



Aliso Canyon Turbine Replacement Project Construction Non-Compliance Report

Incident Date:	<u>January 5, 2017</u>	Report No.:	<u>NCR-13</u>
Date Submitted:	<u>March 8, 2017</u>	Location:	<u>Aliso Canyon Natural Gas Storage Field</u>
Level:	<u>Level 3 Non-Compliance</u>	Relevant Plan/Measure:	<u>MMCRP; NPDES General Permit (SWPPP); APM HZ-3; APM HZ-5; APM HZ-6</u>
Current Land Use:	<u>Disturbed; Adjacent to Riparian/Stream</u>	Sensitive Resources:	<u>Hydrology, Biology</u>

Incident Summary:

An estimated 1-2 gallons of diesel fuel were spilled on January 5, 2017 while a delivery driver was refueling a tank as part of the Southern California Gas Company's (SCG's) Aliso Canyon Turbine Replacement (ACTR) Project. The spilled diesel fuel escaped the secondary containment vessel because it was already full of rainwater. The diesel rainwater mix overtopped the containment vessel and traveled along a road toward a storm drain, which leads to Limekiln Canyon Wash, leaving an oily sheen on the road. The sheen was cleaned-up and no evidence that fuel entered the storm drain system or Limekiln Canyon Wash was found.

SCG and their contractors were not in full compliance with APM HZ-3, APM HZ-5, APM HZ-6, and the NPDES General Permit/SWPPP during this incident. The diesel fuel spill could have been prevented by compliance with these measures, which require proper handling of hazardous materials, proper secondary containment, and proper worker training. SCG's actions deviated from project requirements, and the resulting spill had the potential to damage sensitive hydrological and biological resources in the Limekiln Canyon wash area. This constitutes a Level 3 non-compliance.

Regulatory Setting

NPDES General Permit and SWPPP: Southern California Gas Company (SCG) has obtained a National Pollutant Discharge Elimination System (NPDES) General Permit for Construction and Land Disturbance Activities for the Aliso Canyon Turbine Replacement (ACTR) Project, as required by the Federal Clean Water Act. This General Permit allows stormwater discharge to occur from the construction site, but includes measures and requirements to ensure water quality is not degraded. The General Permit requires SCG to implement a variety of best management practices (BMPs) to prevent unauthorized pollutants or contaminants from being transported and discharged from the project site and to ensure the effectiveness of the BMPs. Non-stormwater discharges from the project are prohibited, unless specifically authorized by the permit (e.g., water for dust control). The NPDES General Permit requires the preparation of a Storm Water Pollution Prevention Plan (SWPPP) by a Qualified SWPPP Developer (QSD) to guide the implementation of the General Permit for a specific project. The goal of the SWPPP is to protect overall water quality during construction activities and identify BMPs that will minimize the transport of contaminants or pollutants to receiving waters. The SWPPP requires that hazardous materials, including diesel fuel, must be stored according to the guidelines presented in the Water Quality Construction BMP Manual (Appendix VI of SCG's SWPPP).

Secondary Containment (SWPPP BMP 2-05): Section 4.2 of the SWPPP requires SCG to comply with a variety of Good Site Management measures. For example, as a Risk Level 2 Discharger, SCG must “store chemicals in watertight containers (with appropriate secondary containment to prevent any spillage or leakage)” and “prevent oil, grease, or fuel from leaking into the ground, storm drains or surface waters.” Specific BMPs that correspond to each required Good Site Management measure are provided. The SWPPP specifically requires SCG to implement BMP 2-05 to comply with the Good Site Management measures. BMP 2-05 provides instruction for controlling and containing hazardous materials, including fuel, and requires hazardous materials to be stored in secondary containment (unless stored in a watertight shed). This BMP specifies that secondary containment systems for hazardous materials must be able to hold the volume of the largest container in the storage area and, if uncovered, must have sufficient additional capacity for storm events. For Southern California, the additional containment volume for an anticipated rain event can be approximated by adding at least an additional four inches to the height of the containment sized for the entire waste volume of the largest container. The BMP further states that stormwater collected within a secondary containment structure must be inspected prior to being discharged.

