposal the Contractor's Safety and Health Program will be requested and shall be submitted with the documents for review.

7.3 Mobilization Meeting

A meeting with Bright Source Energy site representatives and Contractors Project Management will be scheduled to discuss project safety expectations prior to commencement of work.

7.4 Drug, Alcohol and Contraband Program

All CONTRACTORS and their subcontractors are required to maintain and enforce a written drug, alcohol and contraband policy that meet the minimum requirements set forth below. Any person violating these

BRIGHT SOURCE ENERGY CONTRACTOR SAFETY and HEALTH STANDARDS

requirements shall be removed from and denied future access to Bright Source Energy premises. In addition, violation of these requirements is grounds for termination of this Agreement. In appropriate cases, local law enforcement agencies may be advised of violations.

CONTRACTOR shall abide by these requirements, and shall be responsible for ensuring that its subcontractors comply with them. To the extent that a CONTRACTOR is required to make changes to any labor agreements or existing policies to comply with these requirements, the obligation to make and the cost of any such modifications are the sole responsibility of CONTRACTOR.

The minimum requirements for Bright Source Energy Projects concerning drugs, alcohol and contraband, such as guns, ammunition, explosives and drug paraphernalia, are:

7.4.1 The use, possession, distribution, purchase or sale of any prohibited drugs or alcohol by any person while on Bright Source Energy premises, engaged in Bright Source Energy work or while operating equipment on Bright Source Energy premises is prohibited. Prohibited drugs include:

- Non-prescription controlled drugs or narcotics;
- Intoxicants for which possession or misuse is made illegal under federal, state, or local law;
- Prescription medication for which the individual does not have a valid prescription; and
- Prescription medication and over-the-counter drugs used in a manner inconsistent with prescription or dosing directions.

7.4.2 The use of any prohibited drugs or alcohol, which causes or contributes to unacceptable job performance or unsafe job behavior, is prohibited. Being under the influence of alcohol while on Bright Source Energy premises, engaged in Bright Source Energy business or while operating equipment is prohibited.

7.4.3 The use, possession, distribution, or sale of any drug paraphernalia, "look-alike" drugs, firearms, ammunition, weapons, unauthorized explosives, stolen property, or other illegal contraband while on Bright Source Energy premises is prohibited. Violation of this policy is grounds for immediate removal from Bright Source Energy premises.

BRIGHT SOURCE ENERGY CONTRACTOR SAFETY and HEALTH STANDARDS

- 7.4.4** Pre-work Testing: CONTRACTOR and its subcontractors shall conduct a pre-work drug and alcohol test on every employee prior to that employee performing any work on the Project. No employee of CONTRACTOR or its subcontractors shall be allowed to perform any work on the Project unless CONTRACTOR provides satisfactory written verification that the pre-work testing requirement has been successfully completed. Bright Source Energy will not reimburse CONTRACTOR or its subcontractors for any time spent awaiting the results of any pre-work drug or alcohol test. Such testing shall be subject to at least the minimum cut-off concentrations contained in the Department of Transportation (“DOT”) protocols for drug and alcohol tests. See 41 U.S.C. § 701, 49 C.F.R. Parts 40, 199.
- 7.4.5** Reasonable Suspicion Testing: CONTRACTOR and its subcontractors shall perform drug and alcohol testing based on a reasonable suspicion that an individual is using alcohol or drugs on the basis of specific physical, behavioral, or performance indicators.
- 7.4.6** Post-Accident Testing: CONTRACTOR and its subcontractors shall conduct an immediate preliminary evaluation into the circumstances of all accidents, injuries, and incidents. This evaluation shall include a review of the conduct and behavior of appropriate individuals following any incident or near-miss to determine whether such an incident could have been caused or contributed to by drug or alcohol use by such individuals. Whether an injury or illness occurs as the result of the incident is not the sole factor considered in this evaluation; however, reasonable suspicion shall be presumed in the case of an accident resulting in an injury to person or material injury to property. When the preliminary evaluation reveals reasonable suspicion, an alcohol and/or drug test(s) shall be ordered by the CONTRACTOR. The preliminary investigation shall be completed within eight (8) hours from the accident, injury or incident.
- 7.4.7** Consequences of a Positive Test: If an employee of CONTRACTOR or its subcontractors tests positive for drug or alcohol use, or refuses to immediately submit to a required drug test, whether it be as the result of Reasonable Suspicion or Post-Accident Testing, that employee shall be removed from the Project and shall not be eligible to return. (It is understood by CONTRACTOR and its subcontractors that an employee who tests positive for drug or alcohol use as a result of Pre-work/dispatch Testing shall not be on the Project in the first instance.) The CONTRACTOR and its subcontractors retain all rights under the CONTRACTOR’S (or the subcontractor’s) employment policies or

BRIGHT SOURCE ENERGY CONTRACTOR SAFETY and HEALTH STANDARDS

labor agreements to discipline such an employee in accordance with its policies and applicable law.

7.4.8 All persons entering or present at a Bright Source Energy job site consent to a search of their person, possessions or property for purposes of enforcing this Policy. Bright Source Energy reserves the right to exclude any person who refuses to submit to such a search from Bright Source Energy premises.

7.4.9 More Stringent Policies: Nothing in these requirements is intended to prevent a CONTRACTOR that has a more stringent policy than set forth above, including, but not limited to random drug and alcohol testing, from enforcing that policy for work on the Project.

7.5 Recordkeeping and Reporting Incidents

During the performance of work, the contractor shall maintain, on site all required regulatory agency records and any additional records required by Bright Source Energy.

7.5.1 Incident Notifications

The Bright Source Energy Project Manager or their designee shall be verbally informed as soon as possible after occurrence of any of the listed incidents with a follow-up written report.

- Fatality (immediate notification is mandatory)
- Hospitalization of employee
- Any OSHA Recordable case
- Equipment or property damage exceeding \$2,500
- A near miss with potential for serious injury or damage.
- Fires resulting in outside response or damage
- Environmental spills or releases
- Government agency inspection or visit
- Any incident that may get media attention

7.5.2 Incident Investigation and Reports

Contractors shall investigate all incidents, no matter how minor.

