



# APSA REFRESHER

M-G3

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March 20-23, 2023



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Annual Training Conference  
March 20 – 23, 2023

## POLL TIME #1!

➤ **Are you a:**

- A. UPA APSA regulator or inspector?
- B. Regulated facility(ies)?
- C. Consultant?
- D. State/Fed (OSFM, CalEPA, US EPA)?
- E. I wanna see if my anti-nausea meds will last for four hours



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# APSA Refresher

## Objective:

- To refresh your understanding of the Aboveground Petroleum Storage Act (Cal. H&S Code, Chap. 6.67, §§25270 – 25270.13)
  - Applicability...exemptions, etc.
  - Relationship to the federal oil spill prevention rule (40 CFR 112) SPCC rule
- Summarize new stuff
- Answer your questions
  - We're not covering any upcoming stuff



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# APSA Refresher

- We are NOT going to go through all the detailed compliance requirements here
  - We'll hit a few big ones, though
  - Many detail slides are 'hidden' and only on the PDF version
- Should review previous USEPA SPCC 101 and my detailed AP/SA/SPCC classes, OSFMs TIUGA class, the containment and inspection classes (either 2021 or 2022)



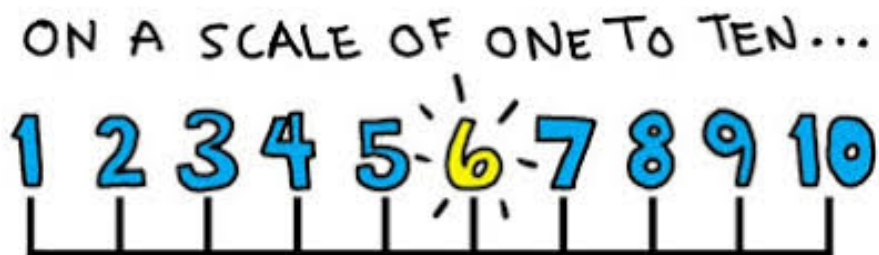
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## POLL TIME #2!

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- On a scale of 1 (nope...none) to 10 (combo Mark Howard/Jennifer Lorenzo/Devra Lewis clone)... your overall level of knowledge/familiarity/comfort with the APSA and SPCC programs/requirements is:



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## Aboveground Petroleum Storage Act and the Federal SPCC Rule



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# 40 CFR Part 112: Federal SPCC Rule

➤ Purpose is to protect public health, welfare, and the environment from potential harmful effects of oil discharges **to navigable waters and adjoining shorelines**



- Sets forth requirements for **prevention** of, **preparedness** for, and **response** to oil discharges at non-transportation-related facilities
  - Promulgated under the authority of the Clean Water Act (CWA) §311(j)(1)(C)
- ! Review EPA's SPCC 101 (the part on applicability) and the 1/2023 WOTUS FR**



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Large & medium size oil storing, using, distributing and processing facilities







Smaller size oil storing, using, distributing and processing facilities...often the storage, use, etc. are only incidental to their operations



Also SPCC rule-captured...



Some EPA small farm exemptions...

## Why Understand the Federal SPCC Rule?

- The SPCC Plan and implementation provisions in APSA require compliance & conformance with the federal program
- APSA does not duplicate or replace the federal SPCC rule
  - APSA references the federal rule as the required standards for the SPCC Plans prepared and implemented pursuant to APSA
- Understanding the federal SPCC rule, Plan, interpretations and implementation standards is necessary for implementing, inspecting, enforcing and complying with APSA
  - Lots of nuances, interpretations, determinations, decisions, etc. - **not** just the rule text
- When finalized, the APSA regulations make it even more clear regarding conformance & consistency with 40 CFR 112



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## SPCC Plans and Rules

- Ensures proactive measures are used to prevent (and control) oil discharges to navigable waters, shoreline
  - Less emphasis on after-the-fact or reactive measures
    - Though many Plans have an extensive response/countermeasure element
- Regulated facilities must comply with the rule, & prepare and implement a site-specific SPCC Plan to address three areas:
  - Containment, tank engineering and other engineering/non-engineering control measures
  - Operating, inspection & testing procedures and other administrative measures
  - Countermeasures and clean up measures



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## POLL TIME #3!

- All you need to properly enforce &/or comply with APSA is a really good understanding of the APSA statute and OSFM guidance.
  - A. Fact
  - B. FAKE NEWS!!!!



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## 40 CFR 112 Structure and Provisions Applicable to APSA Tank Facilities

Regulation	Topics
Subpart A 40 CFR 112.1 - 112.7	Applicability, definitions, and general requirements for all facilities, and SPCC Plan elements
Subpart B 40 CFR 112.8 40 CFR 112.9- .11	Requirements at on-shore non-oil production bulk storage facilities, on-and off-shore oil production, drilling, etc. facilities and non-petroleum oils, except those covered in Subpart C
Subpart C 40 CFR 112.12	Requirements for animal fats and oils and greases, and fish and marine mammal oils; and vegetable oils, including oils from seeds, nuts, fruits, and kernels
Subpart D 40 CFR 112.20	Response requirements (FRP rule)

Sections relevant to APSA: 40 CFR 112.1 through 112.8, and 112.20(e)



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## 40 CFR 112 Structure (as applicable to APSA)

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- §112.1 General applicability of the rule
- §112.2 Definitions of terms used in the rule
- §112.3 Requirement to prepare an SPCC Plan
- §112.4 Amendment of SPCC Plan by EPA Regional Administrator
- §112.5 Amendment of SPCC Plan by owner or operator
- §112.6 Qualified Facilities [Tier 1 and Tier 2] – (2006 amendment)
- §112.7 General requirements of all facilities
- §112.8 - .12 Additional specific requirements for ‘bulk containers’  
and certain bulk container facilities

*(container = tank)*



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## Aboveground Petroleum Storage Act (APSA)... Very Brief History

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- The original statute adopted 1989 (HSC Chapter 6.67 )
- Under the 1989 law, State Water Board and Regional Water Boards responsible for administration of the law
- In 2002-2003, the State Water Board’s resources for APSA were eliminated as a cost saving measure and all inspection and enforcement activities were halted



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## Aboveground Petroleum Storage Act (APSA)... Very Brief History

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- Jan. 1, 2008: AB 1130 amended APSA transferring responsibility for implementation, enforcement and administration of APSA to the UPAs, APSA training reqs.
- Sept. 25, 2012: AB 1566 authorized the CAL FIRE-Office of the State Fire Marshal the oversight responsibility of APSA effective Jan. 1, 2013... and
  - Further clarified ‘tanks in underground areas’... TIUGAs
  - Clarified specific federal conformity
  - Additional penalties



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## Aboveground Petroleum Storage Act (APSA)... Very Brief History

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- Oct. 2, 2015: SB 612 further amended definition of a “tank in an underground area”
- Jan. 2019: AB 2902 also further amended definition of a “tank in an underground area”, requirements for SPCC Plan for < 1,320 gal. with TIUGAs, and added exemption for farms exempt from EPA SPCC rule
- A bunch of non-statutory stuff going on in background
  - Regulation development, FAQs, committee & group meetings, etc.



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# APSA Administration

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- Effective January 2013: CAL FIRE-Office of the State Fire Marshal is the state agency responsible for implementation and oversight of the APSA program
- OSFM is the lead agency developing implementing regulations for APSA
- UPAs responsible for local administration and enforcement



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# Aboveground Petroleum Storage Act (APSA)... Other Admin Stuff & Current Status

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We'll hit these shortly...

- FAQs
- APSA Technical Advisory Group
- APSA Advisory Committee
- OSFM and UPA Guidance Documents



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## APSA vs Federal SPCC Rule?

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- APSA does NOT preempt the federal SPCC rule
  - UPA inspects for APSA compliance, US EPA inspects for 40 CFR 112
  - Regulated facilities must comply with APSA *and* SPCC rule – as applicable
- 40 CFR 112 covers more oil types than APSA
  - Feds: *All* oil... APSA: Petroleum *only*
- 40 CFR 112 applies only to facilities which could discharge oil into a navigable water of the US
  - APSA does NOT contain that criterion... so APSA applies regardless of threat to navigable waters



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## APSA vs Federal SPCC Rule?

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- APSA contains conditional exemptions for tanks and facilities that the federal rule does not
- Tank facilities operating in California may be subject to requirements of both programs
  - Requirements of APSA and SPCC are similar but not identical
- APSA references the SPCC Plan requirements established in 40 CFR 112 as the standards required to comply with the APSA SPCC Plan provision
  - Under APSA, SPCC Plans are required to be prepared and implemented in accordance with the regulations established in the 40 CFR 112 federal oil spill prevention program



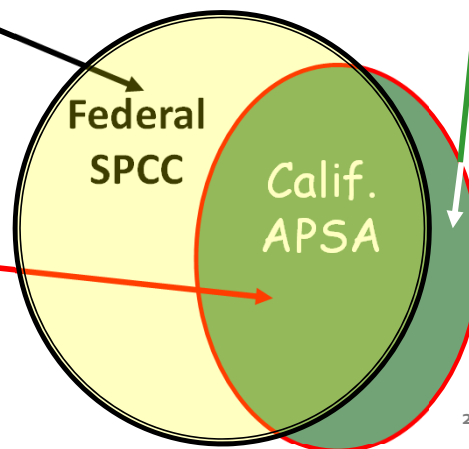
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## Interrelationship between APSA & the Federal Oil Spill Prevention Program

- US EPA-only applicability
  - Includes APSA exempt facilities, tanks and non-petroleum oils
- Inspection & enforcement by US EPA only

- Joint US EPA & APSA applicability
- Inspection & enforcement of federal requirements by US EPA
- Inspection & enforcement of APSA requirements by CUPAs

- APSA-only applicability
- No navigable water risk
- Inspection & enforcement by UPAs only



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## POLL TIME #4!

- A facility that is regulated under both the federal SPCC rule and APSA must have both an APSA SPCC Plan and a 'federal' SPCC Plan
  - Fact
  - Claptrap



Poll...not Pole



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# APSA Structure & Key Provisions

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## § 25270.2 - Definitions

- Definitions used in APSA, including TIUGAs
- Definition-based exclusions/exemptions (specific tanks and facility types, including some TIUGAs)

## § 25270.3 - Applicability

- APSA applicable to [petroleum tank] facilities:
  - Regulated under 40 CFR 112
  - Other tank facilities  $\geq$  1,320 gal. aggregate petroleum storage capacity
  - Other tank facilities with  $<$  1,320 gal. aggregate capacity but one or more TIUGAs
- Some other tank type exclusions



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# APSA Structure & Key Provisions

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## § 25270.4.1 – Implementing Regulations

- Directs OSFM to adopt regulations
  - Sets up broad advisory committee
- OSFM must train UPAs, ensure consistency with state law and consistency with federal SPCC rule and enforcement

**More on this in a bit**



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## APSA Structure & Key Provisions

### § 25270.4.5 – SPCC Plans and Tank Inspections

- Requirement for tank facilities to prepare and implement an SPCC Plan
  - Consistent with the federal rule
- Specific exemption conditions from SPCC Plan requirements for farms, nurseries, logging sites and construction sites
- Allowance for < 1,320-gal TIUGA facilities to use an OSFM-adopted Plan format
  - [no format developed or adopted yet... until then, use the Tier 1 template]



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## APSA Structure & Key Provisions

### § 25270.5 – UPA Tank Facility Compliance Inspections

- Requirement for UPAs to conduct triennial inspections at facilities  $\geq 10,000$  gal. petroleum storage capacity or implement alternative inspection plan

The draft APSA OSFM regulations contains additional UPA compliance inspection requirements for facilities with < 10,000-gal. capacity, and has additional details re compliance inspections.

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## APSA Structure & Key Provisions

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- § **25270.6 – Tank Facility Statement**
  - Tank Facility Statement (or Business Plan) and annual APSA fee
- § **25270.8 – Release Notification**
  - Petroleum release/spill notification to OES
- § **25270.9 – State & Regional Water Board Oversight of Cleanup and/or Abatement**



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## APSA Structure & Key Provisions

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- § **25270.12 – Civil Penalties**
- § **25270.12.1 – Administrative Penalties**
- § **25270.12.5 – Criminal Penalties**
- § **25270.13 – No pre-emption of more stringent local codes/ordinances**



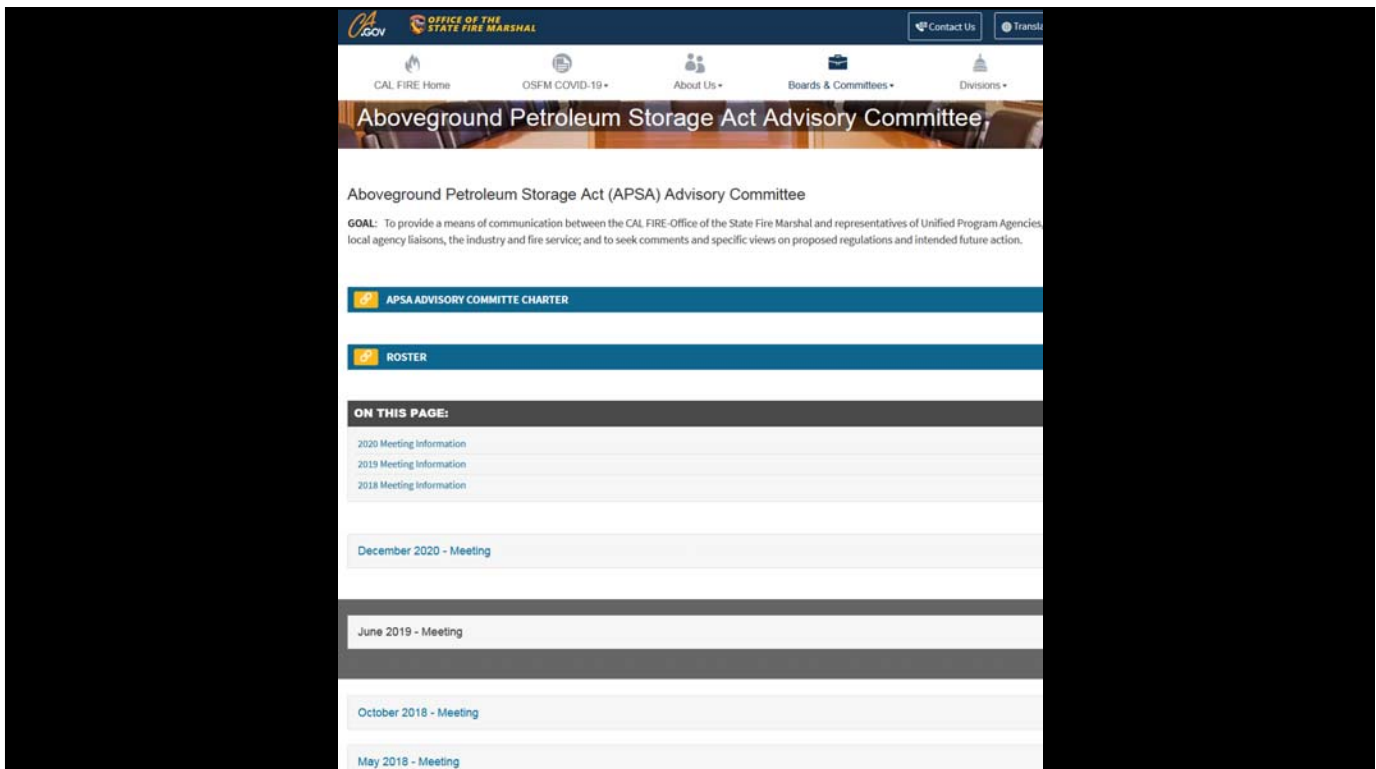
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# Some More Status Updates