SWPPP Inspections: Section 4.7 of SCG’s SWPPP requires weekly inspections of the construction site by the Qualified SWPPP Practitioner (QSP), including inspections of BMPs. These inspections are required to be coupled with thorough documentation and timely repair to ensure all measure are functioning as intended, including the requirement that within 72-hours of identification of failures or shortcomings, SCG shall begin implementing repairs or design changes to BMPs and complete the changes as soon as possible. Additional inspections are required before, during, and after qualified storms.

MMCRP: The ACTR Project’s Mitigation, Monitoring, Compliance, and Reporting Program (MMCRP) was adopted with the granting of a Certificate of Public Convenience and Necessity by the California Public Utilities Commission (CPUC). Mitigation measures (MMs) and applicant proposed measures (APMs) within the MMCRP are required to be followed by SCG, including the following:

- APM HZ-3: *Hazardous Materials Spill and Release Prevention* requires SCG to implement construction procedures that minimize the potential for hazardous material spills and releases in each of the project component areas, including the implementation of BMP 2-05.
- APM HZ-5: *Hazardous Materials Use and Storage and Hazardous Waste* requires SCG to ensure “all hazardous materials (including fuels) will be stored, handled, and used in accordance with applicable regulations.”
- APM HZ-6: *Worker Environmental Awareness Training* requires that all construction personnel receive training which includes “instructions on individual responsibilities under the Clean Water Act, the applicant’s SWPPP, site-specific BMPs, hazardous materials and waste management requirements, and the location of Material Safety Data Sheets.”

Incident

SCG reported diesel fuel spill to the CPUC and the following account is based on their reports (attachments 1 and 2). On January 5, 2017, a diesel delivery truck driver (subcontractor to Kiewit¹) spilled a small amount of diesel fuel while refilling a 250-gallon diesel fuel cell in the Kiewit parking area at approximately 5:45 am. SCG/Kiewit estimated that 1-2 gallons of diesel fuel spilled during the driver’s refilling. The estimate is based on the observation that the shut-off valve was properly functioning. At the time of the spill, the reservoir below the hose connection as well as the plastic lined secondary containment vessel below the fuel cell were already at capacity with rainwater from recent storms. Light rain was falling and rainwater was already overflowing the secondary containment vessel at the time of the spill. The truck driver left the site without reporting the spill. The spilled fuel mixed with the several hundred gallons of rainwater that filled the secondary containment vessel and overtopped. Subsequently, the rainwater-diesel mixture spilled onto the pavement and flowed diffusely along the parking area and adjacent road, leaving an oily sheen, for approximately 700 feet to a storm drain that drains to Limekiln Canyon Wash. That morning, Kiewit staff noticed a line of oily sheen on the pavement leading to the storm drain, which prompted the Kiewit environmental manager to notify the California Governor’s Office of Emergency Services (Cal-OES) and begin clean-up activities. At the time of the notification, it was unknown if diesel fuel entered the storm drain.

Kiewit immediately responded by placing oil-absorbing booms below the area where the diesel and rainwater was flowing out of containment. Kiewit hand pumped the contaminated water out of the secondary containment into drums. Other measures taken to clean up the spill included placing oil absorbent materials in the vicinity of the spill, pumping water with a visible sheen from the storm drain and puddles, and installing oil absorbing booms in the stream channel (see Attachment 1 for additional detail). Cal-OES notified other state and local agencies including LA County Department of Public Works, LA Regional Water Quality Control Board, California Department of Fish and Wildlife, and the LA County Certified Unified Program Agency. While

¹ Kiewit is a construction contractor to SCG

the clean-up was occurring, representatives from LA County Department of Public Works Sanitation and Flood Maintenance Division visited to inspect the spill area and affected storm drain.

