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August 16, 2013

Commissioner Karen Douglas, Presiding Member
Christine Stora, Project Manager
Alvin Greenberg, Ph.D.
CALIFORNIA ENERGY COMMISSION
1516 Ninth Street, MS-14 (Dockets Unit)
Sacramento, CA 95814-5512

Subject: County of Riverside Comments on Palen Solar Holdings, LLC's Fire and Emergency Services Risk Assessment for the Proposed Palen Solar Electric Generating System Amendment (09-AFC-7C)

Dear Commissioner Douglas, Ms. Stora and Dr. Greenberg:

During the July 17, 2013, Public Workshop on the Preliminary Staff Assessment ("PSA") for the Proposed Palen Solar Electric Generating System Amendment, Dr. Alvin Greenberg asked the Riverside County Fire Department ("RCFD") to review and comment on Palen Solar Holdings, LLC's Fire and Emergency Services Risk Assessment ("FESRA"). The County of Riverside ("County") again thanks the California Energy Commission ("CEC") for the opportunity to provide the CEC input on this Project that will have impacts on the County, County services, and County residents. The County respectfully submits the following comments in response to the RCFD's review of the FESRA prepared by the applicant.

While the County appreciates the scope covered by the applicant's self-assessment, we take issue with some of the content and conclusions of the FESRA. The applicant's self-assessment is carefully written to downplay and minimize the possible severity and frequency of occurrence of any potential impacts to the Riverside County Fire Department (RCFD).

In Table 6-4 of the FESRA, the applicant uses subjective adjectives in the "Description" column to quantify the frequency of occurrence for possible incidents. Most of these words are chosen to create an image of little to no possibility that such an incident will occur. Reviewing the wording in the "Fleet or Inventory" (definition) column, however, a less contrived view emerges. For example, using the applicant's own words from the Fleet/Inventory column, we see Level D quantified as "Reasonably Expected" rather than "Remote." Likewise, using the applicant's definitions, Level E becomes "Possible" rather than "Improbable."

Table 6-4

Description	Level	Specific Individual Item	Fleet or Inventory
Frequent	A	Likely to occur often in the life of an item.	Continuously experienced.
Probable	B	Will occur several times in the life of an item.	Will occur frequently.
Occasional	C	Likely to occur sometime in the life of an item.	Will occur several times.
Remote	D	Unlikely, but possible to occur in the life of an item.	Unlikely, but <u>can reasonably be expected to occur.</u>
Improbable	E	So unlikely, it can be assumed occurrence may not be experienced in the life of an item.	Unlikely to occur, <u>but possible.</u>
Eliminated	F	Incapable of occurrence. This level is used when potential hazards are identified and later eliminated.	Incapable of occurrence. This level is used when potential hazards are identified and later eliminated.

Note: Text emphasis and highlighting by Riverside County Fire Department.

By applying words from the applicant's own definitions to Table 6-5, instead of more subjective adjectives, the entire probability table takes on a different, and the County believes, more realistic light.

Table 6-5

Hazard	Probability of Risk
Use and storage of hazardous materials during construction	Reasonably Expected
Use and storage of hazardous materials during operation and maintenance	Reasonably Expected
Accidental release of hazardous materials	Possible
Fire or explosion from hazardous materials	Reasonably Expected
Fire or explosion from use of natural gas, diesel fuel, transformer oil and lubrication oil	Reasonably Expected
Worker safety during typical construction, operation, and maintenance	Reasonably Expected
Worker safety related to height of tower during construction, operation, and maintenance	Possible
Worker safety related to work in confined spaces during construction, operation, and maintenance	Possible

Worker safety related to height of tower during construction, operation and maintenance	Possible
Offsite vehicle accidents	Reasonably Expected

Note: Table edited per comments above by Riverside County Fire Department.