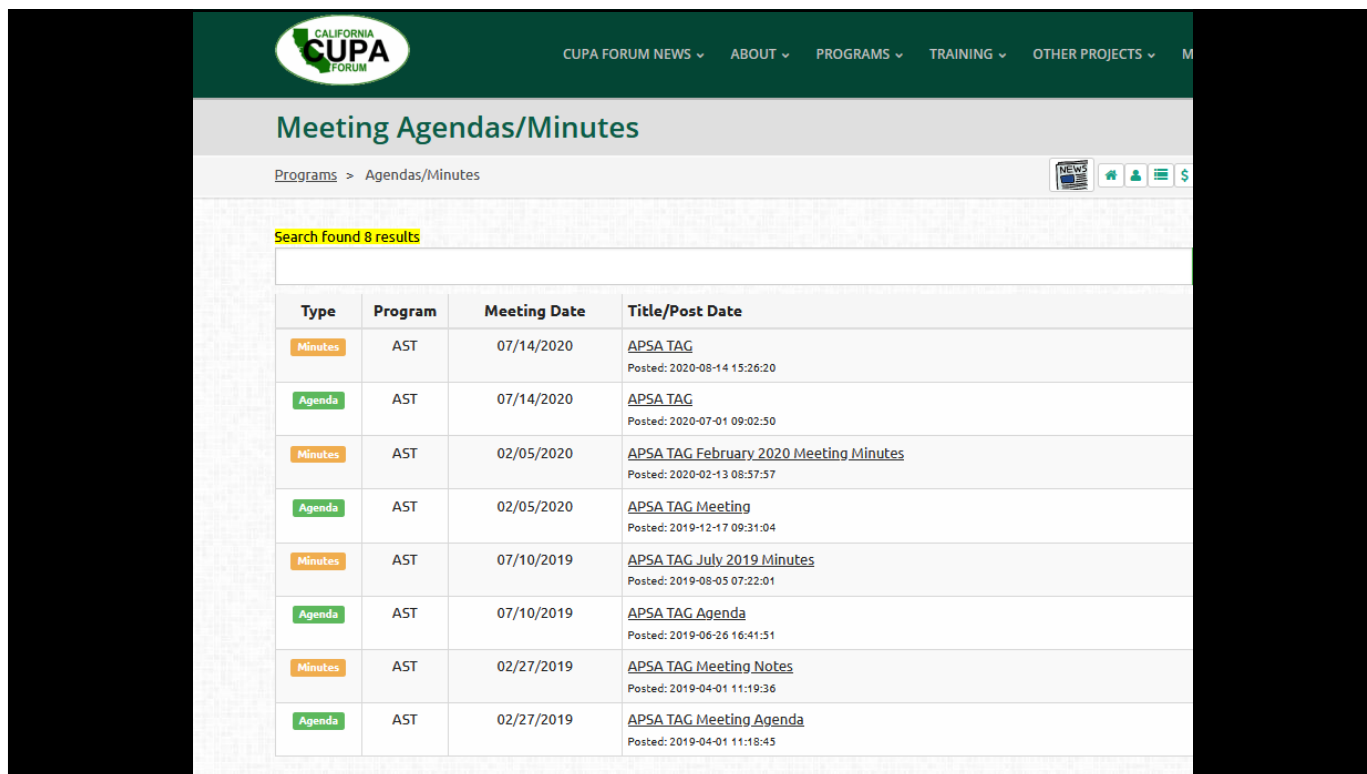
- OSFM APSA Advisory Committee and the CalCUPA Forum APSA Technical Advisory Group meet a couple times annually
  - Check the OSFM APSA website for agendas, schedule and meeting minutes
    - **GREAT** info and program status resource
      - Regulatory and legislative updates and status and reviews, interpretations, program admin, fed facilities issues, status, training info, violation categorizations, FAQs, discussions, etc.
  - Can attend as a guest/public person



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The screenshot shows the 'Meeting Agendas/Minutes' page on the California CUPA Forum website. The page features a navigation menu at the top with options like 'CUPA FORUM NEWS', 'ABOUT', 'PROGRAMS', 'TRAINING', and 'OTHER PROJECTS'. Below the navigation, there is a search bar and a list of results. The search results are displayed in a table with columns for 'Type', 'Program', 'Meeting Date', and 'Title/Post Date'. The table contains eight entries, alternating between 'Minutes' and 'Agenda' types, all for the 'AST' program. The meeting dates range from 02/27/2019 to 07/14/2020. The titles include 'APSA TAG', 'APSA TAG February 2020 Meeting Minutes', 'APSA TAG Meeting', 'APSA TAG July 2019 Minutes', 'APSA TAG Agenda', 'APSA TAG Meeting Notes', and 'APSA TAG Meeting Agenda'. Each entry also includes a 'Posted' date and time.

Type	Program	Meeting Date	Title/Post Date
Minutes	AST	07/14/2020	<a href="#">APSA TAG</a> Posted: 2020-08-14 15:26:20
Agenda	AST	07/14/2020	<a href="#">APSA TAG</a> Posted: 2020-07-01 09:02:50
Minutes	AST	02/05/2020	<a href="#">APSA TAG February 2020 Meeting Minutes</a> Posted: 2020-02-13 08:57:57
Agenda	AST	02/05/2020	<a href="#">APSA TAG Meeting</a> Posted: 2019-12-17 09:31:04
Minutes	AST	07/10/2019	<a href="#">APSA TAG July 2019 Minutes</a> Posted: 2019-08-05 07:22:01
Agenda	AST	07/10/2019	<a href="#">APSA TAG Agenda</a> Posted: 2019-06-26 16:41:51
Minutes	AST	02/27/2019	<a href="#">APSA TAG Meeting Notes</a> Posted: 2019-04-01 11:19:36
Agenda	AST	02/27/2019	<a href="#">APSA TAG Meeting Agenda</a> Posted: 2019-04-01 11:18:45

## POLL TIME #5!

- A thorough understanding of the APSA/SPCC definitions are absolutely critical to proper compliance, administration and enforcement.
  - Fact
  - Balderdash
  - What exactly do you mean by “definitions”?



# OSFM FAQs

- Currently posted:
  - **Petroleum FAQ**
  - <https://osfm.fire.ca.gov/divisions/pipeline-safety-and-cupa/certified-unified-program-agency-cupa/aboveground-petroleum-storage-act/petroleum/>

1. What is petroleum under APSA?
2. Is there a minimum concentration or percentage of petroleum that is regulated under APSA?
3. How does the definition of petroleum under APSA differ from the definition of petroleum oil under the federal SPCC rule?
4. Is synthetic oil considered petroleum under APSA?
5. What are the responsibilities of a tank facility owner or operator?

### Examples of petroleum products that ARE regulated under APSA

Crude oil and crude oil fractions	Used oil (petroleum based)
Motor fuels, including biofuel blends <ul style="list-style-type: none"> <li>• Gasoline</li> <li>• Diesel fuel</li> <li>• Jet fuel</li> <li>• Aviation gasoline</li> </ul>	Lubricating and cutting oils <ul style="list-style-type: none"> <li>• Motor oil</li> <li>• Gear and spindle oils</li> <li>• Hydraulic oil</li> <li>• Cutting oil</li> </ul>
Fuel oils/heating oils, including biofuel blends <ul style="list-style-type: none"> <li>• Distillate and residual oils</li> <li>• Kerosene</li> <li>• Clarified oil</li> </ul>	Petroleum spirits <ul style="list-style-type: none"> <li>• White spirits (Stoddard solvents/mineral spirits)</li> <li>• Naphtha</li> </ul>
Mineral and insulating oils	Recovered oil from oil-water separation process

### Examples of products that ARE NOT regulated under APSA

100% biodiesel (B100)	Waxes
100% renewable diesel (R100)	Flocculent used in wastewater/water treatment
Petroleum products that are <b>not liquid</b> at 60°F and 14.7 psi <ul style="list-style-type: none"> <li>• Liquefied petroleum gas (LPG), including propane</li> <li>• Liquefied natural gas (LNG)</li> <li>• Hot mix asphalt (HMA) or asphalt cement</li> <li>• Petroleum greases, including table, engine and gear greases</li> </ul>	Animal fat/vegetable oil <ul style="list-style-type: none"> <li>• Camphor oil</li> <li>• Lanolin</li> <li>• Pine oil</li> <li>• Rosin oil</li> <li>• Turpentine</li> <li>• Palm oil</li> <li>• Olive oil</li> </ul>



# OSFM FAQs

- Currently posted:
  - **Farms FAQ**
  - <https://osfm.fire.ca.gov/divisions/pipeline-safety-and-cupa/certified-unified-program-agency-cupa/aboveground-petroleum-storage-act/farms/>

Facility Storage Capacity <sup>1</sup> & Criteria	APSA Regulated? <sup>2</sup>
Less than 2,500 gallons of <b>oil</b>	No
Exactly 2,500 gallons of <b>oil</b> <ul style="list-style-type: none"> <li>• No reportable discharge history</li> </ul>	No
Exactly 2,500 gallons of <b>oil</b> <ul style="list-style-type: none"> <li>• Has reportable discharge history</li> </ul>	Yes <sup>3</sup>
Greater than 2,500 gallons & less than 6,000 gallons <sup>4</sup> of <b>oil</b> <ul style="list-style-type: none"> <li>• No reportable discharge history</li> </ul>	No
Greater than 2,500 gallons & less than 6,000 gallons <sup>4</sup> of <b>oil</b> <ul style="list-style-type: none"> <li>• Has reportable discharge history</li> </ul>	Yes <sup>3</sup>
Exactly 6,000 gallons <sup>4</sup> of <b>oil</b>	Yes <sup>3</sup>
Greater than 6,000 gallons <sup>4</sup> & less than 20,000 gallons of <b>oil</b>	Yes <sup>3</sup>
Exactly 20,000 gallons of <b>oil</b>	Yes <sup>3</sup>
Greater than 20,000 gallons of <b>oil</b> & less than 100,000 gallons of <b>petroleum</b> <ul style="list-style-type: none"> <li>• No individual tank larger than 20,000 gallons of <b>petroleum</b></li> </ul>	Yes <sup>3</sup>
Greater than 20,000 gallons of <b>oil</b> & less than 100,000 gallons of <b>petroleum</b> <ul style="list-style-type: none"> <li>• One or more tanks larger than 20,000 gallons of <b>petroleum</b></li> </ul>	Yes <sup>3</sup>
Exactly 100,000 gallons of <b>petroleum</b> <ul style="list-style-type: none"> <li>• No individual tank larger than 20,000 gallons of <b>petroleum</b></li> </ul>	Yes <sup>3</sup>
Exactly 100,000 gallons of <b>petroleum</b> <ul style="list-style-type: none"> <li>• One or more tanks larger than 20,000 gallons of <b>petroleum</b></li> </ul>	Yes <sup>3</sup>
Greater than 100,000 gallons of <b>petroleum</b>	Yes <sup>3</sup>

**Notes:**

<sup>1</sup> Oil as referenced in this table includes all types of oil as defined in the federal SPCC rule (40 CFR Section 112.2 (f)), including but not limited to petroleum, animal and vegetable oils and oil products.

<sup>2</sup> For applicability under APSA, facility's total storage capacity must include 1,320 gallons or more of petroleum.

<sup>3</sup> Under APSA, facility is conditionally exempt only from preparing an SPCC Plan. Other APSA requirements still apply.

<sup>4</sup> The 6,000-gallon threshold is subject to change in the future. Pursuant to WRRDA, the USEPA published a [study](#), which recommended that the ceiling for the exemption for farms be set at 2,500 gallons of oil. The USEPA is also expected under WRRDA to promulgate a rule to amend the applicability threshold for farms under the federal SPCC rule.



# OSFM FAQs

## ➤ Currently posted:

- **TIUGA FAQ**
- <https://osfm.fire.ca.gov/divisions/pipeline-safety-and-cupa/certified-unified-program-agency-cupa/aboveground-petroleum-storage-act/tank-in-an-underground-area-tiuga/>



1. What is a tank in an underground area (TIUGA)?
2. What is direct viewing?
3. Are tank facilities with less than 1,320 gallons of petroleum subject to APSA?
4. What if my below grade petroleum tank does not meet the definition of a TIUGA as described in APSA?
5. Can existing TIUGAs continue to be regulated under UST requirements or are they subject to APSA requirements?
6. I have a TIUGA. What are the requirements under APSA?
7. What are the piping requirements for TIUGAs referred to in APSA and included in the fire code?
8. Are the fire code requirements for TIUGAs retroactive?
9. What are the requirements for piping systems connected to a TIUGA that is installed before July 1, 2018?
10. I have an emergency generator connected to a day tank in the basement. The day tank is fed by an AST. Is the day tank regulated as a TIUGA per APSA?
11. I have only one TIUGA and have less than 1,320 gallons of petroleum. Can I use the Tier I or Tier II Qualified Facility SPCC Plan template?

