

# Inspection Report

	DEPARTMENT OF ENVIRONMENTAL HEALTH 1131 HARBOR BAY PARKWAY ALAMEDA, CA 94502--654 (510) 567-6700 <a href="http://www.acgov.org/aceh/">http://www.acgov.org/aceh/</a>
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<b>Facility:</b> E & B NATURAL RESOURCES GIG	<b>Address:</b> 8467 PATTERSON PASS RD	<b>City/State:</b> LIVERMORE, CA	<b>Zip Code:</b> 94551	<b>Date:</b> 06/11/2015
<b>Owner:</b> E & B NATURAL RESOURCES MANAGEMENT		<b>Facility email:</b> jbrady@ebresources.com		<b>Telephone:</b> (925) 963-6659

<b>FA #:</b> FA0305543	<b>PR:</b> PR0504780	<b>Program Element:</b> HMBP 1-5 TYPES HM, CATEGORY 6	<b>Inspection Type:</b> ROUTINE INSPECTION - HMBP
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NVO = No Violation Observed   UD = Undetermined   NA = Not Applicable   VO = Violation Observed   COS = Corrected On Site   RPT = Repeat Violation

0	Has a valid ACDEH Operating Permit <input checked="" type="checkbox"/> NVO <input type="checkbox"/> UD <input type="checkbox"/> NA <input type="checkbox"/> VO <input type="checkbox"/> COS <input type="checkbox"/> RPT	
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**Violation Code Definition/Section:**

ALCO Title 6 6.92.050

### Business Plan

1	Established and adequately implemented a business plan <input checked="" type="checkbox"/> NVO <input type="checkbox"/> UD <input type="checkbox"/> NA <input type="checkbox"/> VO <input type="checkbox"/> COS <input type="checkbox"/> RPT	
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**Violation Code Definition/Section:**

Failed to adequately establish and implement a Hazardous Materials Business Plan (HMBP) when storing and/or handling a hazardous material in reportable quantities.  
 Emergency shutoffs for chemical processes or equipment are labeled.  
 Emergency equipment (such as fire extinguishers, spill prevention & alarm equipment) tested & maintained as necessary (e.g. fire extinguishers assessed annually).  
 Spill control and spill mitigation materials are available (e.g. absorbents, rags, or shop vacuum).  
 All containers are kept closed unless in use.  
 All containers are in good condition.  
 Containers stored in a manner to prevent rupture, leaking or structural deterioration.  
 Containers are compatible with contents.  
 Containers are properly labeled.  
 All spills promptly addressed to prevent discharge to air, soil or surface water.  
 Storage area is maintained to separate incompatible materials.  
 19 CCR 4 2729.1, 2731(c), 2732; HSC 6.95 25507 HSC 6.95 25507.  
 Containers of hazardous materials are disposed of properly when empty. 22 CCR 66261.7.

### Business Plan

2	Adequate completion and electronic submission of a business plan <input checked="" type="checkbox"/> NVO <input type="checkbox"/> UD <input type="checkbox"/> NA <input type="checkbox"/> VO <input type="checkbox"/> COS <input type="checkbox"/> RPT	
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**Violation Code Definition/Section:**

"Failed to complete and/or electronically submit a complete Hazardous Materials Business Plan (HMBP) when storing and/or handling hazardous materials or a mixture containing a hazardous material at or above the threshold quantities:  
 (1) equal to or greater than 500 pounds for a solid, 55 gallons for a liquid, or 200 cubic feet for a compressed gas, or  
 (2) equal to or greater than the applicable federal threshold planning quantity (TPQ) for an extremely hazardous substance (EHS) listed in Appendix A, Part 355, Title 40, of the Code of Federal Regulations.  
 (3) radioactive materials that are handled in quantities for which an emergency plan is required to be adopted pursuant to Part 30 (commencing with Section 30.1), Part 40 (commencing with Section 40.1), or Part 70 (commencing with Section 70.1), of Chapter 10 of Title 10 of the Code of Federal Regulations (54 Federal Register 14051), or pursuant to any regulations adopted by the state in accordance with those regulations. HSC 6.95 25505, 25508(a)(1), 25508(d)"

