

**STATE OF CALIFORNIA
ENERGY RESOURCES CONSERVATION
AND DEVELOPMENT COMMISSION**

DOCKET

08-AFC-2

DATE FEB 02 2010

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In the Matter of:

Beacon Solar, LLC's)
Application for Certification of the)
Beacon Solar Energy Project)
_____)

Docket No. 08-AFC-2

**BEACON SOLAR ENERGY PROJECT'S POST-WORKSHOP REVISIONS TO
HAZARDOUS MATERIALS MANAGEMENT AND WORKER SAFETY CONDITIONS
OF CERTIFICATION**

February 2, 2010

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HAZARDOUS MATERIALS MANAGEMENT

Requested Changes to the Conditions of Certification for Hazardous Materials Management

HAZ-5 The project owner shall prepare a site-specific Security Plan for the operational phase and shall be made available to the CPM for review and approval. The project owner shall implement site security measures addressing physical site security and hazardous materials storage. The level of security to be implemented shall not be less than that described below (as per NERC 2002).

The Operation Security Plan shall include the following:

1. Permanent full perimeter fence or wall, at least eight feet high around the Power Block and Solar Field;
2. Main entrance security gate, either hand operable or motorized;
3. Evacuation procedures;
4. Protocol for contacting law enforcement and the CPM in the event of suspicious activity or emergency;
5. Written standard procedures for employees, contractors and vendors when encountering suspicious objects or packages on-site or off-site;
6.
 - a. A statement (refer to sample, attachment "A") signed by the project owner certifying that background investigations have been conducted on all project personnel. Background investigations shall be restricted to ascertain the accuracy of employee identity and employment history, and shall be conducted in accordance with state and federal law regarding security and privacy;
 - b. A statement(s) (refer to sample, attachment "B") signed by the contractor or authorized representative(s) for any permanent contractors or other technical contractors (as determined by the CPM after consultation with the project owner) that are present at any time on the site to repair, maintain, investigate, or conduct any other technical duties involving critical components (as determined by the CPM after consultation with the project owner) certifying that background investigations have been conducted on contractor personnel that visit the project site.
7. Site access controls for employees, contractors, vendors, and visitors;
8. a statement(s) (refer to sample, **Attachment C**), signed by the owners or authorized representative of ~~hazardous materials transport~~ Liquefied Petroleum Gas (propane) vendors, certifying that they have prepared and implemented security plans in compliance with 49 CFR 172.880, and that they have conducted employee background investigations in accordance with 49 CFR Part 1572, subparts A and B;
9. Closed Circuit TV (CCTV) monitoring system, recordable, and viewable in the power plant control room and security station (if separate from the control room) capable of viewing, at a minimum, the main entrance gate; and
10. Additional measures to ensure adequate perimeter security consisting of either:
 - a. Security guard present 24 hours per day, seven days per week, **OR**
 - b. Power plant personnel on-site 24 hours per day. Seven days per week and **one all** of the following:
 - 1) The CCTV monitoring system required in number 9 above shall include cameras that are able to pan, tilt, and zoom (PTZ), have

low-light capability, are recordable, and are able to view 100% of the perimeter fence of the Power Block, the outside entrance to the control room, and the front gate from a monitor in the power plant control room; **OR AND**

- 2) Perimeter breach detectors or on-site motion detectors.

The project owner shall fully implement the security plans and obtain CPM approval of any substantive modifications to the security plans. The CPM may authorize modifications to these measures, or may require additional measures, such as protective barriers for critical power plant components (e.g., transformers, gas lines, compressors, etc.) depending on circumstances unique to the facility or in response to industry-related standards, security concerns, or additional guidance provided by the U.S. Department of Homeland Security, the U.S. Department of Energy, or the North American Electrical Reliability Council, after consultation with appropriate law enforcement agencies and the applicant.

Verification: At least 30 days prior to the initial receipt of hazardous materials on-site, the project owner shall notify the CPM that a site-specific Operations Site Security Plan is available for review and approval. In the Annual Compliance Report, the project owner shall include a statement that all current project employee and appropriate contractor background investigations have been performed, and updated certification statements are appended to the Operations Security Plan. In the Annual Compliance Report, the project owner shall include a statement that the Operations Security Plan includes all current hazardous materials transport vendor certifications for security plans and employee background investigations.

WORKER SAFETY-4

The project owner shall make payments to the Chief Building Official (CBO) for the services of a Safety ~~Monitor~~ Auditor based upon a reasonable fee schedule to be negotiated between the project owner and the CBO. ~~Those services shall be in addition to other work performed by the CBO.~~ The Safety ~~Monitor~~ Auditor shall be selected by and report directly to the CBO, and will be responsible for verifying that the Construction Safety Supervisor, as required in Worker Safety 3, implements all appropriate Cal/OSHA and Commission safety requirements during the construction phase. The Safety ~~Monitor~~ Auditor shall conduct on-site (including linear facilities) safety inspections at intervals necessary to fulfill those responsibilities. Such inspections should not occur more than once per month, unless the information in the Monthly Compliance Report submitted by the CSS warrants more oversight.

Verification: At least thirty (30) days prior to the start of construction, the project owner shall provide proof of its agreement to fund the Safety ~~Monitor~~ Auditor services to the CPM for review and approval.

Rationale

As discussed at the workshop, Beacon feels that a second Safety Monitor (over and above the CSS) is unnecessary and should not be required based simply on past incidents at other (non-solar) power plants constructed by other entities. To the extent that Staff still believes this Condition of Certification is necessary, Beacon offers the above edits.

Changing the title of the position from Safety Monitor to Safety Auditor would more effectively encapsulate the purpose of this position. The FSA refers to safety “audits” when discussing the need for this position on page 4.14-11.

Strikeout sentence: Unnecessary and potentially confusing, as it refers to services to be performed by the CBO, not the Safety Monitor.

Added sentence: Beacon is concerned that without a limitation on the time the Safety Monitor spends on site, this could become a de facto full-time position, which Staff expressly stated at the workshop was not the intent. Limiting the number of safety audits so long as the construction site remains generally incident-free would accomplish Staff’s intent and the objectives of the Condition.

**BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION
OF THE STATE OF CALIFORNIA**

**APPLICATION FOR CERTIFICATION FOR
THE BEACON SOLAR ENERGY PROJECT**

DOCKET NO. 08-AFC-2

PROOF OF SERVICE
(Revised 1/26/10)

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Declaration of Service

I, Lois Navarrot, declare that on February 2, 2010, I served and filed copies of the attached **Beacon Solar Energy Project's Post-Workshop Revisions to Hazardous Materials Management and Worker Safety Conditions of Certification**. 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/beacon. 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

- sent electronically to all email addresses on the Proof of Service list;
- by personal delivery or by depositing in the United States mail at Sacramento, California 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

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

OR

- _____ depositing in the mail an original and 12 paper copies as follow:

California Energy Commission
Attn: Docket No. 08-AFC-2
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.

/s/
Lois Navarrot