



Keeping It Trendy APSA Violations

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Interactive Session Using Slido

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Anaheim



Welcome

- Thank you for participating today
- Interactive responses using your personal smart device
 - Real time survey results
- Discussions with neighbors regarding polls is encouraged
 - Think out loud



Poll Question 1 – Multiple Choice

- Which of the following best describes you?
 1. Introvert
 2. Extrovert
 3. Ambivert
 4. Omnivert



Overview

- Unified Program Violation Library
 - Categorization
 - Proposed 2023 Changes to APSA Violations
- Violation Trends
- APSA Violation Examples



Aboveground Petroleum Storage Act (APSA)

- History
 - 1989 – SWRCB/RWQCB Authority
 - 2008 – Authority transferred to UPAs
 - 2012 – OSFM Authority
 - 1st UPA cited APSA violation to be enforcement
 - 2013 – CERS Requirement
- Applicability
 - 1,320 gallons petroleum capacity or TIUGA
 - 55-gallon capacity container counted
 - APSA tank facilities subject to Federal SPCC rule



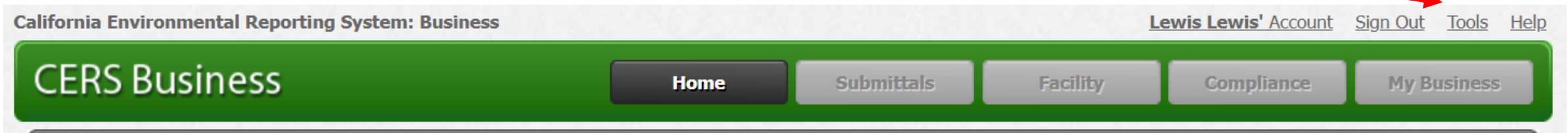
Types of Violations

- Minor, Class 2, Class 1
- Violation Classification Guidance for UPAs (Revised 3/6/2020)
 - calepa.ca.gov/wp-content/uploads/sites/6/2020/06/Violation-Classification-Guidance-Document-accessible.pdf
- Determining Classification
 - Hazard/risk of non-compliance (consider volume of petroleum)
 - Deviation from requirement
 - Intent (knowing or inadvertent)
 - # of violations noted during inspection
 - Facility compliance history



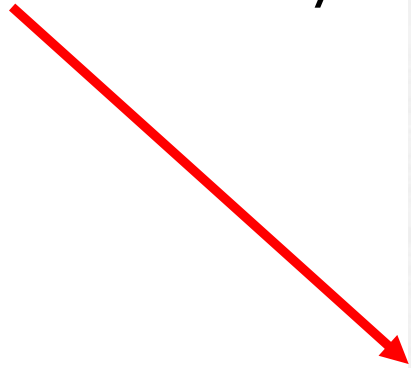
Violation Library

- Shout out to Jennifer Lorenzo (OSFM) & Jim Whittle (Shasta Co. UPA)
- Violation Library is accessible with CERS account or <https://cersbusiness.calepa.ca.gov/Public/Violations>
 - Log into CERS account
 - Click on “Tools” at top, right-hand corner



Accessing Violation Library

Click on
CERS Violation Library



CERS Business

Home Submittals Facility Compliance My Business

Tools
Home » CERS Tools

- [CUPA Contact Information/Listing](#)**
A listing of contact information for all Unified Program Certified Unified Program Agencies (CUPAs) and Participating Agencies (PAs).
- [Business/Organization Listing](#)**
Search a listing of all businesses in CERS, and request access to your business/organization.
- [Search/Restore Draft Submittals Replaced by Regulator Seeding](#)**
Search a listing of draft submittals that have been replaced by the regulator seeding process.
- [CERS Chemical Library](#)**
View, search, and download the chemical/material information available in the CERS Chemical Library.
- [CERS Violation Library](#)**
View, search, and download the violation information available in the CERS Violation Library.
- [Your Browser Software](#)**
CERS not quite looking right, or having other problems? Use this to page to identify your browser software before communicating with CERS Technical Support.