The Report of Contractor Incident Form CR-2, (Exhibit A) must be completed in draft form by the end of the shift and distributed to Bright Source Energy for all incidents, near misses or other such occurrences.

BRIGHT SOURCE ENERGY CONTRACTOR SAFETY and HEALTH STANDARDS

A final investigation report must be sent to Bright Source Energy upon completion of the incident investigation process, within 48 hours.

7.5.3 Training Records

Safety training records shall be maintained and available for review, for all contractor personnel working on the project.

7.5.4 Monthly Safety Statistics

Contractors shall complete and submit the **Contractor Monthly Safety Report Form CR-1, (Exhibit A)**. The report shall be completed and transmitted to the designated Bright Source Energy Project representative no later than the fifth (5) day of the following month.

7.6 Contractor Safety Program Elements

The contractor's written site safety program shall contain the following elements applicable to their work scope:

- Company Safety and Health policy statement
- Names of persons with the authority and responsibility for implementing the program
- A drug and alcohol program that requires, at a minimum, pre-employment screening, testing for cause and post accident testing.
- A program for ensuring that employees comply with safety, health and environment work practices
- A program for communicating with employees on matters relating to occupational safety, health and environment, including provisions designed to encourage employees to inform employers of hazards on the project without fear of reprisal
- A program for identifying and evaluating workplace hazards, including scheduled periodic inspections to identify unsafe conditions and work practices
- A program for correcting unsafe or unhealthy conditions, work practices, and work procedures.
- Programs for training and retraining in the following areas applicable to their work:
 - ⇒ New employee safety orientation

BRIGHT SOURCE ENERGY CONTRACTOR SAFETY and HEALTH STANDARDS

- ⇒ Project site specific safety
- ⇒ Emergency action plan
- ⇒ PPE selection & use
- ⇒ Fall protection
- ⇒ Lockout/tagout
- ⇒ Confined space entry
- ⇒ Process safety hazards
- ⇒ Hazard communication
- ⇒ Supervisory Safety Training
- ⇒ Equipment (forklift, JLG, cranes, etc.)
- A program for accident investigation that includes:
 - ⇒ Reporting Accidents & Injuries
 - ⇒ Reporting near miss incidents
 - ⇒ Recordkeeping
- A program for fire prevention

7.7 Contractor Safety Standards

The following are additional safety standards, but is in no way all-inclusive. Other site-specific Bright Source Energy, Contractor, Federal, State and local safety, health and environment regulations that govern the work shall also apply. See additional safety information in Safe Work Practices section.

- 7.7.1 Contractors with 20 or more employees present at a site must have a fulltime dedicated safety professional and must maintain a ratio of no less than 1 safety representative per 100 employees. This includes work performed on all shifts and weekends.
- 7.7.2 Emergency response for medical emergencies, confined space rescue, high angle rescue and any other special emergency rescue response and procedures will be the responsibility of the contractor unless otherwise specified in writing.
- 7.7.3 Weekly toolbox safety meeting will be conducted for all employees. Documentation will be maintained and available for review.
- 7.7.4 Hard hats shall be worn at all times when in the field (excludes offices, lunchrooms). The hats shall be worn with the bill toward the front.

BRIGHT SOURCE ENERGY CONTRACTOR SAFETY and HEALTH STANDARDS

- 7.7.5 Sleeved shirts (minimum of 4-inches in length) and long pants shall be worn at all times while in the work areas. (No tank tops, sleeveless shirts or shorts) Escorted short time visitors may be excluded, if they are not exposed to hazards.
- 7.7.6 All employees in work areas shall wear safety footwear, complying with ANSI Z41.1 specifications. Escorted short time visitors may be excluded, if they are not exposed to hazards. (No tennis shoes, sandals, or open toed shoes at any time.)
- 7.7.7 Approved eye protection shall be worn at all times, in the work area, shop or any time eye hazards exist. Eye protection may be ANSI Z87.1 safety glasses with rigid side shields or approved over glasses.
- 7.7.8 Hearing protection must be worn when anyone is exposed to noise levels exceeding safety standards (85 dba) or working in Posted areas.
- 7.7.9 Gloves, appropriate for the hazard shall be worn when hands are exposed to harmful substances, cuts, abrasions, punctures, chemicals, electricity or harmful temperature extremes.
- 7.7.10 All contractor employees shall comply with 100% tie-off fall protection when exposed to a fall of greater than six (6) feet.
- 7.7.11 Good housekeeping shall be maintained at all times. Supplies, tools, materials, as well as scrap and debris must be stored, contained and disposed of properly.
- 7.7.12 All tools and equipment brought onto the project shall, at a minimum, comply with Bright Source Energy, State, and Federal OSHA regulations.
- 7.7.13 All tools and equipment on the project shall be used in accordance with both Federal and State safety requirements, and the manufacturer's instructions and guidelines.
- 7.7.14 Equipment inspections will be completed for all equipment on site, as required by applicable agency and manufacturer safety regulations. Applicable documentation must be maintained by the Contractor and provided to Bright Source Energy upon request.
- 7.7.15 Foot pedal safety switches will be required for all threading machines.