### 1. What is a tank in an underground area (TIUGA)?

Under APSA, a TIUGA must meet all of the following:

- The storage tank is **stationary**.
- The storage tank is located on or above the surface of the floor in a structure at least 10 percent below the ground surface, including but not limited to, a basement, cellar, shaft, pit, or vault.
- The structure in which the storage tank is located must provide for secondary containment of the contents of the tank<sup>1</sup>, piping, and ancillary equipment, until cleanup occurs.
- The structure in which the storage tank is located must allow for direct viewing of the exterior of the tank except for the part of the tank in contact with the surface of the floor.<sup>2</sup>
- The storage tank meets one or more of the following categories:
  - **Lubricant/coolant tank** - Contains petroleum (new or used oil) as lubricant or coolant in motor engines, transmissions, or oil-filled operational or manufacturing equipment (HSC Section 25270.2(o)(1)(C)(i)).
  - **Hazardous waste tank** - Contains petroleum that is considered a hazardous waste and complies with the hazardous waste tank standards in the [California Code of Regulations \(CCR\), Title 22, Division 4.5, Chapter 15, Article 10](#) (HSC Section 25270.2(o)(1)(C)(ii)).
  - **Emergency system tank** - Contains petroleum to be used for emergency systems, solely in connection with a fire pump or an emergency system, legally required standby system, or optional standby system as defined in the California Electrical Code (HSC Section 25270.2(o)(1)(C)(iii)).
  - **Other tank** - Does not fit into any of the above three categories and contains petroleum (HSC Section 25270.2(o)(1)(C)(iv)).

#### Notes:

<sup>1</sup> A shop-fabricated double-walled storage tank meets the requirement for secondary containment of the contents of the tank (HSC Section 25270.2(o)(1)(B)).

<sup>2</sup> Direct viewing of the exterior of the tank is not required if inspections of the interstitial space are performed or if the storage tank has a mechanical or electronic device that will detect leaks in the interstitial space or containment structure and alert the tank operator (HSC Section 25270.2(o)(2)).

## 2. What is direct viewing?

Under APSA, direct viewing in regard to a storage tank means direct visual inspection of all exterior surfaces of the tank (except for the part of the tank in contact with the surface of the floor) and the entire length of all piping and ancillary equipment (where applicable) by a person or through the use of visual aids, including, but not limited to, mirrors, cameras, or video equipment (HSC Section 25270.2(p)).

**Note:** The *amount* of space between the exterior of a tank and the wall or other surface is not specified in APSA. However, contact the AHJ for fire code requirements on separation distances. The intent of the direct viewing requirement is to have the ability to check for visible signs that the tank is leaking, e.g. staining on the wall, liquid on floor near tank, etc.

## 3. Are tank facilities with less than 1,320 gallons of petroleum subject to APSA?

Yes, if the tank facility has a TIUGA (HSC Section 25270.3(c)). Only the TIUGAs are subject to APSA if a tank facility has less than 1,320 gallons of total aboveground petroleum storage capacity. However, the following TIUGAs are excluded from the requirements of APSA if a tank facility has less than 1,320 gallons of total aboveground petroleum storage capacity (including TIUGAs):

- The tank holds hydraulic fluid for a closed loop mechanical system that uses compressed air or hydraulic fluid to operate lifts, elevators, or other similar devices.
- The tank is a heating oil tank.
- The tank is a sump, separator, clarifier, catch basin, or storm drain.

If a tank facility has a total aboveground petroleum storage capacity of 1,320 gallons or more (including TIUGAs), then a TIUGA storing hydraulic fluid for a closed loop mechanical system that uses compressed air or hydraulic fluid to operate lifts, elevators, or other similar devices is subject to the requirements of APSA.

## 4. What if my below grade petroleum tank does not meet the definition of a TIUGA as described in APSA?

A petroleum storage tank located substantially beneath the surface of the ground that does not meet the definition of a TIUGA as described in APSA is an underground storage tank (UST) system. UST systems are required to comply with the requirements of the [HSC Division 20, Chapter 6.7](#) and [23 CCR Division 3, Chapter 16](#).

## 2. Is there a minimum concentration or percentage of petroleum that is regulated under APSA?

No. A minimum concentration or percentage is not stated in the definition of petroleum in APSA; therefore, it does not determine APSA applicability. Similarly, the Code of Federal Regulations (CFR), Title 40, Part 112 (Spill Prevention, Control, and Countermeasure (SPCC) rule) does not address *de minimis* concentration in its definition of oil.

In the original legislation of APSA, a tank facility owner or operator was required to submit a storage statement to the State Water Resources Control Board, which included the disclosure of each tank exceeding 10,000 gallons in shell capacity and held a substance containing at least 5 percent of crude oil or its fractions (HSC 25270.6(a)). The "5 percent of crude oil or its fractions" was removed from the tank facility statement reporting requirement as amended by Senate Bill 612 (Jackson, Statutes of 2015, Chapter 452).

## 3. How does the definition of petroleum under APSA differ from the definition of petroleum oil under the federal SPCC rule?

Under APSA, the term "petroleum" means crude oil, or a fraction thereof, that is *liquid* at 60°F temperature and 14.7 psi. Under the federal SPCC rule, the term "petroleum oil" is not limited to a liquid at 60°F and 14.7 psi. Under the federal SPCC rule, petroleum oil means petroleum in any form, including but not limited to crude oil, fuel oil, mineral oil, sludge, oil refuse, and refined products (40 CFR 112.2). The federal SPCC rule does not address *de minimis* concentration in its definition of oil, other than the determination that the oil could be reasonably expected to be discharged into or upon navigable waters or adjoining shorelines in quantities that may be harmful, as described in [40 CFR 110.3](#) (violates water quality standards or causes a sheen, sludge or emulsion – referred to as the "sheen rule"). More information on discharge to navigable waters in quantities that may be harmful or the "sheen rule" may be found in Section 2.6 of the U.S. Environmental Protection Agency (US EPA) [SPCC Guidance for Regional Inspectors](#).

The federal "sheen rule" does not exist in the APSA statute. The intent of APSA is to focus on implementation of federal SPCC requirements at facilities with "petroleum" as defined in APSA. Many petroleum products regulated under APSA will cause a sheen, sludge or emulsion. There are instances, however, where some petroleum products do not cause a sheen, sludge or emulsion. In those circumstances, to determine if a liquid meets the definition of petroleum under APSA, the chemical compound, ingredients, and manufacturing process need to be understood (refinery fraction or distillation vs. chemical synthesis). For example, alcohols (such as ethanol or methanol) are manufactured via a set of chemical reactions/syntheses, which may even use crude oil or its fraction as a feedstock. Therefore, because alcohols are not a fraction of crude oil, alcohols do not meet the definition of "petroleum" under APSA and are not regulated under APSA. However, gasoline blends, which may include alcohol at varying concentrations, are subject to APSA as they contain petroleum oil (gasoline).

Other liquids with traces of petroleum may not be conventional petroleum products and should be determined on a case-by-case basis. For example, oily wastewater from mopping an auto shop floor with traces of petroleum contaminants may not be petroleum under APSA. However, a spent acid tank containing petroleum oil that is not miscible may be considered petroleum under APSA and, therefore, may also be regulated under APSA.

Other oils, such as animal fat and vegetable oils, are regulated under the federal SPCC rule, but these other oils are not petroleum or a fraction of crude oil and are not regulated under APSA. Refer to Section 2.2 of the SPCC Guidance for Regional Inspectors for more information on oil. Also, the [U.S. Coast Guard maintains a list of oils](#); however, the list does not contain all the oils subject to the federal SPCC rule.

Facilities must prepare an SPCC Plan that includes compliance with the federal definitions of oil and petroleum, and the federal "sheen rule." Therefore, a facility's SPCC Plan may include oils that do not meet the definition of "petroleum" under APSA and should not be regulated under APSA.



## OSFM APSA PROGRAM FAQs

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- The 'main', all-topic APSA program FAQs previously in place underwent review and revision over last few years
- Reorganized in the APSA statutory section order
- Legal review completed...awaiting OSFM Chief review & approval
  - Then posting (after made 'accessible')



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## Five Minute Break!

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## (POST-BREAK) POLL TIME #6!

- I will absolutely read the FAQs and the Committee and TAG meeting minutes to better my understanding of APSA so I don't sound like a goofhead.
  - A. You bet
  - B. If I remember
  - C. I will make it *look* like I'm reading them
  - D. Nope
  - E. Wait... you're giving us HOMEWORK?!?



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## APSA 'Refresher' Topics

- Applicability
- Exemptions
  - Tanks
  - Facilities

Again... we're not going to go through APSA compliance requirements... cause no updates on those



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## APSA Applicability (1)

➤ A 'Tank Facility' is subject to APSA if the tank facility:

- 'Tank Facility': Facility with one or more aboveground tanks (or containers)  $\geq$  55 gal. capacity storing petroleum (includes integral piping and tanks in underground areas)

1. Is subject to the federal oil spill prevention regulations specified in 40 CFR 112 (for petroleum)

- See EPA's SPCC 101 CUPA class for 40 CFR 112 applicability details!

OR...the Tank Facility:

2. Has a total storage capacity of 1,320 gallons or more of petroleum

- Aggregate total of all aboveground storage tanks (including TIUGAs) with a shell capacity of 55 gallons or more of petroleum
- Include tanks, containers & oil-filled equipment (and tiny TIUGAs < 55 gallon capacity not meeting tiny TIUGA exemption conditions)



## APSA Applicability (2)

### OR...the Tank Facility:

3. Has a total storage capacity of LESS than 1,320 gallons of petroleum AND has one or more TIUGAs
  - Except for exempt TIUGAs
    - Portable (e.g. drums)
    - Hydraulic system tanks
    - Heating oil tanks
    - Sump, separator, etc.
  - Exempt "tiny" TIUGAs (< 55 gal.):
    - Secondary containment, and
    - Monthly inspections with records



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## POLL TIME #7!

- If this 1,000-gal. tank is the ONLY petroleum stored at this hazardous waste generator facility, is the facility APSA-regulated?
- A. Yes, and an SPCC Plan is required
  - B. Yes, but an SPCC Plan is NOT required
  - C. No, because the total facility capacity is less than 1,320 gals.
  - D. No, because hazardous waste tanks are APSA exempt
  - E. I have no f^#\$%ng idea





# APSA Petroleum vs. US EPA Oils



- APSA regulates **'petroleum'** only
  - Crude oil, distillates and its fractions... if liquid @ 60°F ... in any concentration
- US EPA regulates **all** types of oils
  - Petroleum
  - Synthetic
  - Any type of mineral oil
  - Animal (including fats and greases)
  - Vegetable (including nut oils)
- In determining APSA applicability: Use only petroleum
  - In determining 40 CFR 112.6 'qualified facility' applicability: Use all oils  
*(because QF is a federal criteria)*



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# Petroleum?

- Read through the OSFM APSA Petroleum FAQs
- Recall
  - No concentration threshold
    - Include B99, oil-contaminated aqueous wastes (e.g. coolant)
  - Look at SDS and look for base oils
    - E.g. synthetics often derived from petroleum base oil
  - Petroleum spirits included
  - Stoddard solvent, mineral spirits, Napthphtthpht-a



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## SAFETY DATA SHEET

### SECTION 1 PRODUCT AND COMPANY IDENTIFICATION

**PRODUCT**

Product Name: **MOBILE 10W-40**  
 Product Description: Synthetic Base Stocks and Additives  
 Product Code: 201510101010, 481499-80  
 Intended Use: Engine oil

**COMPANY IDENTIFICATION**

**Hazardous Substance(s) or Complex Substance(s) required for disclosure**

Name	CAS#	Concentration*	GHS Hazard Codes
1-DECENE, HOMOPOLYMER HYDROGENATED	68037-01-4	10 - < 20%	H304
2-PENTANOL, 4-METHYL-, HYDROGEN PHOSPHORODITHIOATE, ZINC SALT	2215-35-2	0.1 - < 1%	H303, H315, H318, H401, H411
C14-16-18 ALKYL PHENOL	Confidential	0.1 - < 1%	H317, H373
DISTILLATES, HEAVY, C18-50 - BRANCHED, CYCLIC AND LINEAR	848301-69-9	40 - < 70%	H304
PHOSPHORODITHIOIC ACID, MIXED DIBIS (1,3-DIMETHYLBUTYL AND ISO-PR)ESTERS, ZINC SALTS	84605-29-8	0.1 - < 1%	H303, H315, H318, H401, H411

\* All concentrations are percent by weight unless ingredient is a gas. Gas concentrations are in percent by volume. Other

### SECTION 1 PRODUCT AND COMPANY IDENTIFICATION

## Havoline ProDS Full Synthetic Euro Motor Oil SAE 5W-40

**HAZARDS NOT OTHERWISE CLASSIFIED:** Not Applicable

### SECTION 3 COMPOSITION/ INFORMATION ON INGREDIENTS

COMPONENTS	CAS NUMBER	AMOUNT
Highly refined mineral oil (C15 - C50)	Mixture	70 - 99 %weight

Revision Number: 2

Revision Date: September 20, 2010

1 of 7

Havoline ProDS Full Synthetic Euro Motor Oil SAE 5W-40

## POLL TIME #8!

- Waste ethylene glycol (antifreeze/coolant) should be considered an APSA petroleum:
  - A. No, because it is not derived from petroleum...and it does not contain petroleum.
  - B. No. As stated in A), as long as the shop has good waste management practices and doesn't deal with busted-ass engine blocks.
  - C. Yes. It *is* a petroleum derivative.
  - D. Yes, if the facility has lousy waste management practices, or the busted-ass engines being serviced could result in the waste antifreeze being contaminated by used oil.
  - E. Yes, just because I heard some CUPA guy say so.



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Operational practices and procedures, employee training, signage, periodic contaminant verification?