- [Upload Multi-Facility \(or Very Large\) Inventory Submittal Elements](#)**
Upload draft *Hazardous Material Inventory* submittal elements for one or more of your business' facilities. You will receive an email when processing of your uploaded file is completed (normally less than 24 hours). Any existing draft inventories for the facilities in your download will be replaced by what is in your multi-facility upload. The Site Plan from the last submittal for a facility in this file will be copied to the new draft submittals created by this tool. This tool can also be used to upload a very large inventory (500+ materials) for one (or more) facility(s).
- [Upload Owner/Operator Data for Multiple Facilities in My Business](#)**
Upload draft Owner/Operator form data (part of the *Facility Information* Submittal Element) for multiple facilities. The data in your upload will replace Owner/Operator data for any existing draft *Facility Information* submittal elements for the facilities in your download.
- [Statewide Default ZIP Code--Submittal Element--Regulator Mappings](#)**
View, search, and download the default mappings used to associate a new facility to its regulators via the facility's ZIP Code. Authorized regulators can change a facility's default regulator assignments by searching for a facility and selecting the "Change CUPA" left menu link.



Accessing Violation Library

- Fill in Search Criteria
- Notice duplicate "Type #"
- Notice "End Date"
 - Some violations are no longer active

Violation Name Violation Description

Violation Type Number Violation Source

Violation Program Violation 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



Accessing Violation Library

- Use 12/31/2099 for “End Date Less Than” with no begin date
- 4010002 not listed
- Type # and Violation Category are related
- Export to Excel option

Violation Name Violation Description

Violation Type Number Violation Source

Violation Program Violation Category

Begin Date Greater Than End Date Less Than

Search

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

	Name	Program	Description	Type #	Begin Date	End Date
View	General	APSA Program	APSA Program - Administration/Documentation - General	4010	7/1/2011	12/31/2099
View	SPCC Plan prepared	APSA Program	Failure to prepare a Spill Prevention, Control, and Countermeasures (SPCC) Plan.	4010001	11/1/2017	12/31/2099
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
View	Impracticability claims of appropriate containment explained and certified	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	11/1/2017	12/31/2099
View	Oil spill contingency plan prepared when claiming impracticability	APSA Program	Failure to prepare an oil spill contingency plan when claiming impracticability of appropriate containment/diversionary structures.	4010005	11/1/2017	12/31/2099

[Export to Excel](#) [Export Entire Violation Library](#)

1 2 3 4 5 6 7 8 9 10 10 items per page 1 - 10 of 99 items



Violation Number/Type

- First number is the UPA Program
 - HMBP=1, UST=2, HWG=3, APSA=4, CalARP=5
- Second number is a subcategory of UPA Program
 - RCRA LQG = 31
 - TP = 32
 - HHW = 33

Program	Type #
Business Plan Program	10
UST Program	20
Hazardous Waste Generator	30
RCRA LQ Generator	31
Tiered Permitting Program	32
Household Hazardous Waste	33
APSA Program	40
CalARP Program	50



Violation Number

- Next 2 numbers are Violation Category
 - Administration/Documentation = **10**
 - Training = **20**
 - Operations/Maintenance = **30**
 - Release/Leaks/Spills = **40**
 - Abandonment/Illegal Disposal/Unauthorized Treatment = **50**
 - Design/Construction = **60**

Abandonment/Illegal Disposal/Unauthorized Treatment
Administration/Documentation
Design/Construction
Operations/Maintenance
Release/Leaks/Spills
Training

Screen shot of Violation Category drop down list – in alphabetical order

Only applicable violation categories are in CalCUPA drop down list



APSA Violation Categories in CERS

- 10 – Administration/Documentation (*paperwork violation*)
 - SPCC Plan is missing required information
- 20 – Training
- 30 – Operations/Maintenance (*implementation violation*)
 - Facility has not implemented a required element:
 - As described in the facility's SPCC Plan or
 - As required by statute/regulation
- 40 – Release/Leaks/Spills
- 50 – Abandonment/Illegal Disposal/Unauthorized Treatment



Violation Number – 7 # classification

- Last 3 numbers are the Violation Number for specific category in order it was added to Violation Library

Program - **Category** - **Number**
4010001

40 – **10** – **001**

40 = APSA **10 = Administration/Documentation** **001 = 1st violation for Admin/Doc**

4020001

40 – **20** – **001**

40 = APSA **20 = Training** **001 = 1st violation for Training**

4030001

40 – **30** – **001**

40 = APSA **30 = Operations/Maintenance** **001 = 1st violation for Op/Maint**



General Violation Number – 4 Numbers Only

- 2 General Violation Category Types
 - General (10, 20, 30, 40, 50, 60)
 - Violation that does not meet criteria of an existing 7 # violation
 - General Local Ordinance (15, 25, 35, 45, 55, 65)
 - Violation based on UPA Ordinance, not statute or regulation
- For APSA, if you use 4010, 4020, 4030, 4040, or 4050
 - ***Notify APSA TAG Co-Chairs and/or Jennifer Lorenzo (OSFM)***
 - Need to know so we can update the violation library or assist with pointing out an applicable existing violation