BRIGHT SOURCE ENERGY CONTRACTOR SAFETY and HEALTH STANDARDS

- 7.7.16 A Scaffold Tagging Program will be used on all projects. All contractor scaffolds shall have a scaffold tag attached indicating contractor's name, date, status of scaffold and any additional items that may be needed before using the scaffold.
- 7.7.17 A competent person prior to use on each shift shall inspect all scaffolds and indicate safe for use on the tag.
- 7.7.18 Contractors shall use Ground Fault Circuit Interrupters (GFCI's) and a monthly inspection program to protect employees using electrical tools and equipment. Documents shall be maintained and available for review.
- 7.7.19 Certain work tasks may require a **Bright Source Energy permit**. The Contractor Safety representative shall contact the Bright Source Energy Project Safety Representative to determine if any part of the Contractor's activities requires a Bright Source Energy permit. Such activities may include, but may not be limited to: Hot Work, Confined Space, etc.
- 7.7.20 Safe work task planning is essential in preventing accidents. All contractors are required to have a program that ensures that every task receives proper safety planning prior to performing work. Documents shall be maintained to assure program consistency.
- 7.7.21 All contractors are required to have a written site specific Hazard Communication Program.
- 7.7.22 Any potentially hazardous material or chemical brought onto the project is required to be accompanied by a Material Safety Data Sheet (MSDS). Copies of the MSDS's shall be maintained on site.
- 7.7.23 Quantities of hazardous materials or liquids, such as gasoline, diesel fuels, solvents, paints, etc. used on the project shall be properly stored in a labeled container that meets the requirements of NFPA. Secondary containment may be required for specified chemicals. Contact Bright Source Energy Project Manager prior to bringing large quantities of hazardous materials or liquid on site.
- 7.7.24 Bright Source Energy Project Safety Representative and other persons working in the area shall be informed before any chemical/material creating noxious or toxic vapors/fumes is used.
- 7.7.25 All contractors, whose employees may be expected to wear a respirator, are to forward to Bright Source Energy Safety Representative a copy of their written Respiratory Protection

BRIGHT SOURCE ENERGY CONTRACTOR SAFETY and HEALTH STANDARDS

Programs. These programs must comply with current State and Federal requirements.

7.8 Contractor Safety Assessment Program

The purpose of a Contractor Safety Assessment Program (CSAP) is to provide Bright Source Energy Management with a means to evaluate and recommend improvements to the overall contractor's safety performance and compliance with applicable safety requirements. The assessment includes a review of site-specific project standards, OSHA/State regulations and contractor's safety programs applicable to the scope of work.

All Bright Source Energy projects will be periodically evaluated for compliance with applicable safety, health and environment programs, rules and regulations.

The Bright Source Energy Safety Assessment Program in no way relieves Contractors of their responsibility to self-inspect their work and equipment and to conduct their work in a safe manner.

See **Exhibit C** for sample of CSAP.

7.9 Contractor Safety Adherence

The Contractor Safety Adherence Program (**Exhibit D**) is intended to provide an effective, consistent process to ensure that contractors comply with applicable safety regulations. This program in no way relieves any contractor of their safety responsibilities including the responsibilities set forth in Federal and State OSHA standards.

7.10 Imminent Danger Situations

Upon discovery of any situation that may, in the opinion of any individual, lead to a serious injury, illness or death, that individual has the right to suspend the related work immediately. Work may resume only after the safety concern(s) have been resolved. Examples of "imminent danger" situations may include, but are not limited to the following:

- Falls from elevations exceeding six (6) feet.
- Persons in excavations not properly protected
- Possible electrocution hazards
- Work activities posing injury hazards to the general public
- Operation of vehicles, machinery or heavy equipment in an unsafe manner

BRIGHT SOURCE ENERGY CONTRACTOR SAFETY and HEALTH STANDARDS

7.11 Critical Lifts

There may be lifts during the project that will be considered "major" or "critical" because of load weight and/or configuration, lifting arrangement, or because of proximity to live process equipment or power lines. For all such lifts, a detailed written lifting procedure will be submitted to the Bright Source Energy Project/Plant Manager for review a minimum of 48 hours prior to lift. Some critical lifts shall require stamped engineered lifting plans.

7.12 Fire Prevention

The contractor shall develop a site-specific fire prevention plan for the prevention, control, containment and reporting of fires.

7.13 Competent Person

Competent persons shall be designated by the contractor to comply with applicable Federal or State regulations. The designate competent employee shall know the requirements and shall have the authority to control, eliminate or correct any hazards or other exposures to illness or injury.

7.14 Process Safety Management (PSM)

Some of our facilities store and use hydrogen for generator cooling and anhydrous ammonia for emissions control. The quantities stored and used may be in excess of the threshold quantity limit for highly hazardous chemicals and those facilities or processes are considered a covered PSM process. Therefore, in those identified facilities, Process Safety Management regulations apply to contractors performing construction, maintenance or repair on or adjacent to a covered process.

The contractor must ensure that contract employees are trained in the work practices necessary to perform their job safely and are instructed in the known potential fire, explosion, or toxic release hazards related to their job.

Documentation shall be maintained that each contract employee has received and understood the specific training required.

The contractor shall advise Bright Source Energy of any unique hazards presented by the contract employer's work.

EXHIBIT A RECORDKEEPING AND REPORTING

CONTRACTOR MONTHLY SAFETY REPORT Form CR-1

Contractors/Subcontractors shall maintain all required safety, training and accident records and shall submit a summary of safety statistics to the Bright Source Energy Project Safety Representative by the fifth (5th) day of each month.

For the Month of: _____ Year: _____
 Project Name: _____
 Contractor: _____

Description	Monthly	Year To Date	Project Total
Hours Worked			
First Aid Cases			
OSHA Recordable Cases			
OSHA Restricted Duty Cases			
OSHA Lost Time Cases			
Near Miss Reports			
Fires			
Environmental Spills or leaks			

Please submit a copy of all accident reports that have not been previously transmitted to Bright Source Energy. Include cause, injury/illness, damage, current disposition and corrective action taken to prevent a recurrence. See Form CR-2.

Name: _____
 Title: _____
 Date: _____

**EXHIBIT A
RECORDKEEPING AND REPORTING**

**QUICK REPORT OF CONTRACTOR INCIDENT
Form CR-2**

Date & Time: _____ / _____ Location: _____

Contractor Company Involved: _____

Type of Incident: Near Miss First Aid OSHA Lost Time Damage
 Environmental Fire Other _____

Accident Description: _____

Injuries, Damage, Etc: _____

Accident Causes: _____

Corrective Action Taken: _____

Person Completing Report: _____ Date: _____

Signature: _____

EXHIBIT B

SAFE WORK PRACTICES – SITE SAFETY RULES

t1.0 DOCUMENT INTENT

The intent of this document is to provide general safety information to all individuals working on a Bright Source Energy Project. The following Safe Work Practices is not intended to be an “All Inclusive” safety document and must be used in addition to specific job safety practices.