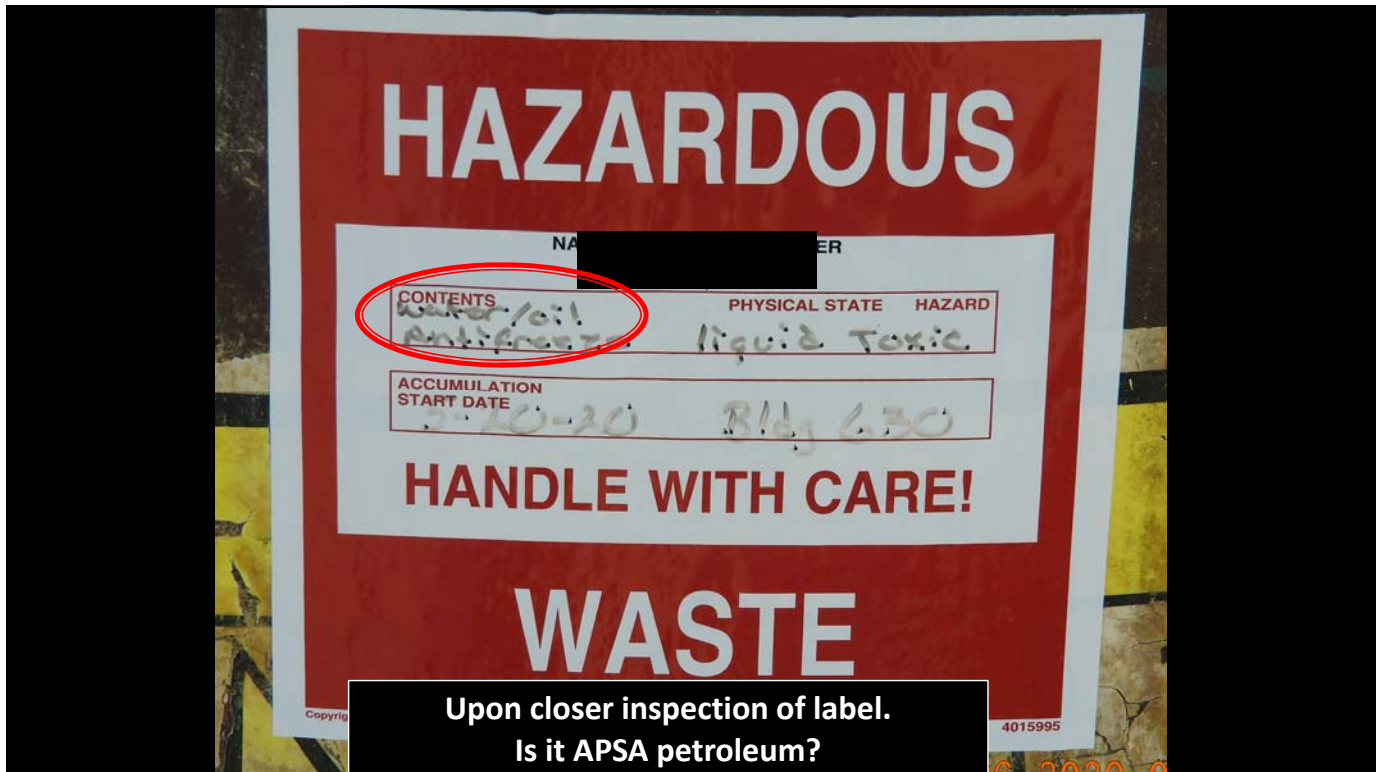












## APSA Exemptions (not 40 CFR 112...APSA)

- Certain tanks are exempted or excluded from APSA
  - Excluded from the definition of an aboveground storage tank
  - These exempt tanks are not CUPA regulated under APSA
  - They do not count for 1,320 gal. APSA facility petroleum capacity threshold



- Certain types of facilities are conditionally exempted from having to prepare an SPCC Plan



## APSA Exempt Tanks and Plan Exempt Facilities

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### ➤ Two broad exemptions:

1. Exempt Tanks (HSC § 25270.2(a)(1 – 8))
  - Exempt from being defined as APSA aboveground storage tanks
  - Some specific exemption conditions/criteria
    - Most APSA exempt tanks are STILL federally regulated under 40 CFR 112
2. Exempt Facilities (HSC § 25270.4.5(b))
  - Exempt ***only*** from APSA requirement to prepare & implement an SPCC Plan
    - Likely not exempt from federal SPCC rule and USEPA regulation
  - All have specific exemption conditions



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## Tanks Exempted under APSA

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1. Boilers & pressure vessels
2. Waste & used oil tanks (still federally regulated)
  - Located at DTSC permitted TSDFs (listed on the permit), or specifically listed on a facility's PBR Tiered Permit
3. Crude oil production tanks (still federally regulated)
4. Most oil-filled electrical equipment (still federally regulated)
5. UPA-regulated USTs
6. Transportation-related tank facility
  - The actual transportation-related tanks are exempt... not the entire facility
7. Tanks at farms (and the whole farm) if 40 CFR 112 exempt
  - WRRDA small farms (see OSFM Farms FAQ Question 4)
8. TIUGAs <55 gal. (if contained and inspected monthly)



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# 1. Boilers & pressure vessels (subject to BPV Code [in Labor Code])



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Only the boiler itself is excluded...

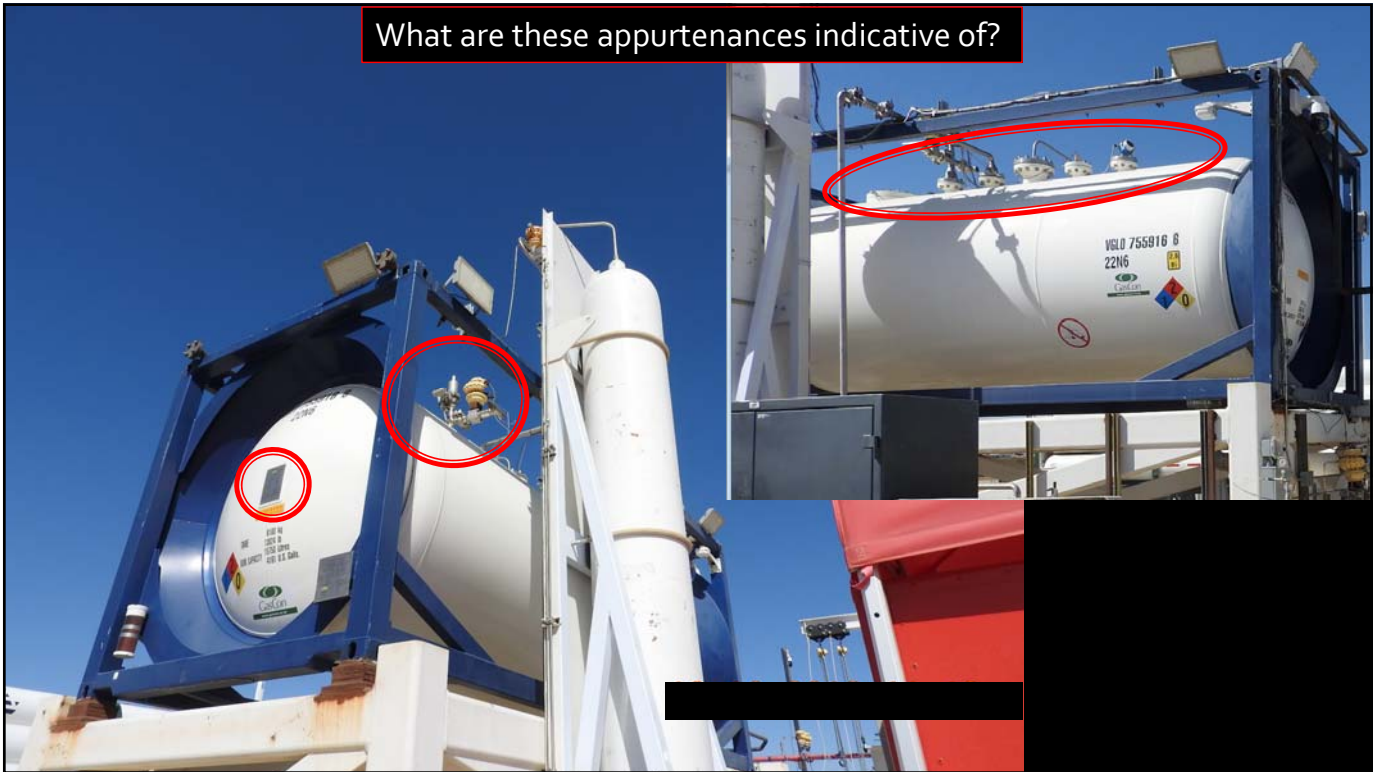
...not any tanks or containers supporting its operation



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## 2. Hazardous Waste Tanks at DTSC Permitted (incl. PBR) Facilities

Waste petroleum tank(s) must be listed on the permit



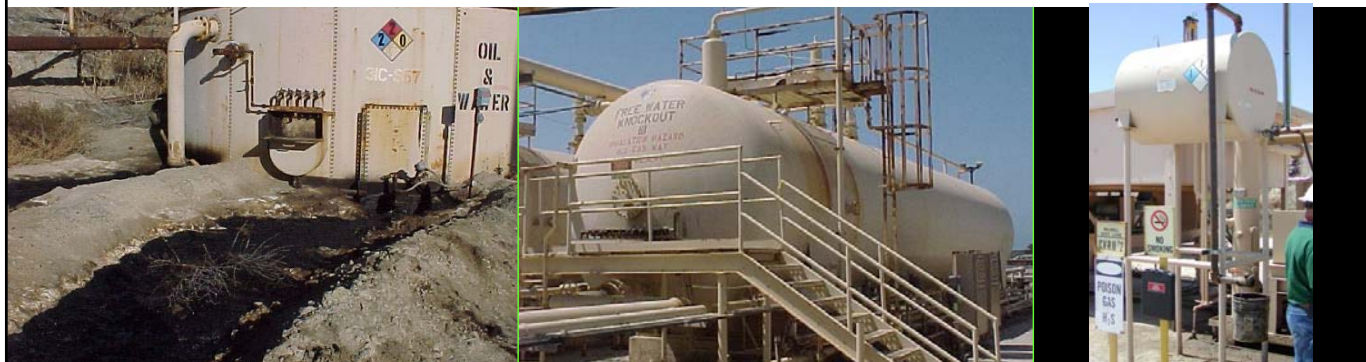




Used oil tanks at generator facilities are NOT exempt



3. Tanks at oil and gas (upstream... DOGGR-supervised) production facilities



## 4. APSA-Exempt Oil-Filled Electrical Equipment



### ➤ Exemption conditions

- The equipment contains < 10,000 gallons of dielectric fluid
- The equipment contains  $\geq$  10,000 gallons of dielectric fluid, **and** all the following are met
  - PCB concentration is < 50 PPM, and
  - Appropriate containment or diversionary structures or equipment are employed to prevent discharged oil from reaching a navigable water course, and
  - The electrical equipment is visually inspected in accordance with the usual routine maintenance procedures of the owner or operator

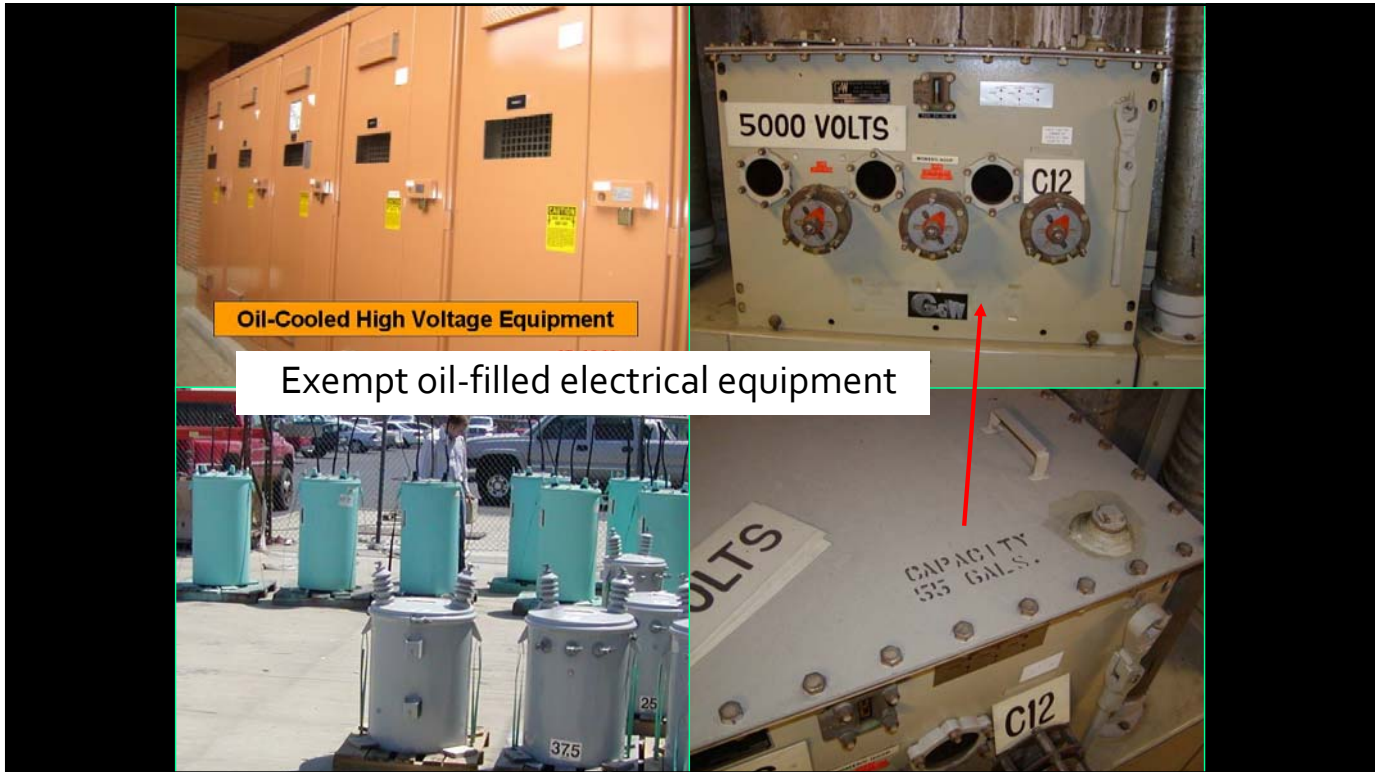


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Exempt oil-filled electrical equipment







## POLL TIME #9!

- These are oil-filled electrical transformers (~ 300 – 400 gal. capacity) that are oil-filled, but NOT in service. Are these APSA exempt?
- A. No, because they are not currently being used in electrical service.
  - B. Yes. The exemption conditions don't say anything about being in service or not.
  - C. No, because they are not marked "Permanently Closed – *date*".
  - D. No, just because I heard some CUPA guy say so.



