

135 FERC ¶ 62,112
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

PacifiCorp

Project No. 2342-023

ORDER APPROVING SPILL PREVENTION, CONTROL, AND
COUNTERMEASURES PLAN

(Issued May 06, 2011)

1. On March 16, 2011, PacifiCorp (licensee) filed a Spill Prevention, Control, and Countermeasures Plan (Plan) pursuant to ordering paragraph (R) of the Order Accepting Surrender of License, Authorizing Removal of Project Facilities, and Dismissing Application for New License (Surrender Order) for the Condit Hydroelectric Project No. 2342.¹ The project is located on the White Salmon River in Klickitat and Skamania counties, Washington.

Background

2. Ordering paragraph (R) of the Commission's Surrender Order, requires the licensee to file, for Commission approval, at least 90 days before starting removal activities, a petroleum and hazardous substances control plan to protect all waters during dam removal activities from the contamination of deleterious materials such as wet concrete, gasoline, solvents, epoxy resins, or other materials.² The plan shall include, at a minimum:

- (1) a description of any hazardous products or materials that will be used, including procedures for inventory, storage, handling, and monitoring;
- (2) provisions for spill containment and control with notification procedures, specific clean-up and disposal instructions for different products, quick response containment and clean-up measures to be available on site, methods for disposal of spilled materials, and employee training;

¹ *PacifiCorp*, 133 FERC ¶ 61,232 (2010).

² When filing this plan the licensee titled this plan a Spill Prevention, Control, and Countermeasures Plan.

- (3) a provision to design, build, and maintain facilities to collect and treat all construction and drilling discharge water, using the best available technology applicable to site conditions, to remove any pollutants present;
- (4) a provision that, if any construction discharge water is released via an outfall or diffuser port, velocities may not exceed 4 feet per second, and the maximum size of any aperture may not exceed 1 inch;
- (5) a provision to not allow pollutants such as green concrete, contaminated water, sediment, welding slag, sandblasting abrasive, or grout cured less than 24 hours to contact any water body, wetland, or stream channel below ordinary high water;
- (6) practices to prevent construction debris from dropping into any body of water, and a provision to remove any material that does drop with minimum disturbance to the streambed and water quality;
- (7) a provision that vehicle staging, cleaning, maintenance, refueling, and fuel storage must take place 150 feet or more from any stream, waterbody, or wetland, or have suitable spill prevention measures at the refueling site if it must be closer;
- (8) a provision for all vehicles operated within 150 feet of any stream, waterbody, or wetland to be inspected daily for fluid leaks before leaving the vehicle staging area, leaks are to be repaired prior to subsequent operations, and an inspection report is to be available for agency review;
- (9) a provision that all equipment operated instream be cleaned before beginning operations below the bank full elevation to remove all external oil, and grease; and
- (10) a provision for all stationary power equipment operated within 150 feet of any stream, waterbody, or wetland to be diapered to contain leaks.

3. The licensee shall prepare the plan after consultation with the National Marine Fisheries Service (NMFS), U.S. Fish and Wildlife Service (USFWS), Washington Department of Fish and Wildlife (WDFW), and Washington Department of Ecology (Ecology). The licensee shall include with the plan documentation of consultation, copies of the consulted entities' comments and recommendations on the completed plan, and specific descriptions of how the entities' comments are accommodated by the plan. The licensee shall allow a minimum of 30 days for the entities to comment and to make recommendations before filing the plan with the Commission. If the licensee does not adopt a recommendation, the filing shall include the licensee's reasons, based on project-specific information. The Commission reserves the right to require changes to the plan.

Licensee's Plan

4. On March 16, 2011, the licensee filed its Spill Prevention, Control, and Countermeasures Plan. The Plan specifies procedures and Best Management Practices (BMPs) for petroleum spills, establishes contractor responsibilities, identifies spill hazards, specifies spill response procedures and BMPs, and specifies spill notification requirements.
5. The Plan identifies equipment leaks, storage container leaks, refueling spills, and equipment failure as the four primary sources of possible petroleum product spills at the project. The following products will likely be present during removal of project facilities: hydraulic fluid, brake fluid, power steering fluid, motor oil, crankcase oil, general lubrications, gasoline, and diesel. Material Safety Data Sheets (MSDS) documentation for all hazardous materials stored onsite will be kept on file in the contractor's construction office. Practices to prevent construction debris and other pollutants such as green concrete and grout from dropping into water can be found in the licensee's Project Removal Design Plan and Lake Bridge Stabilization Design Plan.
6. The Plan states that the contractor performing the decommissioning work will be responsible for implementing BMPs designed to prevent petroleum product spills. The BMPs cover a range of issues including employee training, direction, and oversight; daily equipment and vehicle inspections; water entry inspections; fueling station establishment and fueling BMPs; and petroleum product bulk storage and inspection schedule. Prior to the start of construction, the contractor will train its employees and subcontractors on requirements of the Spill Prevention, Control, and Countermeasures Plan, will direct the BMPs throughout the decommissioning, and will provide oversight to ensure spill prevention BMPs are implemented appropriately, and effectively. Daily inspections and routine maintenance of vehicles and equipment will be performed, including equipment systems containing petroleum products. The licensee states in the plan that vehicle staging, cleaning, maintenance, and refueling will take place at or greater than 150 feet from waters of the state.
7. Any leaks that have been found during inspections will be rectified prior to placing the equipment into service. Any equipment that is leaking a petroleum product will not be permitted to perform in-stream work. Equipment working near or in the water will be visually inspected for leaks immediately prior to entering or working near the water. Bulk gasoline and diesel fuel will be stored at a designated fueling station located as far from a water source as possible, but at least greater than 150 feet. Storage containers for petroleum products at the fueling station will be visually inspected for leaks once a month.