Non-Compliance

The MMCRP describes three levels of non-compliance. A Level 3 non-compliance includes actions that deviate from project requirements and have the potential to cause substantial permanent damage to environmental resources or violate local, state, or federal law.

SCG was out of compliance with the MMCRP (APM HZ-3, APM HZ-5, APM HZ-6), and the NPDES General Permit/SWPPP. The spill of diesel fuel could have been prevented by compliance with measures that require proper handling of hazardous materials, proper secondary containment, and proper worker training. The actions taken deviate from the requirements in the APMs and General Permit/SWPPP and had the potential to damage sensitive hydrological and biological resources in the Limekiln Canyon wash area. This constitutes a Level 3 non-compliance.

Hazardous materials: SCG did not minimize the potential for diesel fuel spilling and did not store or handle diesel fuel as required by APM HZ-3 and APM HZ-5. These APMs require the effective implementation of the SWPPP, including effective secondary containment, which was not accomplished (see secondary containment below).

Secondary containment: SCG failed to properly maintain and inspect the secondary containment around the fuel cell, as required by the General Permit, SWPPP, and BMP 2-05. The CPUC/E & E team asked SCG when the secondary containment was last checked and emptied during an incident follow-up call on January 17, 2017 (Attachment 2). SCG responded on January 20, 2017 that their contractor has no record of inspecting the secondary containment and they do not know when it was last emptied (Attachment 2). SCG did not identify that the secondary containment around the fuel tank was full of rainwater and thus unable to function properly.

SCG reported that several hundred gallons of water had collected in the secondary containment vessel (Attachment 1), which implies that water could have been collecting over the course of weeks, during which time there were multiple winter storms. The SWPPP requires weekly and pre and post storm inspections and requires that SCG maintain BMPs that are in need of repair in a timely manner. BMP 2-05 requires SCG to allow for sufficient capacity for storm events in secondary containment vessels. Had inspections and proper maintenance occurred, capacity for stormwater would have been available. There is no evidence that inspections or maintenance occurred and, as a result, the secondary containment was not able to contain the rainfall.



Worker training: SCG did not provide the delivery driver with the proper Worker Environmental Awareness Training (WEAP). The CPUC/E&E team asked SCG during an incident follow-up call on January 17, 2017 if the driver had been trained on the proper procedures for preventing and reporting spills. SCG responded that the driver was likely given a WEAP training flyer; however, SCG has no record that the driver actually received the flyer (Attachment 2). The CPUC/E & E previously approved the use of this WEAP flyer as a substitute for the full WEAP training (required by APM HZ-6) only for delivery drivers involved with the "mobilization and placement of construction equipment." In this case, even if the flyer was given to the driver, the flyer was not sufficient training for a driver delivering and refilling hazardous materials, as the flyer contains no information regarding preventing or reporting spills (Attachment 3). The full WEAP training should have been provided to this driver.

Proposed Resolution:

SCG reported that Kiewit would make regular checks on the secondary containment vessels prior to the use of the fuel cells and would not allow fuel to be pumped during rain events. The fuel cells were removed from the project site on January 14, 2017. The CPUC/E & E team conducted follow-up calls with SCG on January 17 and 20, 2017 to gather additional information about the incident.

The CPUC requires that all delivery drivers bringing in hazardous materials associated with the project must receive the full WEAP training in accordance with APM HZ-6. The flyer may only be a substitute for the full training if the flyer sufficiently covers impacts that may occur by the driver's actions.

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Approvals	Date	Name (print)	Signature	Comments
CPUC Compliance Manager	3/8/2017	Lara Rachowicz		
CPUC Compliance Monitor (if applicable)				
CPUC Project Manager (if applicable)	4/4/17	Andrew Barnsdale		
SoCalGas/SCE Environmental Compliance Manager (if applicable)				

Prepared by: Jenny Vick, Lara Rachowicz

Date: 2/24/17