## 5. USTs (that are not TIUGAs)



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## 6. Transportation Related Facilities (i.e. specific types of tanks used in transportation) (APSA Exempt)



- Highway vehicles and railroad cars that are being used for oil transport (during the actual transportation
  - And unloading/loading at a facility
- Interstate and intrastate onshore and offshore pipeline systems
- Onshore and offshore terminal facilities, including transfer hoses & loading arms used to transfer oil in bulk to or from a vessel, including storage tanks and appurtenances for the reception of oily ballast water or tank washings from vessels
- Transfer hoses, loading arms, and other equipment appurtenant to a non-transportation-related facility used to transfer oil in bulk to or from a vessel

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## APSA Regulated Non-Transportation Related Facilities (i.e. specific types of tanks NOT considered 'transportation' related)

- Loading areas & racks, transfer hoses, loading arms, and other equipment used to transfer oil in bulk to or from highway vehicles or railroad cars
- Highway vehicles, railroad cars, and pipelines used to transport &/or store oil within the confines of non-transportation-related facility



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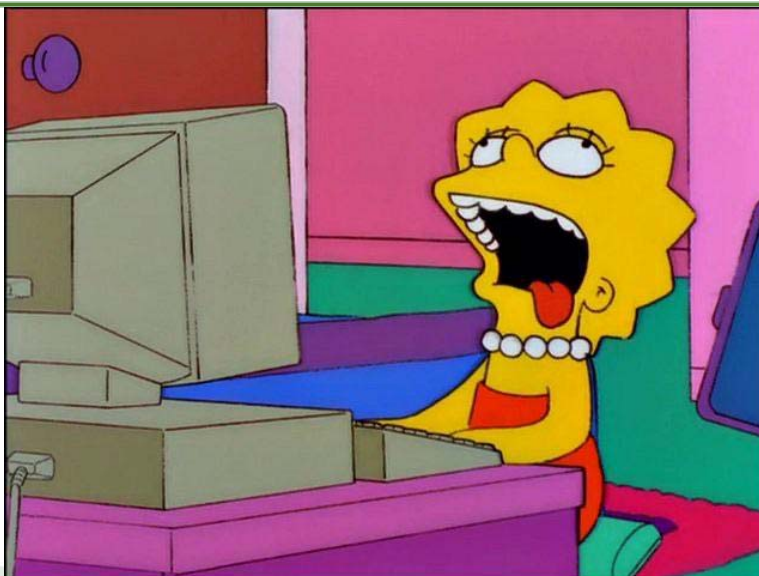
Airport mobile refueler (usually stays within the airport)...  
APSA-regulated non-transportation

Same with any mobile refueler or NTRTT at any type of facility that primarily operates within that facility  
(EPA also uses term: "Non-transportation related tank truck")

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# Five Minute Break!



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## 7. Tanks on Farms Excluded from 40 CFR 112

- Aggregate above-ground storage capacity < 2,500 gal.  
or
- Aggregate capacity 2,500 gal. to < 6,000 gal. and no reportable discharge history



United States  
Environmental Protection  
Agency

Office of Solid Waste  
and Emergency Response

April 24, 2015  
[www.epa.gov/emergencies](http://www.epa.gov/emergencies)

### **Oil Spill Prevention, Control, and Countermeasures (SPCC Program): Farms and the Water Resources Reform and Development Act (WRRDA)**

This fact sheet explains impacts of the Water Resources Reform and Development Act (WRRDA) of 2014, as signed by the President on June 10, 2014, on the SPCC rule and farms. In addition, EPA anticipates revising the SPCC rule consistent with the WRRDA amendments through a future rulemaking.

#### **What is SPCC?**

The goal of the Spill Prevention, Control, and Countermeasure (SPCC) program is to prevent oil spills into waters of the United States and adjoining shorelines. A key element of this program calls for

#### **Is my farm covered by SPCC?**

SPCC applies to a farm that:

- Stores, transfers, uses, or consumes oil or **oil products**, such as diesel fuel, gasoline,



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State of California  
Department of Forestry & Fire Protection  
Office of the State Fire Marshal

Revised February 19, 2016  
<http://osfm.fire.ca.gov/cupa/apsa>

### California Aboveground Petroleum Storage Act: Requirements for Farms per Senate Bill 612

This fact sheet summarizes the requirements for farms under the California Aboveground Petroleum Storage Act (APSA) pursuant to [Senate Bill \(SB\) 612 \(Jackson, Ch. 452, Stats. of 2015\)](#), effective January 1, 2016.

#### What is a farm under APSA?

APSA does not define “farm” but references the federal Spill Prevention, Control, and Countermeasures (SPCC) rule as described in the Code of Federal Regulations Title 40, Part 112 (40 CFR 112) and APSA “borrows” its definition from there for consistency. The SPCC rule defines a farm as “a facility on a tract of land devoted to the production of crops or raising of animals, including fish, which produced and sold, or normally would have produced and sold, \$1,000 or more of agricultural products during a year.”

#### What did SB 612 change?

SB 612 aligned the applicability threshold for a farm under APSA with the applicability threshold for a farm under the federal SPCC requirements. APSA regulates a tank or tank facility located on and operated by a farm regardless of its location with respect to navigable waters or adjoining shorelines.

#### What is the Water Resources Reform and Development Act (WRRDA) and how does it impact the federal SPCC rule?

The WRRDA of 2014 changed the applicability provisions and the criteria for self-certification of SPCC Plans for

#### Is my farm subject to APSA?

APSA applies to a farm that:

- Stores, contains, handles, or treats petroleum oil or petroleum products for a period of time, including on a temporary basis.
- Stores at least 1,320 gallons of petroleum in aboveground tanks or containers.
- Stores at least 2,500 gallons of oil, including petroleum, animal and vegetable oils and oil products, in aboveground tanks or containers.

If your farm meets all of these criteria, then your farm may be subject to APSA.

Table 1.

Facility Storage Capacity <sup>1</sup> & Criteria	APSA <sup>2</sup>
Less than 2,500 gallons of oil	No
Exactly 2,500 gallons of oil	No
• No reportable discharge history	No
Exactly 2,500 gallons of oil	Yes <sup>3</sup>
• Has reportable discharge history	Yes <sup>3</sup>
Greater than 2,500 gallons & less than <u>6,000 gallons<sup>4</sup></u> of oil	No
• No reportable discharge history	No
Greater than 2,500 gallons & less than <u>6,000 gallons<sup>4</sup></u> of oil	Yes <sup>3</sup>
• Has reportable discharge history	Yes <sup>3</sup>
Exactly <u>6,000 gallons<sup>4</sup></u> of oil	Yes <sup>3</sup>
• No reportable discharge history	Yes <sup>3</sup>
Exactly <u>6,000 gallons<sup>4</sup></u> of oil	Yes <sup>3</sup>
• Has reportable discharge history	Yes <sup>3</sup>
Greater than <u>6,000 gallons<sup>4</sup></u> & less than 20,000 gallons of oil	Yes <sup>3</sup>
• No reportable discharge history AND	Yes <sup>3</sup>
• No individual tank larger than 10,000 gallons of oil	Yes <sup>3</sup>
Greater than <u>6,000 gallons<sup>4</sup></u> & less than 20,000 gallons of oil	Yes <sup>3</sup>
• Has reportable discharge history AND/OR	Yes <sup>3</sup>
• One or more tanks larger than 10,000 gallons of oil	Yes <sup>3</sup>
Exactly 20,000 gallons of oil	Yes <sup>3</sup>
Greater than 20,000 gallons of oil & less than 100,000 gallons of petroleum	Yes <sup>3</sup>
• No individual tank larger than 20,000 gallons of petroleum	Yes <sup>3</sup>
Greater than 20,000 gallons of oil & less than 100,000 gallons of petroleum	Yes <sup>5</sup>
• One or more tanks larger than 20,000 gallons of petroleum	Yes <sup>5</sup>
Exactly 100,000 gallons of petroleum	Yes <sup>3</sup>
• No individual tank larger than 20,000 gallons of petroleum	Yes <sup>3</sup>
Exactly 100,000 gallons of petroleum	Yes <sup>5</sup>
• One or more tanks larger than 20,000 gallons of petroleum	Yes <sup>5</sup>
Greater than 100,000 gallons of petroleum	Yes <sup>3</sup>

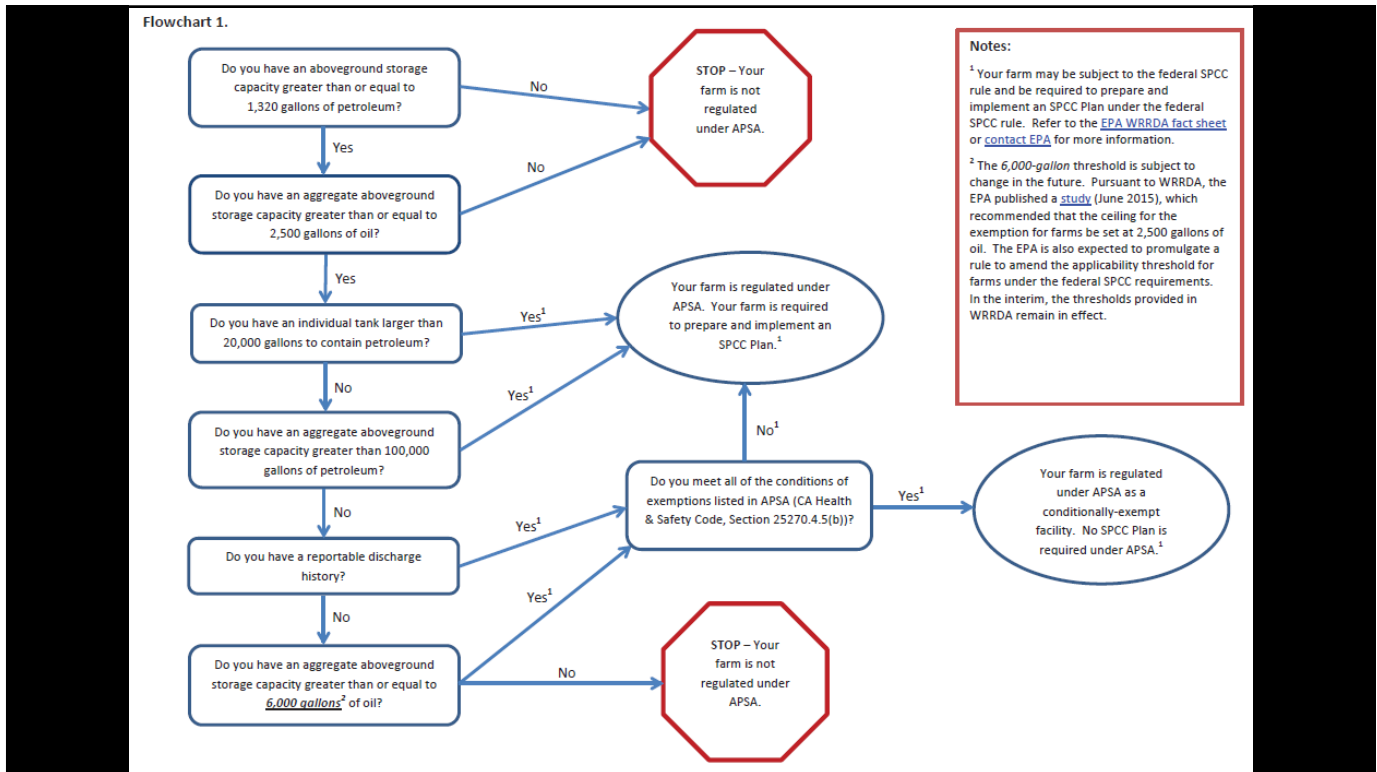
<sup>1</sup> Oil as referenced in this table includes all types of oil as defined in the federal SPCC rule (40 CFR Section 112.2), including but not limited to petroleum, animal and vegetable oils and oil products.

<sup>2</sup> For applicability under APSA, facility's total storage capacity must include 1,320 gallons or more of petroleum.

<sup>3</sup> Under APSA, facility is conditionally exempt only from preparing an SPCC Plan. Other APSA requirements apply.

<sup>4</sup> The 6,000-gallon threshold is subject to change in the future. Pursuant to WRRDA, the EPA published a study, which recommended that the ceiling for the exemption for farms be set at 2,500 gallons of oil. The EPA is also expected under WRRDA to promulgate a rule to amend the applicability threshold for farms under the federal SPCC requirements. In the interim, the thresholds provided in WRRDA remain in effect.

<sup>5</sup> Under APSA, facility is required to have an SPCC Plan that is certified by a professional engineer.



## POLL TIME #10!

➤ Diesel emergency electrical generator unit with a 400 gal. base fuel tank.... Is this unit APSA exempt oil-filled electrical equipment?