2.0 GENERAL

- 2.1 Bright Source Energy strictly prohibits the unlawful use, sale, possession or distribution, of any illegal drug or substance on Bright Source Energy premises.
- 2.2 The use of alcohol while on a Bright Source Energy work site or premises is prohibited.
- 2.3 The use of alcohol off the job, that impairs performance on the job, is prohibited.
- 2.4 Persons are prohibited from bringing any alcoholic beverage to the work location.
- 2.5 The possession of weapons or contraband items, such as guns, ammunition, explosives and drug paraphernalia, is prohibited on Bright Source Energy premises.
- 2.6 Entering into or being present at a Bright Source Energy site by an individual is deemed to have consented to a search of their person, possessions or property.
- 2.7 A Site-Specific safety orientation including safe work practices will be presented to all persons prior to starting work.
- 2.8 All individuals are required to attend safety meetings for the purpose of addressing general or specific hazards.
- 2.9 Any person discovering an unsafe situation shall immediately notify their supervisor or management and warn others in the area of the hazard or unsafe condition.
- 2.10 Tools and equipment will be inspected prior to use. Damaged or defective tools will not be used and must be tag appropriately.

EXHIBIT B

SAFE WORK PRACTICES – SITE SAFETY RULES

- 2.11 Prior to entering any work area, review the emergency evacuation plan for the area.
- 2.12 In the event of an emergency follow the procedure as outlined and await instruction.
- 2.13 Smoking will be permitted in designated areas only.
- 2.14 Speeding in the Facility is prohibited. Obey all traffic control signs or regulations.
- 2.15 Seat belts in vehicles and equipment must be used.
- 2.16 Riding in the back of trucks is prohibited except for vehicles designated for that purpose, i.e., secured seats with safety restraints. Passengers must remain seated at all times. Vehicle operators are responsible for ensuring compliance.
- 2.17 Keep work area clean. Housekeeping is everyone's responsibility.
- 2.18 Be alert to changing conditions and emergency situations.

3.0 PERSONAL PROTECTIVE EQUIPMENT (PPE)

- 3.1 All individuals shall be instructed in the selection, proper use and care of required personal protective equipment.
- 3.2 Approved eye protection, ANSI safety glasses with clear rigid side shields or safety over glasses will be worn in all work areas, shops, maintenance areas or when specific eye hazards exist.
- 3.3 Safety-toed (ANSI Z41.1) leather boots will be required footwear in all work areas. Open-toed shoes, tennis shoes or loafers will not be allowed.
- 3.4 Hard hats will be required at all times. The hats will be worn with the bill to the front, unless an attachment is being used that requires it to be worn backwards.
- 3.5 Hearing protection equipment is required when noise level is above 85dBA or when signs are posted requiring their use.
- 3.6 Sleeved shirts (4-inch) and long pants will be worn in the work or shop areas at all times. No tank tops, sleeveless shirts or shorts will be worn.

EXHIBIT B

SAFE WORK PRACTICES – SITE SAFETY RULES

- 3.7 Specialty clothing may be required in hazardous electrical or process areas, when handling hazardous chemicals or as needed for other hazards.
- 3.8 100 % tie-off fall protection is required when exposed to a fall of greater than six (6) feet.

4.0 MOBILE EQUIPMENT & SITE WORK

- 4.1 Operators of mobile equipment must be qualified to operate the type of equipment.
- 4.2 All mobile equipment will be equipped with backup alarm and fire extinguishers.
- 4.3 All fuel-powered equipment must be inspected at least monthly.
- 4.4 Riding on equipment is prohibited except in seats with seat belts fastened.
- 4.5 Underground drawings will be reviewed prior to digging or excavating. Use Dig Alert, One Call or similar system prior to work in unknown or public areas.
- 4.6 All excavations will be provided with means of egress, properly protected and barricaded.
- 4.7 Excavations 4 feet or more in depth will require an evaluation to determine confined space requirements.
- 4.8 A Daily Trench/Excavation Report will be maintained for all active excavations when entry is required and the excavation is more than four feet deep.

5.0 CRANES, HOISTING & RIGGING

- 5.1 Hoisting and rigging equipment will be inspected prior to use.
- 5.2 Only qualified persons will use rigging and hoisting equipment.
- 5.3 All cranes will be equipped with an audible signaling device at the operator station, which will be sounded when loads are lifted or moved and will be equipped with a device to alert persons when equipment is traveling.
- 5.4 Outrigger pads sized for the equipment will be used on all lifts.
- 5.5 Crane counterweight swing radius will be properly barricaded.

EXHIBIT B

SAFE WORK PRACTICES – SITE SAFETY RULES

- 5.6 Only approved and accepted practices will be utilized in steel erection.
- 5.7 Provisions must be made to ensure the safety of individuals working at lower elevations and to eliminate the hazard from falling objects such as bolts and tools.

6.0 WELDING AND BURNING

- 6.1 Welding and burning will be done only by qualified persons.
- 6.2 Equipment will be inspected frequently.
- 6.7 Welding hoods of hardhat mounted type will be used in all work locations. (Exception will be in specified fabrication areas that have been approved for soft cap welding.)
- 6.3 Safety glasses are required under welding hoods.
- 6.4 Screens or other suitable means will be required to contain sparks from contacting individuals working nearby or below and to provide welding flash protection.
- 6.6 Cutting torches will be used only with proper cutting goggles. Tinted safety glasses and tinted faceshields are unacceptable.
- 6.8 Fire extinguishing equipment will be readily available and in good operating condition in all hot work areas. Permitted Hot Work areas will require a Fire Watch.
- 6.9 Oxygen and acetylene cylinders will be secured in an upright position by using a rack, cylinder cart or securing to a fixed object with a minimum of # 9 wire at all times. Rope will not be acceptable.
- 6.10 Regulators must be equipped with backflow/flashback check valves.
- 6.11 Cylinders will be transported, stored and used only in a secured and upright position.
- 6.12 Welding leads and hoses must be routed in such a manner as to avoid tripping hazards and damage due to traffic.

7.0 SCAFFOLDING

- 7.1 Only qualified persons will erect, dismantle or alter scaffolds.