Note: Not having a 7# violation is not a reason for not citing a violation. Use the General Code



Miscellaneous

- 99 Total APSA Violations (10 are General Violations, 2 per category)
 - Specific (7 # violation type)
 - 48 Administration/Documentation
 - 2 Training
 - 38 Operations/Maintenance
 - 1 Release/Spills/Leaks
 - No Abandonment/Illegal Disposal/Unauthorized Treatment
- Some UPAs may use different Violation Numbers
 - Those Numbers are correlated to Violation Type



APSA Violations Update

- Added 112.7(a)(1) to citations for 7 different Admin/Documentation Violations
 - Citation for requirement to include information in SPCC Plan
 - Clarification for 4030043 – TIUGA piping violation description
 - “for the entire length of the piping that is beneath the surface of the ground” will replace “on all sides”
 - Adding 4010058 – Discussion of piping in SPCC Plan
 - Adding 4030045 – Direct Viewing for TIUGA
- } When approved,
101 APSA Violations

Approved updates/edits to violation library will
be effective July 1, 2023



Poll Question 2 – Multiple Choice

- Which is the violation for not including a discussion of sized secondary containment in the SPCC Plan?

1. 4010029

2. 1010029

3. 4030029

4. 4040029



Poll Question 3 – Multiple Choice

- Which is the violation for not implementing sized secondary containment for bulk storage containers?
 1. 4010010
 2. 1030010
 3. 4030010
 4. 4040010



Assigned Violation

Note that the Administration/Documentation violation # for secondary containment is not the same as the Operations/Maintenance violation # for secondary containment

4010029

4030010

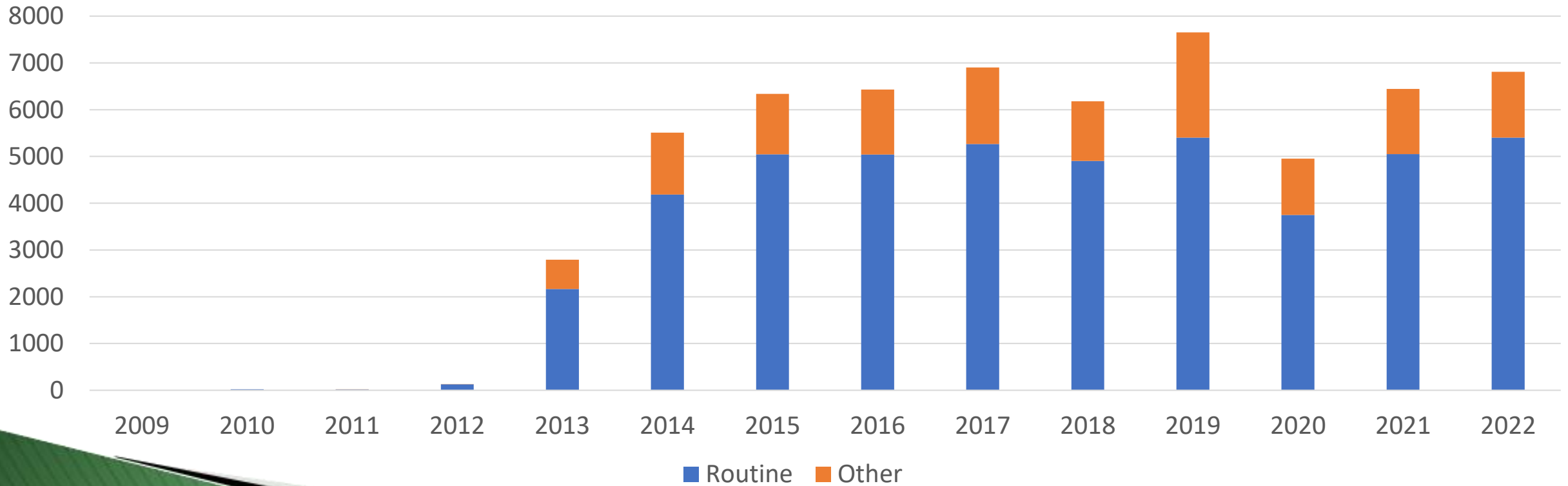
The last 3 #s are based on order added to violation library, not in correlation to associated violation



Inspection Trends

2009-2012 included for this table only to show why the data from those years is not included in the next tables/charts