- A. Yes
- B. No
- C. Not sure





# 8. Tiny TIUGAs

- TIUGAs < 55 gal. capacity if
  - Has secondary containment,
  - Is inspected monthly by owner / operator
  - Inspection records maintained and made available to UPA on request



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# Optional Monthly Checklist

- OSFM – TIUGA Monthly Checklist
- Or use something else
- But *have* to have a written inspection log

CALIFORNIA ABOVEGROUND PETROLEUM STORAGE ACT MONTHLY VISUAL INSPECTION CHECKLIST TANKS IN UNDERGROUND AREAS – TANK FACILITY STORAGE CAPACITY LESS THAN 1,320 GALLONS				
I. IDENTIFICATION				INSPECTION DATE
FACILITY NAME (Same as BUSINESS NAME or DBA-Doing Business As)			CITY	
FACILITY ADDRESS			ZIP CODE	
TANK 1 ID	TANK 2 ID	TANK 3 ID		
<b>II. TANK DETAILS</b>				
Any item marked "NO" requires additional information to describe the condition and date the condition is corrected. Use additional pages if necessary.				
Item	Status			Comments / Date Corrected
	Tank 1	Tank 2	Tank 3	
<b>Primary Tank</b>				
1	Is tank exterior (roof, shell, ends, connections, fittings, valves, etc.) free of visible leaks? Note: 2" DN, identify tank and describe leak.	Y/Yes N/No	Y/Yes N/No	Y/Yes N/No
2	Is the tank liquid level gauge readable and in proper operating condition?	Y/Yes N/No	Y/Yes N/No	Y/Yes N/No
3	Is the primary tank free of water or has suitable preventative measures been taken? Note: Right to SPOW (SP-1) Section 11.4.6.11 for information for Category 1 tanks. NA is only appropriate for these alternatives.	Y/Yes N/No NA	Y/Yes N/No NA	Y/Yes N/No NA
4	Is the area around the tank concrete surface, ground, containment, etc.) free of visible signs of leakage?	Y/Yes N/No	Y/Yes N/No	Y/Yes N/No
<b>Double-Walled Tank</b>				
5	Is the interstice for double-wall tank free of liquid? Remove liquid if found. If tank product found, investigate possible leak.	Y/Yes N/No	Y/Yes N/No	Y/Yes N/No
<b>Equipment on Tank and Piping</b>				
6	Is piping (valves, fittings, connections, pumps, etc.) free of visible leaks? Note: 2" DN, identify piping, location and describe leak.	Y/Yes N/No	Y/Yes N/No	Y/Yes N/No
7	Is secondary containment for piping free of liquid? Check for alarms of equipment.	Y/Yes N/No	Y/Yes N/No	Y/Yes N/No
8	Is overflow prevention equipment (overflow valve, audible alarm, etc.) in proper operating condition? Note: Permit operator of alarm.	Y/Yes N/No	Y/Yes N/No	Y/Yes N/No
9	Are ladders/platforms/walkways secure with no signs of severe corrosion or damage?	Y/Yes N/No	Y/Yes N/No	Y/Yes N/No
10	Is the spill containment box on fill pipe empty, free of visible leaks and in proper operating condition?	Y/Yes N/No	Y/Yes N/No	Y/Yes N/No
<b>Secondary Containment (Diking/Impounding)</b>				
11	Is the containment free of liquid, debris, cracks, erosion, fire hazards and other integrity issues?	Y/Yes N/No	Y/Yes N/No	Y/Yes N/No
12	Are drain valves closed and in proper operating condition?	Y/Yes N/No	Y/Yes N/No	Y/Yes N/No
<b>Other Conditions</b>				
13	Is the system free of any other conditions that need to be addressed for continued safe operation or that may affect the site's SPC Plan?	Y/Yes N/No	Y/Yes N/No	Y/Yes N/No
<b>III. INSPECTOR INFORMATION</b>				
SIGNATURE OF INSPECTOR			PRINT NAME OF INSPECTOR	DATE (MM/DD/YYYY)

TIUGA Monthly Checklist

Version April 30, 2015



Item		Status			Comments / Date Corrected
		Tank 1	Tank 2	Tank 3	
<b>Primary Tank</b>					
1	Is tank exterior (roof, shell, ends, connections, fittings, valves, etc.) free of visible leaks? <i>Note: If "No", identify tank and describe leak.</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
2	Is the tank liquid level gauge readable and in proper operating condition?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	
3	Is the primary tank free of water or has another preventative measure been taken? <i>Note: Refer to SP001 (6<sup>th</sup> ed.) Section 6.10 &amp; 6.11 for alternatives for Category 1 tanks. NA is only appropriate for these alternatives.</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	
4	Is the area around the tank (concrete surfaces, ground, containment, etc.) free of visible signs of leakage?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>Double-Walled Tank</b>					
5	Is the interstice for double-wall tank free of liquid? Remove liquid if found. If tank product found, investigate possible leak	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	
<b>Equipment on Tank and Piping</b>					
6	Is piping (valves, fittings, connections, pumps, etc.) free of visible leaks? <i>Note: If "No", identify piping, location and describe leak.</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	

7	Is secondary containment for piping free of liquids? Check for alarms if equipped.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	
8	Is overflow prevention equipment (overflow valve, audible alarm, etc.) in proper operating condition? <i>Note: Verify operation of alarms.</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	
9	Are ladders/platforms/walkways secure with no sign of severe corrosion or damage?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	
10	Is the spill containment box on fill pipe empty, free of visible leaks and in proper operating condition?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	
<b>Secondary Containment (Diking/Impounding)</b>					
11	Is the containment free of liquid, debris, cracks, erosion, fire hazards and other integrity issues?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
12	Are drain valves closed and in proper operating condition?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	
<b>Other Conditions</b>					
13	Is the system free of any other conditions that need to be addressed for continued safe operation or that may affect the site's SPCC Plan?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>III. INSPECTOR INFORMATION</b>					
SIGNATURE OF INSPECTOR			PRINT NAME OF INSPECTOR		DATE (MM/DD/YYYY)

## Facilities Exempted under APSA (conditionally)



- Farms
- Nurseries



- Construction sites
- Logging sites



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## APSA-Exempt Tank Facilities

- **Conditions of exemption include:**
  1. Tank capacity limits
    - No single tank capacity > 20,000 gallons, and
    - Aggregate facility capacity  $\leq$  100,000 gallons
  2. Operational requirements
    - Owner or operator must conduct daily inspections of all petroleum tanks
    - Owner or operator must consent to periodic inspections by the UPA
  3. Containment requirements
    - Owner or operator must install secondary containment for each tank or group of tanks if determined necessary by CUPA



## APSA-Exempt Tank Facilities

---

- Exempt only from APSA requirement to prepare & implement an SPCC Plan
  - All other APSA requirements apply
  - All federal SPCC requirements apply
- A conditional exemption
  - If they do not meet the exemption conditions...
    - They are not APSA-exempt and must fully comply w/ APSA, and write-implement an SPCC Plan



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## TIUGAs – Quick Review

---

- A 'tank in an underground area' is APSA regulated and must meet the following:
  - Tank is located on or above the surface of the floor in a structure > 10% bgs (including basement, cellar, shaft, pit, vault, etc.)
  - Tank is stationary
    - Portable tanks/containers managed/operated as stationary are NOT portable
  - The structure provides for secondary containment for tank, piping and ancillary equipment
    - Containment structure must allow for 'direct viewing' of the tank exterior
  - Certain other conditions (piping containment and monitoring, containment monitoring, etc.)

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## TIUGAs



- A 'tank in an underground area' is APSA regulated and must meet one or more the following categories:
  - Lubricant or coolant tank (including OFE)
  - Hazardous waste tank
  - Emergency system tank
  - Other tank with petroleum not categorized above
- Recall the TIUGAs exempt from APSA
  - Tiny TIUGAs if conditions are met
  - Closed loop hydraulic lift system TIUGAs if facility is <1,320 gal. total capacity
  - Heating oil TIUGAs if facility is <1,320 gal. total capacity
  - Sumps, separators, clarifiers, etc. if facility is <1,320 gal. total capacity



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## Hand-Raising Type o' Poll:

- Is this used oil tank (at an SPCC-regulated facility):
  - A regulated TIUGA?
  - An exempt TIUGA



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# Not Just Tanks Regulated under APSA

## ➤ APSA Capture

- ‘Aboveground storage tanks’ containing petroleum...but
  - APSA requires compliance with federal SPCC regulations
  - APSA specifies federal conformity and consistency
  - When final, APSA regulations will specifically incorporate broad federal capture

## ➤ Federal SPCC Rule Capture

- Includes mobile and fixed tanks and containers; oil-containing operational and manufacturing equipment (e.g. lube oil reservoirs, oil centrifuges, hydraulic and pumping systems, extruders, heat transfer systems, mixing systems, etc.); above ground oil piping: If 55 gal. capacity or more
- Ancillary oil handling, loading/unloading and transfer areas and activities



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Tank / Container Summary Requirements Chart  
(a brief summary of some (but NOT all) requirements)

Term Used in U.S. EPA SPCC Rule	Term Used in APSA (see FAQ)	Containment Req'd. (40 CFR 112 rule ref.)	Inspections or Integrity Test Req'd? (rule ref.) Regular inspections and frequent	Other / Comment
Bulk containers (fixed/stationary)	Aboveground storage tank	Sized containment + precipitation freeboard (112.8(c)(2))	Regular inspections and frequent integrity testing (112.8(c)(6)). Must also test liquid level sensing devices (112.8(c)(8)(v)).	Integrity testing after certain repairs (112.7(i)).
Portable/mobile bulk containers (except mobile refuelers & NTRTTs)	Aboveground storage tank	Sized containment (112.8(c)(11))	Regular inspections and frequent integrity testing (112.8(c)(6)). Must also test liquid level sensing devices (112.8(c)(8)(v)).	Position to prevent nav. water discharge (112.8(c)(11)).
Mobile refuelers & non-transportation-related tank trucks (NTRTTs)	Aboveground storage tank	General containment (or other diversionary measures or equipment) (112.7(c))	Regular inspections and frequent integrity testing (112.8(c)(6)). Must also test liquid level sensing devices (112.8(c)(8)(v)).	Position to prevent nav. Water discharge (112.8(c)(11)). A subcategory of portable/mobile bulk containers.
Oil-filled electrical equipment	Aboveground storage tank (sub-definition: oil filled electrical equipment)	General containment (or other diversionary measures or equipment) (112.7(c))	Not specifically required by 40 CFR 112... but HSC 25270.2(a)(4)(B) requires routine inspections.	Conditionally APSA exempt.
Oil-filled operational & equipment	Aboveground storage tank	General containment (or other diversionary measures or equipment) (112.7(c))	Not specifically required by 40 CFR 112.	Includes hydraulic tanks & systems, oil/water separators and other equipment.
Tank truck and tank car loading racks	No specific term	Sized containment (catchment basin) (112.7(h)(1))	Pre-departure inspections of vehicle/tank cars only – not the rack (112.7(h)(3)).	Departure warning system or devices required.
Loading & unloading areas, oil transfer areas	No specific term	General containment (or other diversionary measures or equipment)(112.7(c))	Not specifically required by 40 CFR 112.	
Facility transfer operations, pumping & facility process (and aboveground piping)	No specific term	General containment (or other diversionary measures or equipment)(112.7(c))	Regular inspections (112.8(d)(4)).	Also must inspect if buried piping is exposed.

\* Sized containment may include diversion to a catchment basin or area. For loading racks, may include system to collect and transfer full volume back into facility.

## Tank / Containment Summary Requirements Check Sheet (a brief summary of some (but NOT all) requirements)

Term Used in U.S. EPA SPCC Rule	Term Used in APSA (see FAQ)	Containment Req'd. (40 CFR 112.8 rule ref.)	Inspections or Integrity Test Req'd? (rule ref.) Regular inspections and frequent	Other / Comment
Bulk containers (fixed/stationary)	Aboveground storage tank	Sized containment + precipitation freeboard (112.8(c)(2))	Regular inspections and frequent integrity testing (112.8(c)(6)). Must also test liquid level sensing devices (112.8(c)(8)(v)).	Integrity testing after certain repairs (112.7(i)).
Portable/mobile bulk containers (except mobile refuelers & NTRTTs)	Aboveground storage tank	Sized containment (112.8(c)(11))	Regular inspections and frequent integrity testing (112.8(c)(6)). Must also test liquid level sensing devices (112.8(c)(8)(v)).	Position to prevent nav. water discharge (112.8(c)(11)).
Mobile refuelers & non-transportation- related tank trucks (NTRTTs)	Aboveground storage tank	General containment (or other diversionary measures or equipment) (112.7(c))	Regular inspections and frequent integrity testing (112.8(c)(6)). Must also test liquid level sensing devices (112.8(c)(8)(v)).	Position to prevent nav. Water discharge (112.8(c)(11)).  A subcategory of portable/mobile bulk containers.
Oil-filled electrical equipment	Aboveground storage tank (sub-definition: oil filled electrical equipment)	General containment (or other diversionary measures or equipment) (112.7(c))	Not specifically required by 40 CFR 112... but HSC 25270.2(a)(4)(B) requires routine inspections.	Conditionally APSA exempt.
Oil-filled operational & equipment	Aboveground storage tank	General containment (or other diversionary measures or equipment) (112.7(c))	Not specifically required by 40 CFR 112.	Includes hydraulic tanks & systems, oil/water separators and other equipment.
Tank truck and tank car loading racks	No specific term	Sized containment (catchment basin) (112.7(h)(1))	Pre-departure inspections of vehicle/tank cars only – not the rack (112.7 (h)(3)).	Departure warning system or devices required.
Loading & unloading areas, oil transfer areas	No specific term	General containment (or other diversionary measures or equipment)(112.7(c))	Not specifically required by 40 CFR 112.	
Facility transfer operations, pumping & facility process (and aboveground piping)	No specific term	General containment (or other diversionary measures or equipment)(112.7(c))	Regular inspections (112.8(d)(4)).	Also must inspect if buried piping is exposed.

\* Sized containment may include diversion to a catchment basin or area. For loading racks, may include system to collect and transfer full volume back into facility.

## Loading/Unloading & Transfers from Exempt Containers or Tanks at an SPCC-Regulated Facility

- **IS** an SPCC rule (and APSA) regulated activity and area
  - 112.7(c) general containment required
  - 112.7(a)(3)(ii) discharge prevention measures including procedures for routine handling of oil
  - 112.7(f) training
- UPAs: don't just focus on the tanks
- Facilities: don't simply assume everyone knows proper procedures, etc. and active measures will work



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## VIDEO TIME!