EXHIBIT B

SAFE WORK PRACTICES – SITE SAFETY RULES

- 7.2 All scaffolding will be fully decked with complete guardrails and toe boards on all active work elevations.
- 7.3 Scaffolding must be inspected by a competent person prior to each work shifts and a scaffold inspection tag attached.
- 7.4 Scaffold erection and disassembly will require 100 % fall protection.
- 7.5 Individuals working from scaffolds shall be trained in Scaffold Use.

8.0 LADDERS

- 8.1 Stepladders will be used only in a fully open position.
- 8.2 The top two (2) steps of a stepladder are not to be used.
- 8.3 Extension ladders are two (2) piece ladders and will not be separated into two (2) ladders. All ladders must have safety feet.
- 8.4 Damaged or defective ladders will be removed and destroyed.
- 8.5 Extension ladders will be secured at the top.
- 8.6 Extension ladders must extend 3 feet above level to be accessed.

9.0 POWER TOOLS AND CORDS

- 9.1 All electrical tools and cords must be used in conjunction with ground fault circuit interrupters (GFCI).
- 9.2 Use only grounded or double insulated power tools that are in good repair.
- 9.3 Inspect all tools before use and remove damaged or defective tools from service and tag appropriately.
- 9.4 A competent person must inspect power tools and cords regularly.
- 9.5 Extension cords must be minimum 12 gauge, 3 conductor, with 600-volt insulation.
- 9.6 Extension cords must be routed in such a manner as to avoid tripping hazards or damage due to traffic.
- 9.7 Percussion tools, grinders, rotary hammers, etc. must be used with faceshields, goggles and hearing protection.
- 9.8 All tool guards must be in place and functional. Individuals may not override "dead man" switches or other safety interlocks.

EXHIBIT B

SAFE WORK PRACTICES – SITE SAFETY RULES

- 9.9 Powder actuated tools must be used only by trained and licensed persons. They must be locked up when not in use.

10.0 ELECTRICAL

- 10.1 Electrical work will be performed by qualified persons.
- 10.2 All electrical distribution panels will be labeled, covered and/or locked to prevent unauthorized persons from entry.
- 10.3 All individuals must be trained in site-specific lockout/tagout procedures.

11.0 HAZARDOUS MATERIALS

- 11.1 MSDS's will be available on site for all hazardous chemicals or materials.
- 11.2 Prior to working with any hazardous material, the MSDS will be reviewed by the affected person and his/her supervisor.
- 11.3 Materials should remain in their original container. If it is necessary to transfer the material to a different container, the new container will be labeled with the same hazard warnings as the original container.
- 11.4 All chemicals must be stored in an appropriate secure area protected from damage.

12.0 MEDICAL EMERGENCIES

- 12.1 Report all injuries, regardless of severity, to your foreman immediately.
- 12.2 Know the emergency numbers to summon emergency responders.

13.0 EMERGENCY EVACUATION

The initial Safety Orientation shall include a review of the site-specific Emergency Evacuation Procedure. In the event of a plant/project emergency, all individuals will follow evacuation routes to assigned assembly points. Each supervisor will account for all of his or her personnel and report to their Company Safety Representative.

EXHIBIT C CONTRACTOR SAFETY ASSESSMENT PROGRAM

The purpose of the Construction Safety Assessment (CSA) program is to provide a management tool to evaluate and recommend improvements to the overall project safety performance and compliance with applicable safety requirements.

The assessment includes a review of project standards, OSHA/State regulations, Contractor's safety programs and site hazard control. The project elements listed below will be evaluated as applicable.

Program Elements		
------------------	--	--

A. Safety & Health Programs	Available Score	Score
Site Specific Safety Action plan developed	5	
Site Specific Safety Action plan disseminated to supervision	5	
Emergency Evacuation plan developed	5	
Has a site specific steel erection plan been developed	5	
Job Task Planning program developed	5	
Site Safety inspection program developed	5	
Respiratory program developed	5	
Site Specific HAZCOM plan developed	5	
Safety Orientation for new employees conducted	5	
Safety Training plan developed for craft	5	
Safety Training plan developed for supervisors	5	
Construction Waste plan developed	5	
Are employee safety meetings conducted	5	
Are supervisor safety meetings conducted	5	
Are critical lift plans developed	5	

B. Records & Postings	Available Score	Score
OSHA 300 Log, current & posted if applicable	5	
First Aid Log maintained	5	
Accident/Incident investigations completed	5	
Near Miss investigations completed	5	
Competent Person records	5	
Safety Training Records maintained	5	
Regulatory OSHA Posters	5	
Emergency Phone numbers posted	5	
Emergency Evacuation plan posted	5	

EXHIBIT C CONTRACTOR SAFETY ASSESSMENT PROGRAM

C. Safety Program Management	Available Score	Score
Employee perception of safety	5	
Prompt correction of deficiencies	5	
Client perspective on contractor safety	5	

D. Lockout/Tagout Program	Available Score	Score
Are written energy control procedures established	5	
Are locks and tags required on all isolation points	5	
Are tags signed, sturdy and properly attached	5	
Is a Lockout/Tagout log maintained	5	
Are employees properly trained	5	
Is verification of lockout performed	5	

E. Confined Space Program	Available Score	Score
Have confined spaces been evaluated	5	
Have confined spaces been identified/marked	5	
Are confined space permits used and properly signed	5	
Has testing & monitoring equipment been calibrated	5	
Is required confined space program training conducted	5	
Are confined space rescue procedures & equipment available	5	

F. Fire, Emergency Response, and First Aid	Available Score	Score
Are fire extinguishers inspected	5	
Are personnel trained to use fire extinguishers	5	
Is there a fire extinguisher located at flammable storage area	5	
Is there a fire extinguisher visible at all active work areas	5	
Is there a fire extinguisher in all trailers or offices	5	
Is there a fire extinguisher located at active hot work	5	
Are primary evacuation assembly areas known and/or marked	5	
Is there a personnel accounting procedure	5	
Is emergency alarm communicated effectively	5	
Are eye wash & body drench facilities available, when necessary	5	
Are adequate first aid supplies available	5	
Are first aid personnel available	5	