8. In addition, the Plan also outlines spill response procedures including pre-spill preparation; in-water detection and response planning; in-water containment and recovery; land-based spill detection, response planning, containment, and recovery; and spill clean-up. Employees will be trained on proper implementation of spill response procedures and equipment prior to the start of project work. Upon detection of oil reaching water or soil within 10 feet of water, the contractor will stop work, assess the situation, and implement the response plan. The contractor will immediately execute the spill response plan by dispatching spill response personnel and appropriate spill containment and recovery equipment. The spill response will focus on curtailing a spill, containing petroleum product that has entered the water, minimizing the volume of spilled product entering the water, and isolating the source of the spill. In the case of a land-based spill, the contractor will stop work, assess the situation, and formulate a response plan. The spill response will consist of identification of the spill source, direction and rate of travel, and potential containment and recovery location prior to entering water.

9. Immediately upon discovering a spill, the contractor will notify the appropriate entities including the field supervisor, the on site licensee representative, PacifiCorp Energy's Hydro Control Center, and PacifiCorp Energy's Hydro North Compliance Technician in Washington. A representative from PacifiCorp Energy will contact Washington's Emergency Management Division and the National Response Center.

10. The Plan also contains several checklists and reporting forms including a routine inspection checklist, secondary containment discharge record, and a spill incident report form. The licensee provides a flow chart outlining the response steps in case of a spill.

Pre-Filing Consultation

11. A draft copy of the Spill Prevention, Control, and Countermeasures Plan was provided to USFWS, WDFW, NMFS, and Ecology on February 18, 2011. USFWS, WDFW, and NMFS stated their agencies did not have any comments on the draft plan in emails dated March 4, 2011, March 7, 2011, and March 10, 2011, respectively. Ecology did not provide any comments on the draft plan.

Review

12. We reviewed the licensee's filed Spill Prevention, Control, and Countermeasures Plan filed on March 16, 2011, and it satisfies the requirements of ordering paragraph (R) of the Order Accepting Surrender of License, Authorizing Removal of Project Facilities, and Dismissing Application for New License. The Plan provides adequate spill prevention measures and spill control measures should a spill occur at the project site. The Plan also provides a description of the hazardous products or materials used during removal of project facilities, including procedures for storage, handling, and monitoring.

Spill prevention items outlined in the Plan incorporate provisions regarding proper vehicle staging, clearing, maintenance, refueling, and fuel storage as well as proper inspections for vehicles operating within 150 feet of state waters. Additionally, the Plan outlines provisions for spill containment and control with notification procedures, clean-up and disposal instructions for different products, quick response and clean-up measures, methods of disposal of spilled material, and employee training. The licensee clarified on May 3, 2011, practices to prevent construction debris and other pollutants such as grout and green concrete from dropping into any stream, waterbody, or wetland can be found in the licensee's Project Removal Design Plan and Lake Bridge Stabilization Design Plan. The Spill Prevention, Control, and Countermeasures Plan should therefore be approved. However, the Plan states that the contractor will be responsible for implementing the spill prevention, control, and countermeasures and we clarify that it is the licensee's responsibility to ensure that the contractor or subcontractor follows the steps outlined in the Plan.

The Director orders:

(A) PacifiCorp's Spill Prevention, Control, and Countermeasures Plan filed on March 16, 2011, pursuant to ordering paragraph (R) of the Commission's Order Accepting Surrender of License, Authorizing Removal of Project Facilities, and Dismissing Application for New License of the Condit Hydroelectric Project is approved.

(B) This order constitutes final agency action. Any party may file a request for rehearing of this order within 30 days from the date of its issuance, as provided in section 313(a) of the FPA, 16 U.S.C. § 8251 (2006), and the Commission's regulations at 18 C.F.R. § 385.713 (2010). The filing of a request for rehearing does not operate as a stay of the effective date of this order, or of any other date specified in this order. The licensee's failure to file a request for rehearing shall constitute acceptance of this order.

William Guey-Lee
Chief, Engineering Resources Branch
Division of Hydropower Administration
and Compliance