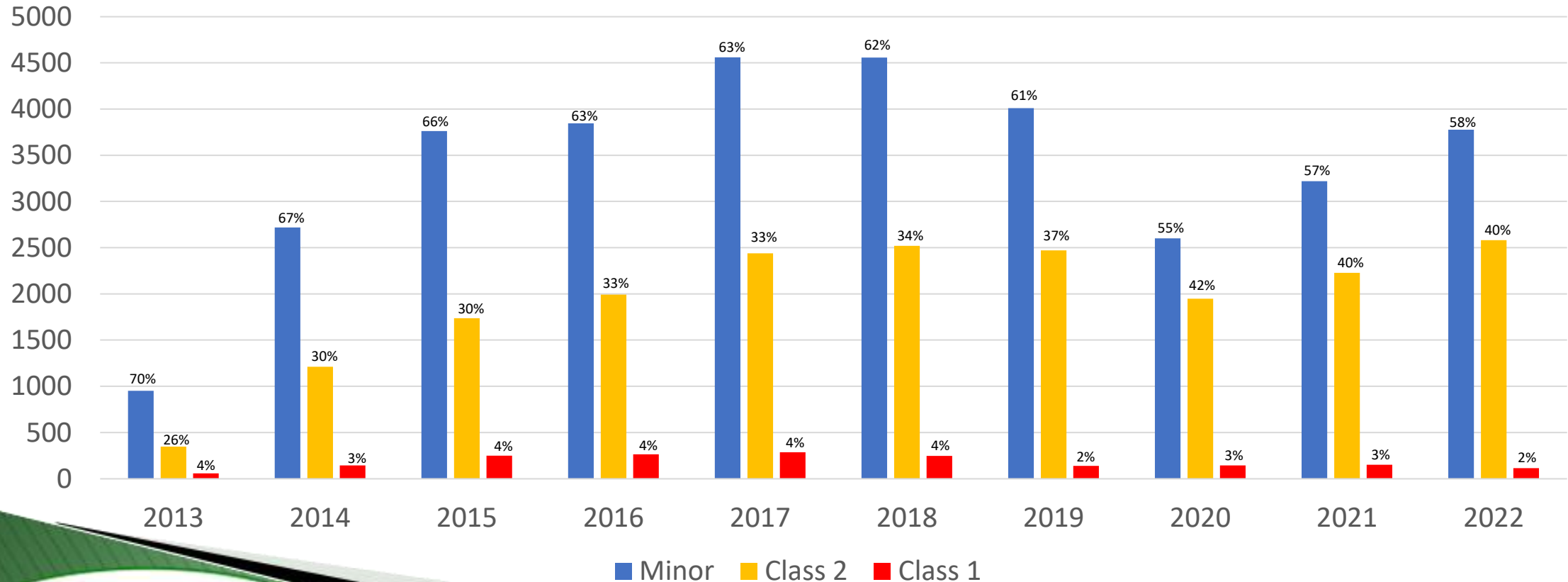
APSA INSPECTIONS



Violation Trends

Percentage is of that violation category cited in that calendar year

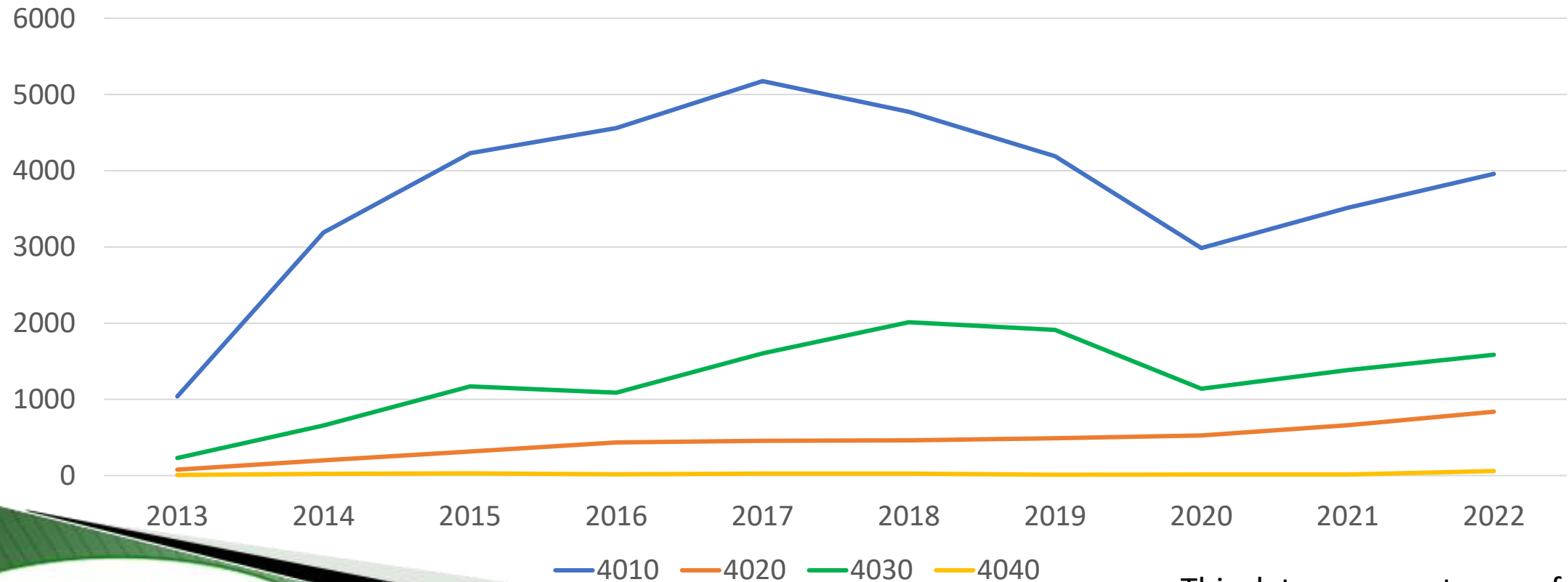
NUMBER & PERCENTAGE OF APSA VIOLATIONS



Violation Trends by Category

- 4010 – Admin/Documentation
- 4020 – Training