G. Hazard Communication Program	Available Score	Score
Are employees trained in Hazard Communications Program	5	

EXHIBIT C CONTRACTOR SAFETY ASSESSMENT PROGRAM

Is a hazardous substance list maintained & updated	5	
Are MSDS's maintained on file and current	5	
Are containers properly labeled under HAZCOM regulations	5	

H. Chemical and General Storage	Available Score	Score
Is spill containment equipment provided	5	
Is secondary spill containment available where required	5	
Are chemicals & flammables segregated from incompatibles	5	
Are storage areas marked & posted as required	5	
Are flammable liquids stored in proper containers/safety cans	5	
Are flammable gases stored properly	5	
Are materials stacked and stored in proper manner	5	

I. Electrical Hazards	Available Score	Score
Are electrical cords/cables protected from damage, water, etc.	5	
Are electrical sources marked with volts and source of control	5	
Are all live parts or connections covered or guarded	5	
Is electrical insulation intact, no damaged cords, or repairs	5	
Are extension cords the proper size conductor	5	
Is portable electrical generating equipment properly grounded	5	
Are GFCI's use for all portable electrical equipment	5	
Is temporary lighting approved and installed properly	5	
Are temporary lights properly guarded	5	

J. Hand & Portable Power Tools/Equipment	Available Score	Score
Are tools properly carried and used	5	
Are tools properly stored and maintained in good condition	5	
Are power tools inspected and in good condition	5	
Is proper guarding on all portable tools	5	
Are work rests and guards on bench & stand grinders proper	5	
Are discs on portable grinders the proper RPM	5	
Are air hoses properly secured	5	
Are powder actuated tools & shot, properly stored	5	
Are Certified operators used for powder actuated tools	5	

K. Excavation & Trenching	Available Score	Score
Is excavation competent person identified and on site	5	

EXHIBIT C
CONTRACTOR SAFETY ASSESSMENT PROGRAM

Are excavation permit utilized, (Dig Alert) as necessary	5	
Is a Daily Trench report completed	5	
Is spoil dirt at least 2 feet from edge	5	
Is proper Access/Egress provided	5	
Is Sloping/Shoring/Benching provided	5	
Is standing water controlled	5	
Are barricades installed properly and effective	5	

L. Fall Protection/Steel Erection	Available Score	Score
Are platform, wall & floor edges, holes or openings protected with guardrails, covers or other protective measures	5	
Are signs/barricades properly placed to warn and protect employees from fall hazards	5	
Is proper access and egress provided	5	
Are falling object protection controls established	5	
Are signals or warnings made when loads are moved or lifted	5	
Are harnesses used when exposed to fall greater than 6 feet	5	
Are 2 Lanyards provided & equipped with shock absorbers	5	
Is tieoff anchor point substantial, 5,000 lbs. Strength	5	
Are life lines installed for tie off, engineered and inspected regularly	5	

M. Housekeeping	Available Score	Score
Are project work areas free of accumulation of trash and debris	5	
Are trash receptacles provided in work areas	5	
Is scrap lumber free of protruding nails or other puncture hazards	5	
Are electrical cords, leads & hoses creating trip hazards	5	
Are work areas congested with material, equipment, tools, etc.	5	
Is proper access provided to work locations	5	
Are all exposed rebar ends protected, both horizontal and vertical	5	
Is barricade tape properly used & maintained	5	
Are elevated work areas maintained clear of debris, material, tools, etc. that could fall to areas below	5	

N. Sanitation, Lighting, Drinking Water	Available Score	Score
Is number of portable toilets adequate and are they maintained	5	
Are hand wash facilities provided	5	
Are work areas provided with adequate lighting as needed	5	
Is drinking water provided in the work areas	5	

EXHIBIT C CONTRACTOR SAFETY ASSESSMENT PROGRAM

Are drinking water containers labeled and tightly closed	5	
Are drink cups provided with sanitary container and trash receptacle	5	
Are drinking water cans regularly filled and cleaned	5	

O. Personal Protective Equipment	Available Score	Score
Are hard hats maintained and worn with bill to front	5	
Are safety glasses with ridged side shields worn	5	
Are face shields worn as required for additional eye protection	5	
Are goggles worn as required for additional eye protection	5	
Is ear protection worn in marked or noisy areas	5	
Is adequate footwear worn, no tennis shoes or loafers	5	
Are metatarsal/toecaps worn where required	5	
Is hand protection used as necessary	5	
Is additional chemical protective clothing used as required	5	

P. Powered Industrial Trucks	Available Score	Score
Are all operators trained & authorized for use	5	
Is there a fire extinguisher on the equipment	5	
Are seat belts used on all equipment	5	
Are the horn and backup alarm functional	5	
Are all inspections up to date	5	
Are forklifts being used properly	5	
Is fall protection used in manlifts/scissor lifts	5	
Are manlifts/scissor lifts being use properly	5	
Is load capacity exceeded	5	
Is the platform cluttered	5	

Q. Cranes	Available Score	Score
Are all operators trained & authorized for use	5	
Is there a fire extinguisher on the equipment	5	
Are there anti two-block devices on the cranes	5	
Are outrigger pads/mats used	5	
Is the rig swing radius barricaded	5	
Are seat belts used on all equipment	5	
Are the horn and backup alarm functional	5	
Are all inspections/certification up to date	5	

**EXHIBIT C
CONTRACTOR SAFETY ASSESSMENT PROGRAM**

R. Rigging	Available Score	Score
Are chain falls/come-a-longs load tested annually	5	
Is rigging equipment marked with load capacity	5	
Is rigging equipment inspected	5	
Is rigging equipment stored properly	5	
Are softeners used when necessary	5	
Is the crane manlift/basket certified	5	
Is a crane manlift/basket permit used, including pre-lift test	5	

S. Scaffolds	Available Score	Score
Is a scaffold competent person identified and on site	5	
Are scaffolds free of defects	5	
Are potential users informed of scaffold readiness	5	
Are adequate means of Access/Egress provided	5	
Are Railings & Toeboards completely installed, where possible	5	
Are work decks fully planked & secured	5	
Are mud sills provided for adequate base, as needed	5	
Is overhead protection provided where there is exposure below	5	
Are scaffolds inspected on each work shift	5	
Are suspension mobile scaffolds properly erected	5	
Is point of suspension designed for load and inspected daily	5	
Are fall protection, rope grabs provided for suspension scaffolds	5	