### Business Plan

3	Notified property owner in writing that business is subject to HMBP program and has complied <input checked="" type="checkbox"/> NVO <input type="checkbox"/> UD <input type="checkbox"/> NA <input type="checkbox"/> VO <input type="checkbox"/> COS <input type="checkbox"/> RPT	
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**Violation Code Definition/Section:**

Failure to notify the property owner or provide a copy of the Hazardous Materials Business Plan (HMBP) to the owner or the owners agent within five working days after receiving a request for a copy from the owner or the owners agent. HSC 6.95 25503.6

**Business Plan**

4	Adequate completion and electronic submission of hazardous materials inventory information	
	<input checked="" type="checkbox"/> NVO <input type="checkbox"/> UD <input type="checkbox"/> NA <input type="checkbox"/> VO <input type="checkbox"/> COS <input type="checkbox"/> RPT	

**Violation Code Definition/Section:**

"Failure to complete and electronically submit hazardous material inventory information for all reportable hazardous materials on site. HSC 6.95 25506, 25505(a)(1), 25508(a)(1)"

Facility is in process of changing inventory and will update in CERS once work is completed.

**Business Plan**

5	Adequate completion and electronic submission of Owner/Operator and Business Activities Forms	
	<input checked="" type="checkbox"/> NVO <input type="checkbox"/> UD <input type="checkbox"/> NA <input type="checkbox"/> VO <input type="checkbox"/> COS <input type="checkbox"/> RPT	

**Violation Code Definition/Section:**

"Failure to complete and electronically submit the Business Activities Page and/or Business Owner Operator Identification Page. HSC 25508(a)(1), 19 CCR 4 2729.2(a)(1)"

**Business Plan**

6	Adequate completion and electronic submission of annotated Site Map with all required content	CUPA Minor COMPLY BY: 7/11/2015
	<input type="checkbox"/> NVO <input type="checkbox"/> UD <input type="checkbox"/> NA <input checked="" type="checkbox"/> VO <input type="checkbox"/> COS <input type="checkbox"/> RPT	

**Violation Code Definition/Section:**

"Failure to complete and electronically submit an annotated site map with all required content (north orientation, loading areas, internal roads, adjacent streets, storm and sewer drains, access and exit points, emergency shutoffs, evacuation staging areas, hazardous material handling and storage areas, and emergency response equipment). Updates to existing maps to meet these requirements shall be completed by January 1, 2015. HSC 25505(a)(2), 25508(a)(1)"

**Violation Comments:**

OBSERVATION: The annotated site map submitted to the CUPA does not include all the requires elements. The site map shall contain the missing elements: EMERGENCY RESPONSE EQUIPMENT (Fire extinguishers and spill kits need to be specified).

CORRECTIVE ACTION: Revise the annotated Site Map to include all required content and submit electronically in the California Environmental Reporting System (CERS).

**Business Plan**

7	Adequate completion and electronic submission of Emergency Response Plan and procedures	
	<input checked="" type="checkbox"/> NVO <input type="checkbox"/> UD <input type="checkbox"/> NA <input type="checkbox"/> VO <input type="checkbox"/> COS <input type="checkbox"/> RPT	

**Violation Code Definition/Section:**

"Failure to establish and electronically submit an adequate Emergency Response Plan and procedures in the event of a reportable release or threatened release of a hazardous material, including, but not limited to, all of the following:

- (A) Immediate notification to the appropriate local emergency rescue personnel and to the unified program agency.
- (B) Procedures for the mitigation of a release or threatened release to minimize any potential harm or damage to persons, property, or the environment.
- (C) Evacuation plans and procedures, including immediate notice, for the business site. HSC 6.95 25505(a)(3), 25508(a)(1)"

**Annual Certification/ Updates**

8	"Annually reviewed and electronically certified that HMBP is complete, accurate and up-to-date"	
	<input checked="" type="checkbox"/> NVO <input type="checkbox"/> UD <input type="checkbox"/> NA <input type="checkbox"/> VO <input type="checkbox"/> COS <input type="checkbox"/> RPT	