- 4030 – Operations/Maintenance
- 4040 – Release/Leak/Spill

APSA Violations Cited by Category



This data represents use of 7# violation and General Codes



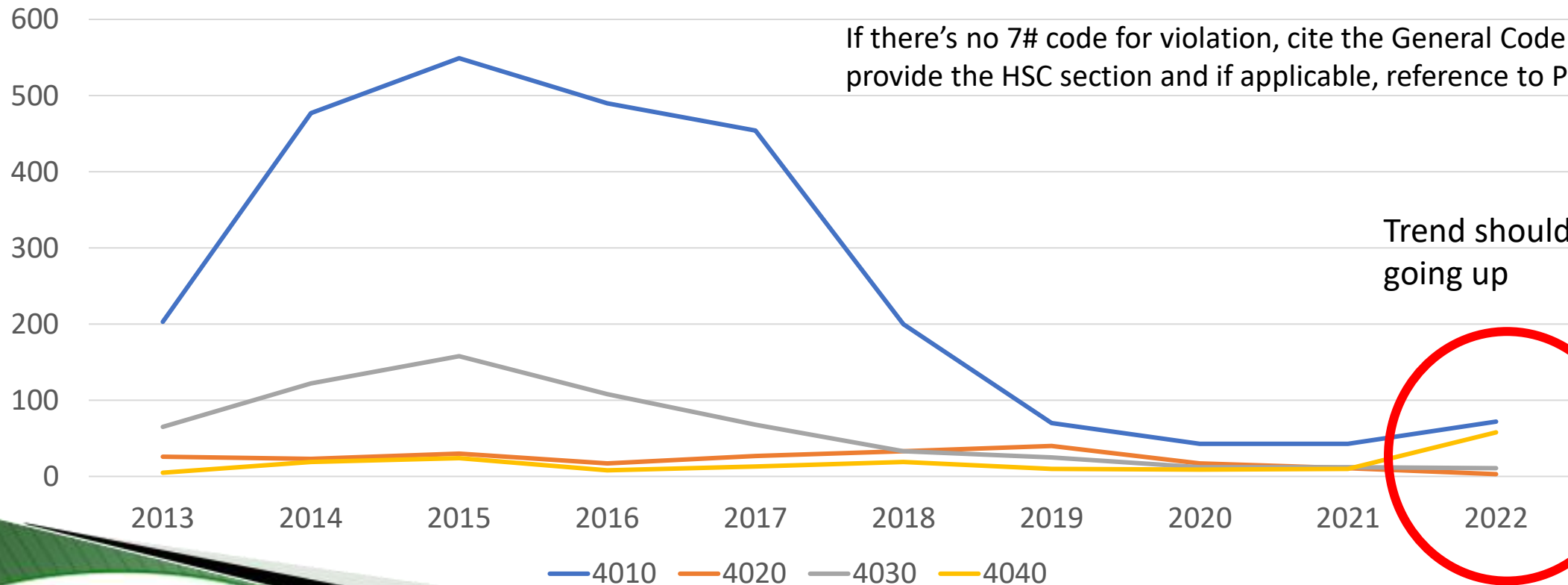
- 4010 – Admin/Documentation
- 4020 – Training
- 4030 – Operations/Maint
- 4040 – Release/Leak/Spill