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- Importance of following procedures
- Assume that the facility shown IS an SPCC-regulated facility that also has SPCC-exempt USTs
- Recall: Transfers from one SPCC-exempt tank to another SPCC-exempt tank at an otherwise regulated facility IS an SPCC-regulated activity



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# RUN THE TAPE



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# Facility Notification to UPA: CERS

## Aboveground Petroleum Storage

Does your facility own or operate aboveground petroleum storage tanks or containers AND:

- have a total aboveground petroleum storage capacity of 1,320 gallons or more, OR
- have one or more petroleum tanks in an underground area?

Yes  No

Then...

Aboveground Petroleum Storage Act No Previous Submittals **Start** Not Applicable

Then...

Aboveground Petroleum Storage Act **DRAFT Mar. 28, 2019** **Submit**

- **APSA Facility Information** Form Needed New
- **Aboveground Petroleum Storage Act Documentation** Review Needed New

[Discard Draft Submittal](#) [Miscellaneous State-Required Documents](#) [Add Comment To Regulator](#)

Then...



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# Facility Notification to UPA: CERS

## APSA Facility Information: Test Facility Petroleum

Home » Prepare Submittal (10766176) » APSA: APSA Facility Information (Draft)

### Instructions/Help

You must indicate if your tank facility is conditionally exempt from having to prepare and implement a Spill Prevention, Control, and Countermeasure (SPCC) Plan under APSA. Refer to [HSC §25270.4.5\(b\)](#) for details.

If you indicate that your facility is conditionally exempt, then no additional information is requested on the APSA Facility Information.

If you indicate that your facility is not conditionally exempt, then complete the remaining fields in the APSA Facility Information.

For assistance with calculating the total aboveground storage capacity of petroleum at your facility, read the CERS Help Materials for APSA: [Is My Facility Regulated Under APSA?](#)

For information on "tanks in underground areas," visit the Office of the State Fire Marshal APSA website at <http://csfm.fire.ca.gov/cupa/apsa> or contact your local regulator for assistance.

**Save** **Cancel**

### Facility Information

Conditionally Exempt

Total Aboveground Storage Capacity of Petroleum

Number of Tanks in Underground Area(s)

Date of SPCC Plan Certification or Date of 5-Year Review

**Recall: THIS info not yet a formal APSA regulatory requirement... but just fill the damn thing out.**

# Facility Notification to UPA: CERS



**Recall: THIS info IS (and has been) an APSA statutory requirement.**  
**Resubmit/update ANNUALLY!**

- Tank Facility Statement
  - Total facility capacity and listing each tank/container with > 10,000 gal. capacity
  - Or...
- Business Plan HM Inventory
  - Usual HMBP thresholds

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## Documentation Submittal - TFS

- OSFM has a TFS form (1/2021)
- Form has space for 6 tanks
  - Must report the total facility APSA petroleum storage capacity
  - Recall – only must list those > 10,000 gallon capacity

### ABOVEGROUND PETROLEUM STORAGE ACT: TANK FACILITY STATEMENT

#### I. IDENTIFICATION

FACILITY NAME (Same as BUSINESS NAME or DBA – Doing Business As): \_\_\_\_\_  
 FACILITY PHONE: | \_\_\_\_\_  
 FACILITY ADDRESS: \_\_\_\_\_  
 FACILITY CITY: \_\_\_\_\_ STATE: CA ZIP CODE: \_\_\_\_\_  
 CONTACT NAME: \_\_\_\_\_  
 CONTACT PHONE: \_\_\_\_\_

#### II. TOTAL FACILITY STORAGE CAPACITY

Tank facility's total aboveground petroleum storage capacity (in gallons) for all tanks and containers, including tanks in an underground area, with a shell capacity **greater than or equal to** 55 gallons (see instructions for details): \_\_\_\_\_ gallons

#### III. TANK AND CONTAINER DETAILS

Details of each aboveground petroleum storage tank or container **greater than** 10,000 gallons in shell capacity (attach additional forms if needed)

Tank 1:  
 Tank or Container ID Number: \_\_\_\_\_  
 Contents (Gas, Diesel, etc.): \_\_\_\_\_  
 Shell Capacity (in gallons): \_\_\_\_\_  
 Location of Tank or Container: \_\_\_\_\_  
 Tank 2:  
 Tank or Container ID Number: \_\_\_\_\_  
 Contents (Gas, Diesel, etc.): \_\_\_\_\_







## Facility Notification to UPA: CERS



For the Hazardous Materials Inventory/HMBP option:

**Document Options**

- Upload Document(s)
- Public Internet URL
- Provided Elsewhere in CERS
- Provided to Regulator
- Stored at Facility
- Exempt

**Provided Elsewhere in CERS**

If requirements for this supplemental documentation can be satisfied by another document you have provided in CERS, please indicate the submittal element where the document can be found and provide the submittal date or other comments to assist your regulator in localizing this document in your current/previous CERS facility submittals.

Supplied in Submittal Element...

- Facility Information
- Hazardous Materials Inventory
- Emergency Response and Training Plans
- Aboveground Petroleum Storage Act

Indicate submittal date or other explanation...

Save Cancel



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## POLL TIME #11!

- APSA requires SPCC Plans to be submitted to the UPA (vs just made available at the facility):
  - Whenever requested by the UPA
  - Uploaded into CERS annually
  - Uploaded into CERS whenever it is revised
  - That's crap...SPCC Plans are not required to be submitted to the UPA or uploaded into CERS



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# Do Not Upload SPCC Plans!

No requirement to submit SPCC Plans to UPA (or EPA, unless officially requested by EPA)



CERS Business Home Submittals Facilities Compliance My Business

**Aboveground Petroleum Storage Act Documentation:**

Home » Prepare Submittal (10265161) » APSA: Aboveground Petroleum Storage Act Documentation (Draft)

**APSA Supplemental Documentation**

You can meet APSA state reporting requirements by uploading a tank facility statement or by submitting a hazardous materials business plan. To upload a tank facility statement, select the **Browse** button, locate the file on your computer to upload, provide a document title, and then select **Save & Finish**. To meet the requirement by submitting a business plan, you must submit the Facility Information, Hazardous Materials Inventory, Site Map and Emergency Response and Training Plans submittal elements through CERS. To indicate that you are using your business plan to meet the APSA reporting requirement, select the **Provided Elsewhere in CERS** document option below, select **Hazardous Materials Inventory**, then click the **Save** button. Facilities subject to APSA shall keep a copy of their SPCC plan onsite in the facility is normally attended at least four hours per day, or at the nearest field office if the facility is not so attended.

**SPCC Plans are NOT required to be uploaded into CERS and, therefore, SPCC Plans should NOT be uploaded into CERS.**

Your local CUPA may request that you upload additional documentation if shown below under "Local Reporting Requirements" information. For additional information, please contact your CUPA.

**Document Options**

- Upload Document(s)
- Public Internet URL
- Provided Elsewhere in CERS
- Provided to Regulator
- Stored at Facility
- Exempt

**Document Upload(s)** [CERS Document Upload Policy](#)

**Upload Document**

No file selected.

Date Authored (Required) 2/21/2016 Document Title (Required) Uncle Steve's Luke Oil Emborium SPCC Planjon

Description/Comments (Optional) Big Fat SPCC Plan

# Other OSFM APSA Stuff: No Using USTs as ASTS



California State Fire Marshal  
Information Bulletin 14-005

Issued: July 25, 2014

## Underground Fuel Storage Tanks Prohibited for Use as Aboveground Fuel Storage Tanks

This information bulletin has been developed to inform and advise the public on the prohibited use of converted steel underground storage tanks (UST) as aboveground storage tanks (AST) storing flammable or combustible liquids.

Section 5704.2.7, California Fire Code, 2013 Edition states, "The design, fabrication and construction of tanks shall comply with NFPA 30. Each tank shall bear a permanent nameplate or marking indicating the standard used as the basis of design." The National Fire Protection Association (NFPA) Standard 30, 2012 Edition, Section 3.3.51.1, defines an aboveground tank as a storage tank that is installed above grade, at grade, or below grade without backfill. NFPA 30 Section 21.3.4 states, "Tanks designed and intended for underground use shall not be used as aboveground tanks."

The design, construction, and installation standards of USTs are different than ASTs. Since the core structure of the USTs is designed for an underground placement, it is difficult, dangerous and costly to convert USTs for aboveground placement. For example, tank heads of a UST lack the reinforcement necessary to support the heads if converted into an AST. The soil around a UST provides additional structural support and, therefore, no additional reinforcement is necessary. However, an AST requires larger tank heads to be reinforced with structural steel to stiffen and strengthen the heads.





## POLL TIME #12!

- Fact or Cr... uh... Fact or Nonsense: A spill or release of LESS than 42 gallons of petroleum is not reportable.
  - A. FACT: 42 gals. Is the reporting threshold for petroleum.
  - B. Nonsense: APSA requires reporting anything over 15 gallons.
  - C. Not so fast! It may be reportable, depending on threat to Health, Safety, Property or the Environment (considering containment, ground surface, evaporation, fire hazard, health hazard, etc. etc.)



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## What About Petroleum Discharge Reporting Under APSA?

- Petroleum release from AST facilities (HSC 25270.8)
  - > 42 gals to state waters (or may pass into waters of the state)
  - Facility owner/operator must immediately to Cal OES, CUPA (and 911 if necessary)
    - Cal OES reports to RWQCB



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# Other Reportable Discharges

(other laws/regs – besides APSA)

➤ **Calif. Water Code:**

- Discharges of oil or petroleum in or on “waters of the state” (except marine waters) are reportable
  - Statutory RQ = 42 gal (1 bbl); CA Oil Spill Contingency Plan = **any** amount

➤ **Calif. Government Code:**

- Discharge or threatened discharge of petroleum or oil in state marine waters are reportable
  - Statutory RQ = 42 gal...CA OSCP = any amount

➤ **H&S Code 6.95:**

- Discharge or threatened discharge of hazardous materials posing a substantial threat to health, safety, property or environment reportable

➤ **Federal Clean Water Act:**

- Discharge of harmful quantity of oil into a navigable water (or shoreline, sludge, etc.) of the US are reportable

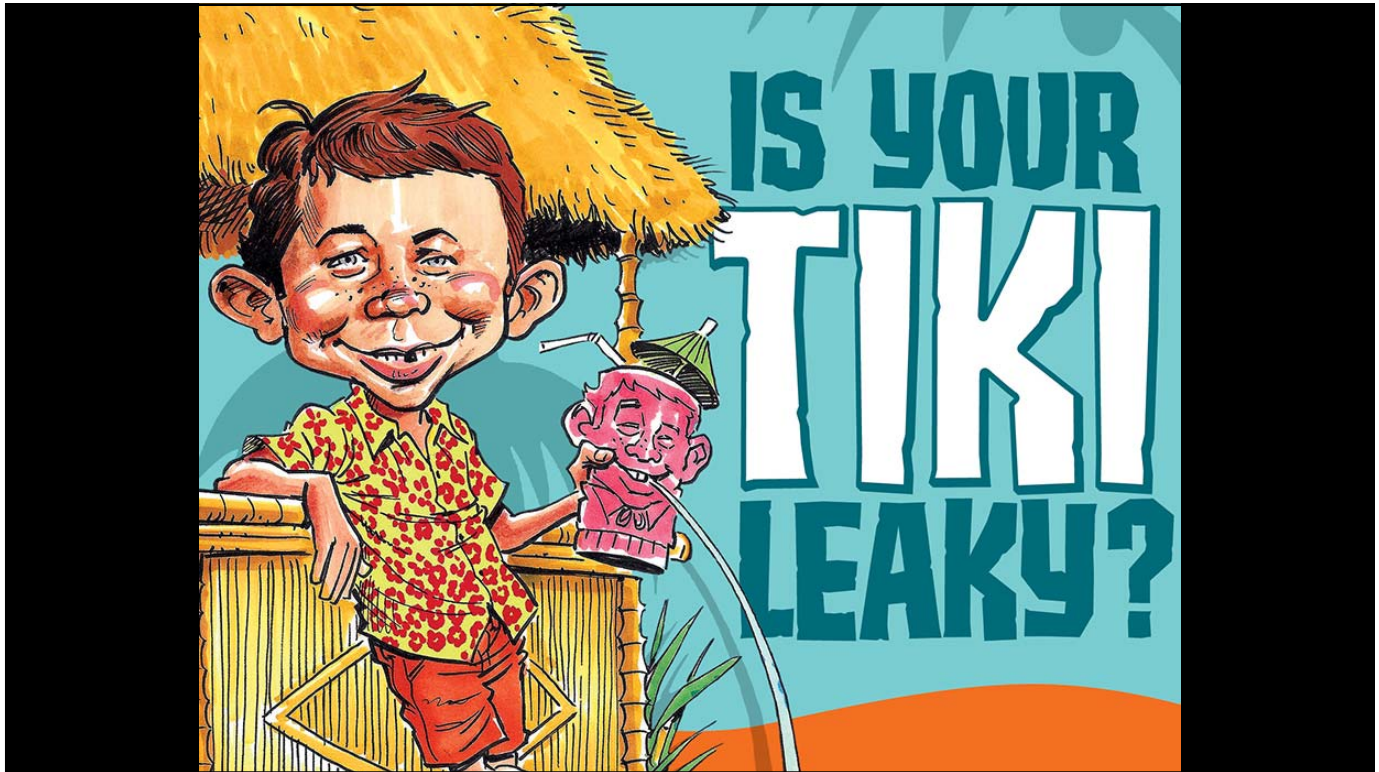


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Accumulation of oil in secondary containment must be promptly removed and losses (leaks) of oil from the container promptly corrected...but reportable?