Considerable effort is spent in the FESRA attempting to demonstrate that, based on call volume, no additional RCFD staff would be needed as a result of this Project (Paragraph 2, Page 7-5). Further argument is made that Fire Protection impacts are less than significant (Paragraph 5, Page 8-1). The testimony provided by Riverside County Fire during the public workshops and in written comments does not claim a significant call demand would occur. It is not the anticipated frequency of calls, but the various hazards created by this Project and the types of inherent risks associated with potential emergencies which will impact the County. RCFD categorizes these as *low frequency/high risk/little discretionary time* emergencies. The most significant impact to RCFD is the need to be prepared to provide immediate Technical Rescue services, which has normally been necessary only in built up commercial/industrial areas of the County. This is a significant increase in the service level from the basic service level historically provided to this otherwise rural desert area.

The applicant believes that, based on its health and safety plans, and by following LORS, the impact to RCFD would be less than significant. However, RCFD's experience across Riverside County, dealing with a huge cross section of business and industry, is that in spite of workplace plans, OSHA regulations, and numerous other laws and ordinances, industrial accidents *still* occur. In spite of all the LORS, and attempts at following best practices, human and mechanical failures can and do occur. Even basic medical emergencies can create access and rescue challenges when such emergencies occur high on catwalks or inside piping, tanks, vaults, or within a tower.

While we all hope for a safe work environment, and that RCFD would never need to respond to this facility, it is not realistic to base emergency preparedness on such hopes. The RCFD will need to be prepared to provide Technical Rescue services in addition to fire response as a result of the development of this and other solar thermal projects.

The applicant minimally addresses Technical Rescue in Section 8.1.2 – and surmises that the demand “would be considered less than significant.” The County strongly disagrees with this conclusion. It is RCFD's assessment that the changes needed in *response capability* to be prepared for potential Technical Rescue emergencies in the desert region as a result of this and other solar thermal projects will significantly impact the County with respect to RCFD's staffing, training, equipment and facilities.

Section 8.1.2 further seeks to minimize these impacts by stating that the Blythe Volunteer Fire Department would provide the needed technical rescue support through Mutual Aid. We have several issues with this section.

RCFD is the official “Authority Having Jurisdiction” (AHJ) for emergency responses to the Project. RCFD therefore has a jurisdictional responsibility to staff, equip and train personnel at an appropriate level for emergency responses arising from the Project. As such, emergency services must be provided by the Riverside County Fire Department. The applicant suggests that mutual aid might be used to help mitigate primary fire services for the Project. However, providing mutual aid to another jurisdiction is voluntary, not required, and is dependent on the availability of the provider's fire resources during any particular emergency. Mutual aid, therefore, is generally not depended on for primary service delivery.

The California Mutual Aid Plan clearly articulates that a jurisdiction is not required to respond outside their jurisdiction based on its own activities and needs, and further provides “... that no party shall be required to unreasonably deplete its own resources in furnishing mutual aid.” While the County fully

believes the Blythe City Fire Department would make every effort to assist RCFD at the Project, it is not appropriate to assume Blythe City Fire Department would always be available, based on their own responsibility to respond first to incidents within their own jurisdiction.

The California Mutual Aid Plan provides statewide guidance that mutual aid is used for a local emergency that "...is or is likely to be beyond the control of the services, personnel, equipment, and facilities of that agency and require the combined forces of other local agencies to combat." In addition, the Plan states that "Basic to California's emergency planning is a statewide system of mutual aid in which each jurisdiction relies first upon its own resources." Jurisdictions, therefore, have a responsibility to plan for these emergencies through proper training, equipping and staffing. It is inappropriate to burden, and potentially overextend, the Blythe City Fire Department in a first response capacity within the County's jurisdiction in lieu of appropriately staffing, training and outfitting RCFD resources.

The Riverside County Fire Department is clearly responsible as the AHJ to take reasonable steps to provide emergency services based on the anticipated hazards and needs within its own jurisdiction. RCFD reviewed the applicant's proposed Project, and strongly believes both that the County's recommended mitigations are appropriate and that the applicant must mitigate the County's increased costs of preparedness to provide emergency services to the Project.