Violation Trends – General Violations

Citation of General Code (4# Code)

If there's no 7# code for violation, cite the General Code and provide the HSC section and if applicable, reference to Part 112

Trend should not be going up



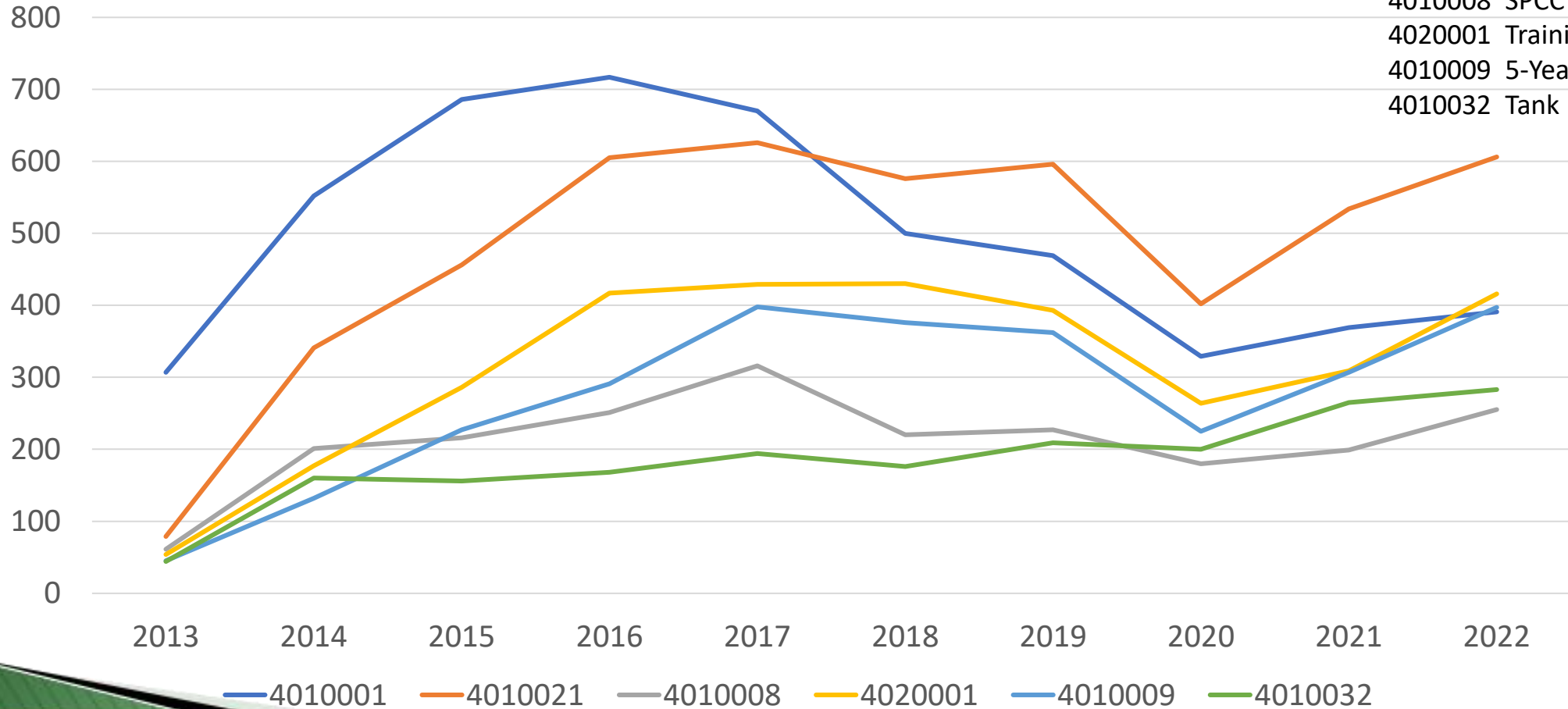
Violation Trends - List of Top 10 Violations by Year