## APSA Penalty Summary

- §25270.12: Civil penalty  $\leq$  \$5,000/day of violation
  - Second/subsequent violation:  $\leq$  \$10,000/day
  - Failure to prepare SPCC Plan (HSC 25270.4.5)
  - Failure to submit TFS (HSC 25270.6(a))
  - Failure to pay APSA program fee (HSC25270.6(b))
  - Failure to report petroleum spills (HSC 25270.8)
- §25270.12.1: Administrative penalty  $\leq$  \$5,000/day
  - Second/subsequent violation:  $\leq$  \$10,000/day
  - For same as above failures
- §25270.12.5: Knowing violations of the above requirements can prosecuted as a misdemeanor
  - After reasonable notice of violations



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**CERS Business**

**Unified Program Violation Library**  
CERS Data Registry » Unified Program Violation Library

**Instructions/Help**

The Unified Program Violation Library is a repository of standard violation descriptions Unified Program Agencies (UPAs) may use in their field inspections, and must be used by Unified Program Agencies (UPAs) when reporting violation detail data to the California Environmental Reporting System (CERS). UPAs must either report violation information directly into the CERS user interface or via machine-to-machine electronic data transfer (EDT). The violation library is reviewed and modified as necessary on an annual basis, using the [change management process](#). For more information about the Unified Program Violation Library please contact CalEPA Unified Program at [CUPA@cal EPA](mailto:CUPA@cal EPA).

The Unified Program Violation Library serves as a compilation of common violations for consistent reporting purposes only. The Unified Program Violation Library is not an exhaustive list of all violations and the inclusion, or non-inclusion, of any specific violation implies nothing and shall be construed as a policy statement, interpretation or guidance from CalEPA or any of its Boards, Departments or Offices. The Unified Program Violation Library is not a legal document containing any advice, and under no circumstances shall the State of California be liable for any actions taken or omissions made from reliance on any information contained herein.  
[CERS Central Home Page](#)

Violation Name:  Violation Description:

Violation Type Number:  Violation Source:

Violation Program: **APSA Program** Violation Category: **Select a Category**

Begin Date Greater Than:  End Date Less Than:

Drag a column header and drop it here to group by that column

	Name	Program	Description	Type #	Begin Date	End Date
<input type="button" value="View"/>	General	APSA Program	APSA Program - Administration/Documentation - General	4010	7/1/2011	12/31/2099
<input type="button" value="View"/>	No Spill Prevention Control and Countermeasure (SPCC) Plan	APSA Program	Failure to prepare and implement a Spill Prevention Control and Countermeasure (SPCC) Plan	4010001	7/1/2011	5/31/2016
<input type="button" value="View"/>	Prepare SPCC Plan	APSA Program	Failure to prepare a Spill Prevention, Control, and Countermeasures (SPCC) Plan.	4010001	6/1/2016	10/31/2017
<input type="button" value="View"/>	SPCC Plan prepared	APSA Program	Failure to prepare a Spill Prevention, Control, and Countermeasures (SPCC) Plan.	4010001	11/1/2017	12/31/2099
<input type="button" value="View"/>	Management approval of SPCC Plan	APSA Program	Failure to obtain facility management approval to fully implement the SPCC Plan.	4010002	7/1/2011	5/31/2016
<input type="button" value="View"/>	SPCC Plan not certified by a professional engineer	APSA Program	Failure to have a professional engineer certify and review the SPCC Plan.	4010003	7/1/2011	5/31/2016
<input type="button" value="View"/>	Professional engineer certification	APSA Program	Failure to have a licensed professional engineer properly review and certify the SPCC Plan.	4010003	6/1/2016	12/31/2099
<input type="button" value="View"/>	Impracticability claims of appropriate containment not demonstrated	APSA Program	Failure to clearly explain why appropriate containment/diversionary structures are not practicable and/or SPCC Plan claiming impracticability is not certified by a licensed professional engineer.	4010004	7/1/2011	5/31/2016
<input type="button" value="View"/>	Impracticability claims of appropriate containment	APSA Program	Failure to clearly explain why appropriate containment/diversionary structures are not practicable.	4010004	11/1/2017	12/31/2099

➤ 260 separate APSA violation 'types' listed

<input type="button" value="View"/>	Inadequate containment	APSA Program	Failure to provide appropriate secondary containment and/or diversionary structures or equipment for the following: bulk storage containers, mobile or portable containers, oil-filled equipment, piping.	4030037	6/1/2016	10/31/2017
<input type="button" value="View"/>	General containment	APSA Program	Failure to provide appropriate secondary containment and/or diversionary structures or equipment for the following: bulk storage containers, mobile or portable containers, oil-filled equipment, piping.	4030037	11/1/2017	12/31/2099
<input type="button" value="View"/>	Implementation of SPCC Plan	APSA Program	Failure to implement the SPCC Plan.	4030038	11/1/2017	12/31/2099
<input type="button" value="View"/>	Implement SPCC Plan	APSA Program	Failure to implement the SPCC Plan.	4030038	6/1/2016	10/31/2017
<input type="button" value="View"/>	Implement SPCC Plan amendments	APSA Program	Failure to implement SPCC plan amendments within 6 months.	4030039	6/1/2016	10/31/2017
<input type="button" value="View"/>	Implementation of SPCC Plan amendments	APSA Program	Failure to implement SPCC Plan amendments within 6 months.	4030039	11/1/2017	12/31/2099
<input type="button" value="View"/>	Spill prevention briefings	APSA Program	Failure to conduct spill prevention briefing for oil-handling personnel at least once a year to assure adequate understanding of the SPCC Plan.	4030040	11/1/2017	8/31/2019
<input type="button" value="View"/>	Conducting spill prevention briefings	APSA Program	Failure to conduct spill prevention briefing for oil-handling personnel at least once a year to assure adequate understanding of the SPCC Plan.	4030040	6/1/2016	10/31/2017
<input type="button" value="View"/>	Tier I Bulk storage container sized secondary containment	APSA Program	Failure to provide bulk storage containers with adequate secondary containment large enough to contain the entire capacity of the largest container plus additional capacity to contain...	4030041	11/1/2017	12/31/2099

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**Violation Detail: General containment**  
CERS Data Registry » Unified Program Violation Library » Violation Detail (4030037)

**Violation Type Information**

Type Number  4030037  
 Violation Name: General containment  
 Program Element: APSA Program  
 Category: Operations/Maintenance

Begin Date: 11/1/2017  
 End Date: 12/31/2099  
 RCRA Violation Code: -  
 Violation Comments: -

UST Performance Measure: -

**Violation Type Description**

Failure to provide appropriate secondary containment and/or diversionary structures or equipment for the following: bulk storage containers, mobile or portable containers, oil-filled equipment, piping and related appurtenances, mobile refuelers or non-transportation-related tank cars, and transfer areas, equipment and activities and ensure that the entire containment system, including walls and floor, are capable of containing oil and constructed so that any discharge will not escape the containment system before cleanup occurs.

**Violation Citations**

- U.S. Code of Federal Regulations, Title 40, Chapter 1, Section 112.7(c)
- California Health and Safety Code, Chapter 6.67, Section 25270.4.5(a)

From Common APSA Violation class

## What is an APSA violation?

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- A deficiency in the facility's APSA Program
  - SPCC Plan Content
  - SPCC Plan Implementation
- A teachable moment
- APSA Statute does not define minor, Class II, or Class I
  - Violation classification HSC 25404(a)(3)
- Violation Classification Guidance – March 2020



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## UPA APSA Inspection

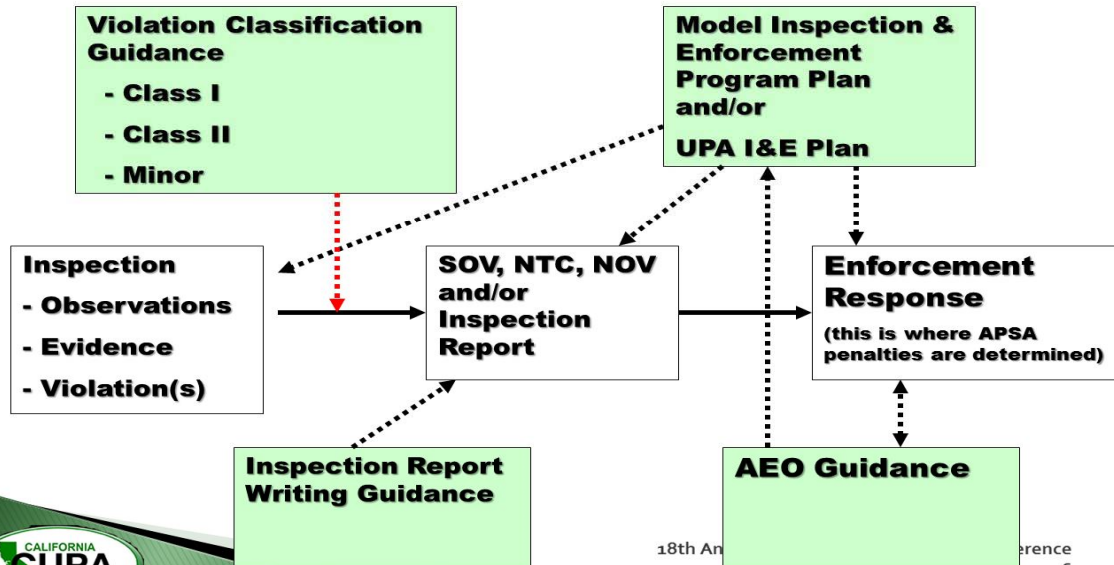
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- Determine if facility is in APSA Program
  - Facility required to have an SPCC Plan
- Has an SPCC Plan been prepared
- Does SPCC Plan meet requirements
- Is SPCC Plan implemented
- Has the SPCC Plan been updated to reflect changes



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# APSA Enforcement Much More than Simple Statutory Penalties



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Courtesy Mike Vizzier & Kasey Foley

## Class I & II (non-HW)

- **Class I: The most egregious type of violation**
  - Willful
  - Intentional
  - Negligent
  - Knowing or should have known
  - Pose a significant threat
  - Chronic or recalcitrant
- **Class II**
  - Not a Class I
  - Not a minor
  - Or failure to correct a minor violation within the prescribed timeframes
- Minors & Class IIs can be elevated to a higher Class depending upon the degree of potential harm or recalcitrance



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## Examples (APSA- Class I)

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- Drainage system in un-diked area flows offsite into a stream
- Failure to prepare a SPCC at high risk facility
- Failure to prepare a SPCC after notice
- Corrective action is not taken on exposed sections of buried piping after deterioration causing a petroleum release is found



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## Examples (APSA- Class II)

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- Failure to prepare an SPCC Plan (non-high risk facility)
- Bulk storage secondary containment bypass valves are not sealed closed after draining rain water
- SPCC Plan not certified by a professional engineer (non-qualified facility)
- Failure to submit a plan amendment (s) if the facility has had a change in: design, construction, operation, or maintenance increasing the facility's discharge potential (e.g. adding a petroleum storage tank)



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# Examples (APSA- Minor)

- Five-year review of plan by owner-operator six months late
- Failure to keep written procedures and inspection records with the plan
- Failure to maintain adequate records of drainage from diked areas with no evidence and no history of petroleum discharge



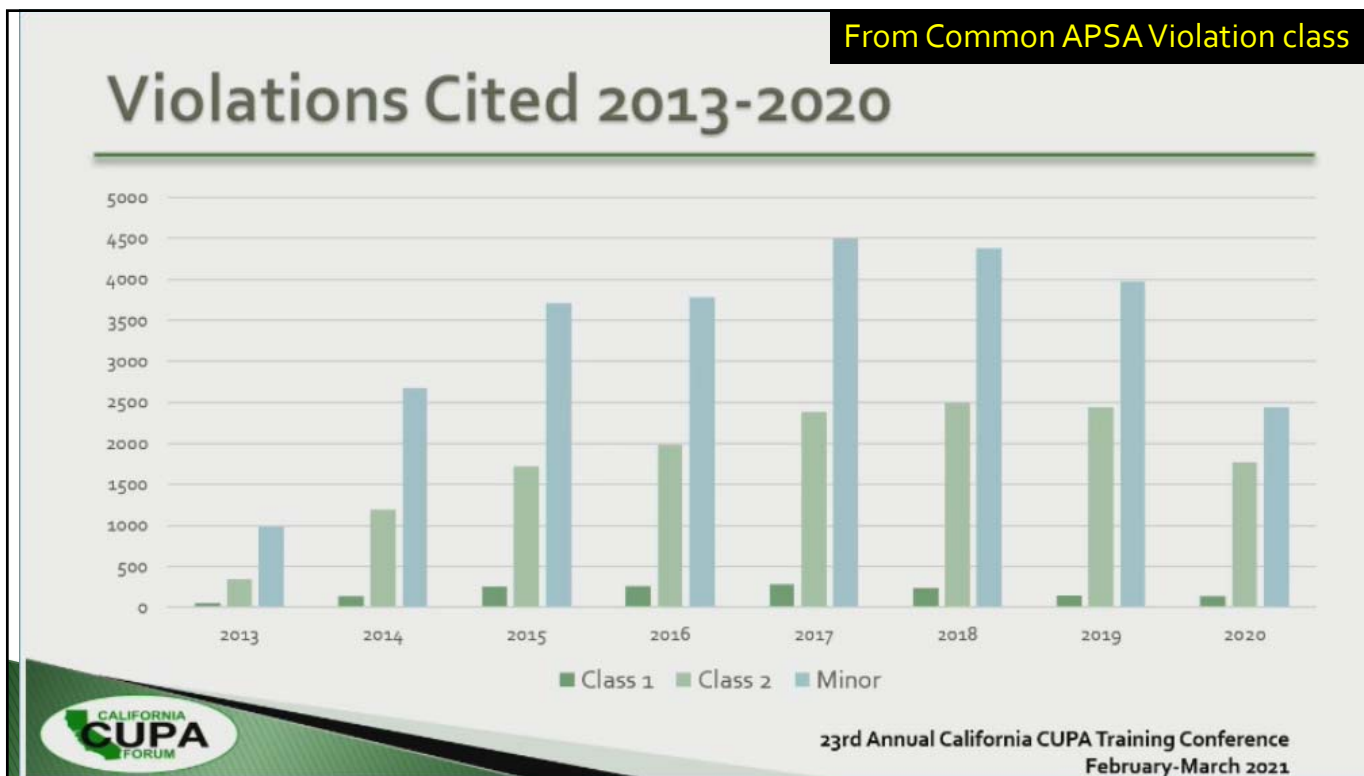
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From Common APSA Violation class

## Top 5 APSA Violations Cited 2013-2020



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# Any Questions?

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