**Violation Code Definition/Section:**

"Failure to annually review and electronically certify that the Hazardous Materials Business Plan (HMBP) is complete, accurate, and up-to-date. HSC 6.95 25508(c), 25508.2"

**Business Plan**

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**Business Plan**

9	"HMBP updated within 30 days: chemical inventory, change of address, ownership, or business name"	
	<input type="checkbox"/> NVO <input type="checkbox"/> UD <input checked="" type="checkbox"/> NA <input type="checkbox"/> VO <input type="checkbox"/> COS <input type="checkbox"/> RPT	

**Violation Code Definition/Section:**

"Failure to electronically update the Hazardous Materials Business Plan (HMBP) information within 30 days of: (a) A 100 percent or more increase in the quantity of a previously disclosed material, (b) Any handling of a previously undisclosed hazardous material, (c) Change of business address, (d) Change of business ownership, (e) Change of business name. HSC 6.95 25508.1(a)-(e)."

Change of chemical inventory has not been completed yet. Facility will be updating HMBP within 30 days of chemical inventory change.

**Annual Certification/ Updates**

10	Business plan electronically updated within 30 days of substantial changes in operations	
	<input checked="" type="checkbox"/> NVO <input type="checkbox"/> UD <input type="checkbox"/> NA <input type="checkbox"/> VO <input type="checkbox"/> COS <input type="checkbox"/> RPT	

**Violation Code Definition/Section:**

Failure to electronically update the Hazardous Materials Business Plan (HMBP) information within 30 days of a substantial change in the handler's operations that requires modification to any portion of the HMBP. HSC 6.95 25508.1(f)

The facility is going through change in operations by no longer storing hazardous materials onsite. Change is not completed yet and facility still plan to removed the Wash Tank 3 and Produce Water 4 that are still onsite.

**Training**

11	Training program submitted and adequate for the size of the business and materials handled	
	<input type="checkbox"/> NVO <input checked="" type="checkbox"/> UD <input type="checkbox"/> NA <input type="checkbox"/> VO <input type="checkbox"/> COS <input type="checkbox"/> RPT	

**Violation Code Definition/Section:**

Failure to include and electronically submit an adequate training program in the Hazardous Materials Business Plan (HMBP), which is reasonable and appropriate for the size of the business and the nature of the hazardous material handled. HSC 6.95 25505(a)(4), 25508(a)(1)

**Training**

12	Initial and annual employee training completed, documented and records made available for 3 years	
	<input type="checkbox"/> NVO <input checked="" type="checkbox"/> UD <input type="checkbox"/> NA <input type="checkbox"/> VO <input type="checkbox"/> COS <input type="checkbox"/> RPT	

**Violation Code Definition/Section:**

Failure to (1) provide initial training and annual training, including refresher courses, to all employees in safety procedures in the event of a release or threatened release of a hazardous material, including, but not limited to, the Emergency Response Plan, and (2) document electronically or by hard copy and make available for a minimum of three years. HSC 6.95 25505(a)(4)

**Notification**

13	Actual or threatened release reported to the CUPA and the California OES Warning Center	CUPA Class 1
	<input type="checkbox"/> NVO <input type="checkbox"/> UD <input type="checkbox"/> NA <input checked="" type="checkbox"/> VO <input type="checkbox"/> COS <input type="checkbox"/> RPT	COMPLY BY: 7/11/2015

**Violation Code Definition/Section:**

Failure of business to provide an immediate, verbal report of a release or threatened release of a hazardous material to the CUPA and the California Office of Emergency Services (OES) Warning Center. HSC 6.95 25510(a)

**Violation Comments:**

OBSERVATION: Facility failed to report an actual release to the CUPA and the California OES Warning Center. The facility/handler shall, upon discovery, immediately report any release or threatened release of a hazardous material to the CUPA and to Cal OES. Facility had what initially appeared to be a small release, but upon further investigation and removal of soil, it was determined that Stock Tank GIG #2 was leaking and it appeared that the release had reached further than 6 feet to 12 feet deep and had made its way outside of the leased property/ designated area, which should have prompted a report to Cal OES. Jennifer Brady confirmed that the facility had not contacted CUPA or OES about the release.