Number of Violations Cited For That Year

	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	
4010001	307	552	686	717	670	500	469	329	369	391	No SPCC Plan
4010	203	477	549	490	454						General Admin
4010021	79	341	456	605	626	576	596	402	534	606	Inspection Records
4030	65	122	158								General Op/Maint
4010008	61	201	216	251	316	220	227	180	199	255	SPCC On Site
4020001	54	177	286	417	429	430	393	264	309	416	Training
4010009	45	132	227	291	398	376	362	225	307	397	5-Year Review
4010032	44	160	156	168	194		209	200	265	283	Tank Facility Statement
4010023	38	144	238	259	291	215					Training in SPCC Plan
4010015	28										Diagram
4010030		146									Discharge Prevention
4030014			154	164		213	199		197	236	Tank Testing/Qualified Person
4010010				205	227	241	198	130			SPCC Amended
4010028					204	203					Integrity Testing in SPCC
4030040						251	273				Training (no longer in VL)
4030015							308	237	268	310	Tank Testing/SPCC Plan
4020002								245	342	419	Training
4010041								162	165	224	Listing of Petroleum in SPCC

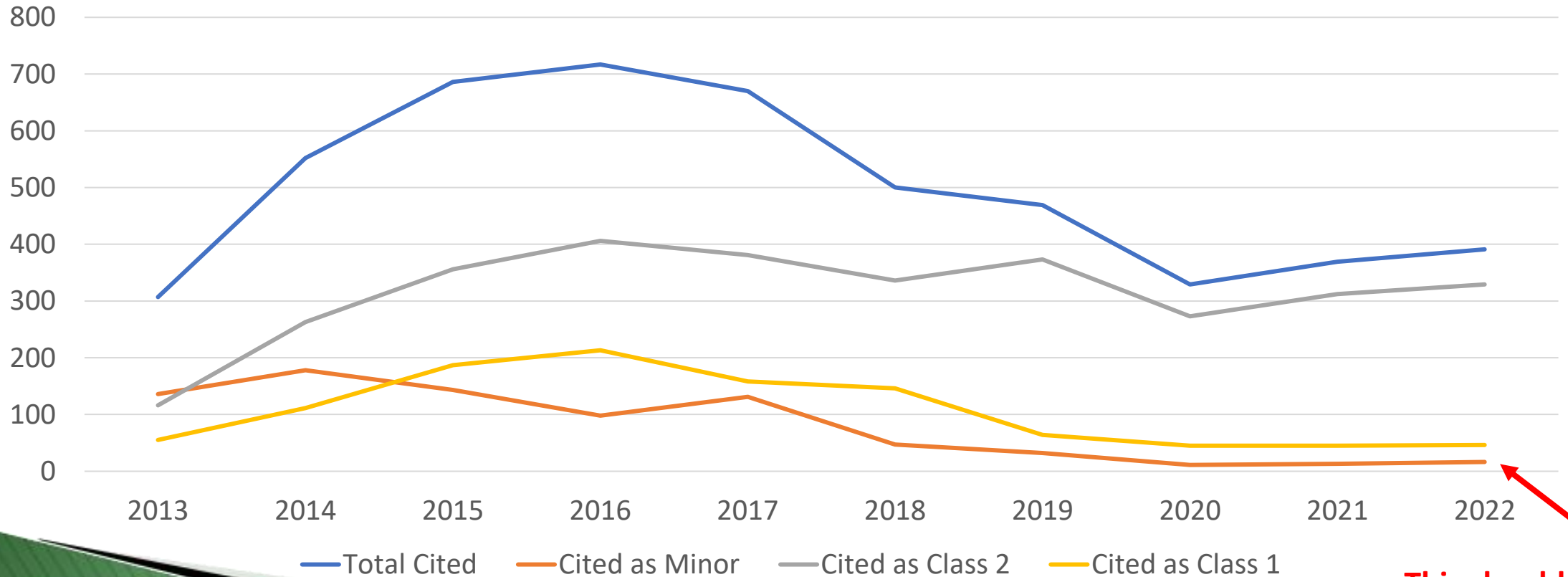
Violation Trends – In Top 10 (2013-2022)

- 4010001 No SPCC Plan
- 4010021 Inspection Records
- 4010008 SPCC On Site
- 4020001 Training
- 4010009 5-Year Review
- 4010032 Tank Facility Statement



Getting Better

No SPCC Plan (4010001) Violations



This should be 0



APSA Violations

- All of the following scenarios are for facilities in APSA for 1,320 gallons or more of qualifying petroleum capacity
 - There are no APSA Program applicability scenarios
- All APSA violations cited based on California Health and Safety Code (HSC) Chapter 6.67
 - SPCC Plan violations cite HSC 25270.4.5(a) with a reference to 40 CFR Part 112



No SPCC Plan or SPCC Plan Not On Site?