T. Ladders and Temporary Stairs	Available Score	Score
Are portable ladders in good condition	5	
Are portable ladders inspected	5	
Are only fiberglass & wood ladders used around electrical hazards	5	
Are portable stepladders used properly	5	
Are portable extension ladders used properly	5	
Is the proper extension above upper landing, 3 feet	5	
Are ladders tied off at top & bottom where possible	5	
Are temporary stairways unobstructed	5	
Are handrails provided for stairs with four or more risers	5	

U. Welding & Cutting	Available Score	Score
Are welding screens used as needed	5	
Is spark containment or barricades used for above ground work	5	

**EXHIBIT C
CONTRACTOR SAFETY ASSESSMENT PROGRAM**

Do dead front panels protect the terminals	5	
Are cables properly inspected with no break in insulation	5	
Are cylinders properly secured	5	
Are reverse flow/flashback arrestors used at gauges	5	
Are gas cylinders shut off when not in use	5	
Are gas cylinders capped and properly stored	5	
Are gas cylinders properly moved and transported	5	
Are welders dressed adequately and using additional PPE	5	

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EXHIBIT D SAFETY ADHERENCE PROGRAM

The safety adherence program is a management tool intended to provide an effective, consistent procedure to assist in ensuring that Contractors/Vendors comply with applicable safety regulations and Bright Source Energy Standards. This program in no way relieves Contractors of their safety responsibilities including the responsibilities set forth in Federal and State Occupational Safety and Health Standards.

- 1.0 In performance of this contract, the Contractor shall provide for protecting the safety and health of employees and other persons; preventing damage to the environment, property, materials, supplies, and equipment; and avoiding interruptions. For these purposes, the Contractor shall, for its Scope of Work:
 - 1.1 Provide appropriate safety equipment, tools, barricades, signs, and procedures to safely perform their work.
 - 1.2 Provide trained qualified employees to safely perform their work.
 - 1.3 The Contractor will closely coordinate its activities with other on-site Contractors to ensure a safe working environment for all persons.
 - 1.4 While on the premises of Bright Source Energy, Contractor and it's employees, subcontractors and agents shall comply with all local, municipal, state, and federal safety and health laws, orders and regulations applicable to Contractor's performance of their Work. Any conflicts between such laws, orders or regulations, will be resolved in favor of the stricter safety requirement.
 - 1.5 Additionally, Contractor shall comply with Bright Source Energy Safety and Health Standards and site-specific regulations. In this regard, Contractor and its Subcontractors shall comply with the "Safety Adherence Program", which is incorporated herein by reference.

- 2.0 The Contractor shall maintain an accurate record of all accidents and incidents for work performed under this contract resulting in death, injury, occupational disease, or damage to the environment, property, materials, supplies, or equipment. The Contractor shall provide copies of all accident reports, notices or

EXHIBIT D SAFETY ADHERENCE PROGRAM

actions filed with or received from federal, state and local government agencies and additional data as may be requested by Bright Source Energy.

- 3.0 While it is the Contractor's sole responsibility and obligation to furnish a safe place to work for its employees, Bright Source Energy may notify the Contractor of any non-compliance with any safety regulation or standard and that corrective action is required.

This notice, when delivered to the Contractor or the Contractor's representative at the site of Work shall be deemed sufficient notice of the noncompliance. After receiving the notice, Contractor shall immediately take corrective action. If the Contractor fails or refuses to take corrective action promptly, Bright Source Energy may issue an order stopping all or part of the Work until satisfactory corrective action has been taken.

The Contractor shall not base any claim or request for equitable adjustment for additional time or money on any stop order issued under these circumstances.

- 4.0 In the event of any claim for damages brought against Bright Source Energy by employees of the Contractor or its Subcontractors alleging that Bright Source Energy negligently failed to furnish a safe workplace, such claim shall not be construed to arise out of Bright Source Energy's sole negligence or willful misconduct and Contractor or its Subcontractors' obligation to indemnify Bright Source Energy shall be applicable.

5.0 ADHERENCE PROCEDURE

5.1 Level One - First Time Safety Discrepancies

When a Contractor fails to comply with applicable safety standards, a Bright Source Energy Management Representative can issue a written "Notice of Safety Non-compliance" to the Contractor's on-site safety representative. This notice details the item(s) of safety non-compliance and requests immediate corrective action.

EXHIBIT D SAFETY ADHERENCE PROGRAM

The Notice of Safety Non-Compliance will also be forwarded to the Contractor's Project Manger, Bright Source Energy Project Manager and Bright Source Energy Safety Manager.

When a Contractor fails correct the deficiencies or receives repeated notices of Level One safety non-compliance, a Bright Source Energy Management Representative can issue a Level Two Letter.

5.2 Level Two - Failure to Correct Repeated Non-Compliance

Level Two will be implemented in cases where the Contractor's safety performance continues to be substandard as defined by the following:

- Level One does not correct Item(s) of safety non-compliance.
- The Contractor repeatedly fails to comply with the applicable safety regulations.

In these cases, the Bright Source Energy Plant/Project Manager can, after conferring with Bright Source Energy Safety Manager temporarily suspend all or part of the Contractor's work. The "Written Notice of Temporary Job Suspension" form may be used to provide written notice of this action.

The Contractor's work may not resume until the Bright Source Energy Project Manager and the Contractor's Division Safety Manager or equivalent have had a face-to-face meeting to discuss the Contractor's failure to perform in accordance with the contract.

The Contractor must propose corrective actions that are acceptable to Bright Source Energy before the Contractor will be allowed to resume work.

5.3 Level Three - Contract Termination

If Levels one and two do not result in the Contractor's safety performance being brought into compliance with the applicable safety regulations, the contract may be terminated. The Bright Source Energy General Manager may, after ensuring that the adherence procedure has been followed and after giving the Contractor a 48-hour notice, terminate the contract.