CORRECTIVE ACTION: Facility is to provide in written procedures within 30 days for contacting Cal OES and the CUPA any release or threatened release of a hazardous material.

**Remote Unstaffed Facility**

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**Remote Unstaffed Facility**

14	Remote unstaffed facility exemption requirements are met when not submitting a business plan	
	<input type="checkbox"/> NVO <input type="checkbox"/> UD <input checked="" type="checkbox"/> NA <input type="checkbox"/> VO <input type="checkbox"/> COS <input type="checkbox"/> RPT	

**Violation Code Definition/Section:**

Failure to meet one or more of the following to comply with the remote unstaffed facility exemption of electronically submitting a business plan:

- (1) The types and quantities of materials onsite are limited to one or more of the following:
    - (A) One thousand standard cubic feet of compressed inert gases (asphyxiation and pressure hazards only).
    - (B) Five hundred gallons of combustible liquid used as a fuel source.
    - (C) Two hundred gallons of corrosive liquids used as electrolytes in closed containers.
    - (D) Five hundred gallons of lubricating and hydraulic fluids.
    - (E) One thousand two hundred gallons of flammable gas used as a fuel source.
    - (F) Any quantity of mineral oil contained within electrical equipment, such as transformers, bushings, electrical switches, and voltage regulators, if the spill prevention control and countermeasure plan has been prepared for quantities that meet or exceed 1,320 gallons.
  - (2) The facility is secured and not accessible to the public.
  - (3) Warning signs are posted and maintained for hazardous materials pursuant to the California Fire Code.
  - (4) A one-time notification and inventory are provided to the unified program agency along with a processing fee in lieu of the existing fee. The fee shall not exceed the actual cost of processing the notification and inventory, including a verification inspection, if necessary.
  - (5) If the information contained in the initial notification or inventory changes and the time period of the change is longer than 30 days, the notification or inventory shall be resubmitted within 30 days to the unified program agency to reflect the change, along with a processing fee, in lieu of the existing fee, that does not exceed the actual cost of processing the amended notification or inventory, including a verification inspection, if necessary.
- HSC 6.95 25505, 25506, 25507, 25508(a)(1)

**Overall Inspection Comments:**

ACDEH inspectors Chris Tougeron and Kevin Hom onsite to conduct a Hazardous Materials Business Plan inspection at E & B Natural Resources GIG - 8467 Patterson Pass Rd., Livermore, CA with Director of Operations, Mike Smith, Vice President of Land, Gary Richardson, Environmental Compliance Coordinator, Jennifer Brady, and HSE Manager, Shams Hasan. Janice Witul of US EPA was onsite to inspect the Aboveground Storage Tank systems. Property owner, Phillip Marshall also present onsite. Last HMBP submittal was on 3/16/2015.

Facility operates as an Oil production and exploration facility that is in the process of removing tanks. The two tanks onsite, Wash Tank 3 and Produce Water 4 are currently not containing any material and plan to be removed. Existing wells are still operating, but is pumped through piping to the NISSEN facility 8617 Patterson Pass Rd. Facility has removed two aboveground tanks from the site.

Mike Smith and Phillip said that 10 yards of soil from GIG site that contains oil was moved from GIG to the NISSEN facility 8617 Patterson Pass Rd. to be used as part of the secondary containment soil berm.

Facility will be removed from HMBP once the two remaining tanks are removed and Business Activities in CERS is updated.

Based on submittal of soil sample analytical results, this site was forward to ACDEH LOP for review.

Based on the observation of Class I violations, ACDEH will follow-up with formal enforcement that will be later determined.

**Signatures**

Facility Representative who granted permission to conduct inspection.



Jennifer Brady 06/11/2015  
Environmental Compliance Coordinato



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Kevin Hom  
Hazardous Materials Specialist