In addition to the above comments, RCFD also made note of several areas of concern, or what we believe to be improper references to LORS. They are as follows:

Section 2.2.3 makes references to access roads. The County previously addressed this in both verbal testimony and written documentation to the CEC. As previously stated, all fire access roads must meet RCFD Standards. The County looks forward to discussing this further with the applicant utilizing larger scale, detailed architectural drawings.

Section 2.2.11: Reference to the Indio Office of the Riverside County Fire Department. This is incorrect. The Indio office deals only with Fire Marshal services within the City of Indio. Submittals or questions should be directed to the Eastern County Fire Marshal's office located at:

77-933 Las Montanas Rd. # 201
Palm Desert, CA 92211.

Section 2.2.11: References Riverside County Ordinance No. 787.1. This is outdated. Correct reference is Ordinance No. 787.6. Additionally the reference to fire flow rate of 5,000 GPM needs to include "@ 20 PSI residual."

Section 3.2: While the Uniform Fire Code, Article 80, is listed as a National Consensus Standard, the applicant is cautioned that the applicable code for this subject will be the 2010 California Fire Code Chapter 27.

Section 3.3: Riverside County Fire Protection and Medical Master Plan - 1987. This document is referenced in the FESRA several times. Unfortunately, the use of this document was not discussed with RCFD in the development of the FESRA. The 1987 Master Plan is in the process of being replaced. This is being guided by the Riverside County Fire Department Strategic Plan of 2009, and that later document would apply in the event of any conflicting information. A draft companion "Strategic Master Plan" has been completed and is in final editing, and will finalize the replacement of the 1987 Master Plan document. This is anticipated to be finalized prior to the Project's approval.

Section 8.1.3: This section concludes by stating that the "addition of the PSEGS to the RCFD service area would not require additional emergency medical responses from the RCFD." This is incorrect.

RCFD has first response responsibility, is staffed with Paramedics and would respond to any medical emergency occurring on site. A private duty industrial nurse does not supersede the authority of, and has less capability than, our paramedics operating within EMS control. Although an onsite nurse would be practical in an occupational health and safety situation, an onsite nurse is not recognized as a pre-hospital provider within the Riverside County EMS system. The presence of an onsite nurse may reduce the number of calls to the Project, however, an increased call for service will occur impacting normal operations of RCFD services to the area.

Section 8.2: The County disagrees with the statement that the applicant can “eliminate the need for emergency medical services.” This is discussed above in section 8.1.3. Additionally, the County takes exception to paragraph 5 of this section wherein the applicant attempts to further deflect mitigation by introducing the argument that added resources would “primarily be used for incidents involving the general population...” and “...provide a net benefit to Riverside County.” It must be remembered that impacts on the County and requested mitigations are a direct and proximate result of the construction of major solar thermal, including the applicant’s Project. Absent the construction of these significant industrial projects, impacts on the County and consequent need for mitigation would be substantially reduced. Riverside County is not seeking a net benefit from these facilities, but must respectfully demand that RCFD’s necessary capital and operational costs of emergency preparedness resulting from this Project be mitigated.

In summary, we continue to stand by the County’s letter of July 30, 2013. That letter and its Attachment A, “Battalion 8 Solar Project Impacts and Mitigation,” outlines in detail the County’s position regarding the Fire Needs of this Project, which remains unchanged after review of the FESRA.

Thank you, again, for the opportunity to provide comments on the FESRA. As the Project moves forward and additional information about the Project is known, the County reserves the right to issue additional comments on the FESRA. Should you need additional information from the County, please contact me at (951) 955-6300 or Deputy Fire Chief Dorian Cooley at (760) 393-3450.

Sincerely,

PAMELA J. WALLS
County Counsel

A handwritten signature in black ink, appearing to read 'Tiffany North', with a large, stylized flourish to the right.

TIFFANY NORTH
Supervising Deputy County Counsel