EXHIBIT D SAFETY ADHERENCE PROGRAM

Contractors who have a contract terminated in accordance with this policy will be ineligible to participate in future Bright Source Energy projects until they have implemented and demonstrated corrective actions to improve their safety performance. Only by written approval from Bright Source Energy's Vice President can a Contractor's eligibility be reinstalled.

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**EXHIBIT D
SAFETY ADHERENCE PROGRAM**

NOTICE OF SAFETY NON-COMPLIANCE

To: _____ Safety Representative for: _____

Your Company has been found to be in non-compliance with one or more Federal, State or company safety regulations or standards as specified below. This safety non-compliance must be corrected immediately for your company to meet the requirements of your contract.

Item #	Description of Non-compliance

Item #	Regulation or Standard

Bright Source Energy Project Manager

Date

cc: Contractor Project Manager
Bright Source Energy Safety Manager

**EXHIBIT D
SAFETY ADHERENCE PROGRAM**

WRITTEN NOTICE OF TEMPORARY JOB SUSPENSION

Your company, _____, while working at Bright Source Energy's _____ plant/project has been notified of safety performance deficiencies in accordance with Bright Source Energy Contractor's Safety Adherence Procedure.

Despite these written notifications, requesting that immediate corrective action be taken to improve your safety performance, improvement has not occurred. Therefore, in accordance with Level Two, we are hereby notifying you that after securing your equipment, _____ all or _____ part of your job activities in question on the project named above are to cease. List job activities: _____

Activities may be resumed only after your company meets the requirements set forth in the procedures.

Bright Source Energy Project Manager

Date

- cc: Bright Source Energy General Manager
Bright Source Energy Safety Manager
Contractor Corporate Construction Manager
Contractor Corporate Safety Manager
Bright Source Energy Contracts Administrator



**BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
COMMISSION OF THE STATE OF CALIFORNIA
1516 NINTH STREET, SACRAMENTO, CA 95814
1-800-822-6228 – WWW.ENERGY.CA.GOV**

APPLICATION FOR CERTIFICATION
FOR THE *IVANPAH SOLAR ELECTRIC
GENERATING SYSTEM*

DOCKET No. 07-AFC-5

PROOF OF SERVICE
(Revised 4/16/09)

APPLICANT

Solar Partners, LLC
John Woolard,
Chief Executive Officer
1999 Harrison Street, Suite #500
Oakland, CA 94612

Steve De Young, Director
Project Manager
Ivanpah SEGS
Environmental, Safety
and Health
1999 Harrison Street, Ste. 2150
Oakland, CA 94612
sdeyoung@brightsourceenergy.com

APPLICANT'S CONSULTANTS

John L. Carrier, J. D.
2485 Natomas Park Dr. #600
Sacramento, CA 95833-2937
jcarrier@ch2m.com

COUNSEL FOR APPLICANT

Jeffery D. Harris
Ellison, Schneider
& Harris L.L.P.
2600 Capitol Avenue, Ste. 400
Sacramento, CA 95816-5905
jdh@eslawfirm.com

INTERESTED AGENCIES

California ISO
e-recipient@caiso.com
Tom Hurshman,
Project Manager
Bureau of Land Management
2465 South Townsend Ave.
Montrose, CO 81401
tom_hurshman@blm.gov

Sterling White, Field Manager
Bureau of Land Management
1303 South Highway 95
Needles, CA 92363
sterling_white@blm.gov

Becky Jones
California Department of
Fish & Game
36431 41st Street East
Palmdale, CA 93552
dfgpalm@adelphia.net

INTERVENORS

California Unions for Reliable
Energy ("CURE")
Tanya A. Gulesserian
Marc D. Joseph
Adams Broadwell Joseph &
Cardozo
601 Gateway Boulevard, Ste 1000
South San Francisco, CA 94080
tgulesserian@adamsbroadwell.com

*Gloria Smith, Joanne Spalding
Sidney Silliman, Sierra Club
85 Second Street, 2nd Fl.
San Francisco, CA 94105
gloria.smith@sierraclub.org
joanne.spalding@sierraclub.org
gssilliman@csupomona.edu
E-mail Preferred

Joshua Basofin, CA Rep.
Defenders of Wildlife
1303 J Street, Ste. 270
Sacramento, CA 95814
jbasofin@defenders.org
E-MAILED PREFERRED

ENERGY COMMISSION

JEFFREY D. BYRON
Commissioner and Presiding
Member
jbyron@energy.state.ca.us

JAMES D. BOYD
Vice Chairman and
Associate Member
jboyd@energy.state.ca.us

Paul Kramer
Hearing Officer
pkramer@energy.state.ca.us

John Kessler
Project Manager
jkessler@energy.state.ca.us

Dick Ratliff
Staff Counsel
dratliff@energy.state.ca.us

Elena Miller

!

Public Adviser

publicadviser@energy.state.ca.us

DECLARATION OF SERVICE

I, Mary Finn, declare that on May 19, 2009, I served and filed copies of the attached Supplemental Data Response Set 2C. The original document, filed with the Docket Unit, is accompanied by a copy of the most recent Proof of Service list, located on the web page for this project at:

[www.energy.ca.gov/sitingcases/ivanpah]. The document has been sent to both the other parties in this proceeding (as shown on the Proof of Service list) and to the Commission's Docket Unit, in the following manner:

(Check all that Apply)

FOR SERVICE TO ALL OTHER PARTIES:

 x sent electronically to all email addresses on the Proof of Service list;

 x by personal delivery or by depositing in the United States mail at Sacramento, CA with first-class postage thereon fully prepaid and addressed as provided on the Proof of Service list above to those addresses **NOT** marked "email preferred."

AND

FOR FILING WITH THE ENERGY COMMISSION:

 x sending an original paper copy and one electronic copy, mailed and emailed respectively, to the address below (***preferred method***);

OR

 depositing in the mail an original and 12 paper copies, as follows:

CALIFORNIA ENERGY COMMISSION

Attn: Docket No. 07-AFC-5
1516 Ninth Street, MS-4
Sacramento, CA 95814-5512
docket@energy.state.ca.us

I declare under penalty of perjury that the foregoing is true and correct.



Mary Finn