- 4010001 (No SPCC Plan) vs 4010008 (SPCC Plan Not on Site)

UPA Inspector cites a violation with this in the Observation:

“Current SPCC plan not available at time of inspection or in the 2 days after. Please provide SPCC plan for UPA review.”



Poll Question 4 – Multiple Choice

- Which violation would you cite based on the observation?
 1. 4010001 – No SPCC Plan
 2. 4010008 – SPCC Plan not on site
 3. Both 4010001 and 4010008
 4. A violation not listed above
 5. No violation



SPCC Plan Not On Site

- 4010008 (SPCC Plan Not on Site)
- “Current SPCC Plan” indicates there is an SPCC Plan
- Not required to provide/submit SPCC Plan, so not providing 2 days later does not mean there is no SPCC Plan
- Things to look for to determine if no SPCC Plan or just not on site
 - Review previous inspection
 - CERS submittal



Poll Question 5 – Multiple Choice

- Cite 4010001 (no SPCC Plan) when a facility has a new owner, but the SPCC Plan on site lists the previous owner information.
 1. True
 2. False
 3. Depends



APSA Violation – New Owner/Same SPCC Plan

- False - Facility can use existing SPCC Plan
- Ownership information is an administrative change
- If the new owner changes operations, quantities, locations, maintenance, etc., it is a technical amendment and the SPCC Plan must be amended within 6 months and technical amendments certified
- Can cite 4010012 (40 CFR 112.7) failure to have management approval
 - If Qualified Facility – 4010047 [40 CFR 112.6(a)(1) and 112.6(b)]

Citation Reminder - HSC 25270.4.5(a)
with reference to 40 CFR Part 112



APSA Violations - Training

2 - 4020 specific (7#) violations

- 4020001 – citation includes reference to 112.7(f)(1)
 - Failure to provide one or more of the components listed in the citation
- 4020002 – citation includes reference to 112.7(f)(3)
 - Failure to provide training annually and/or component listed in citation

Citation for both is HSC 25270.4.5(a)
with reference to 40 CFR Part 112



APSA Violations - Training

Violation Library Listing

Violation Type			
Number	Name	Description	Citations
4020001	Employee training requirements	Failure to provide the following training to all oil-handling personnel: 1. Operation and maintenance of equipment to prevent discharges. 2. Discharge procedure protocols. 3. Applicable pollution control laws, rules, and regulations. 4. General facility operations. 5. Contents of the SPCC Plan.	40 CFR 1 112.7(f)(1); HSC 6.67 25270.4.5(a)
4020002	Spill prevention briefings	Failure to conduct spill prevention briefing for oil-handling personnel at least once a year to assure adequate understanding of the SPCC Plan, including: 1. Known discharges or failures. 2. Malfunctioning components. 3. Any recently developed precautionary measures	40 CFR 1 112.7(f)(3); HSC 6.67 25270.4.5(a)

USEPA Inspection Checklist

		PLAN	FIELD
112.7(f)	Personnel, training, and oil discharge prevention procedures		
(1)	Training of oil-handling personnel in operation and maintenance of equipment to prevent discharges; discharge procedure protocols; applicable pollution control laws, rules, and regulations; general facility operations; and contents of SPCC Plan	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
(2)	Person designated as accountable for discharge prevention at the facility and reports to facility management	<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)	Discharge prevention briefings conducted at least once a year for oil handling personnel to assure adequate understanding of the Plan. Briefings highlight and describe known discharges as described in §112.1(b) or failures, malfunctioning components, and any recently developed precautionary measures	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA



Poll Question 6 – Multiple Choice

- SPCC Plan includes complete discussion of training requirements, but the training is not documented. A violation must be cited.
 1. True
 2. False
 3. Depends



APSA Violations - Training

- No violation, unless facility's SPCC Plan states training is documented, recorded, kept, or some statement that there would be records of training
- New regulations may change this.....stay tuned 😊



Poll Question 7 – Multiple Choice

- Do either 4020001 or 4020002 apply if SPCC Plan addresses all training requirements and states training is documented, but the training is not documented?
 1. Yes
 2. **No**
 3. Depends



APSA Violations - Training

- 4030038 – Failure to implement the SPCC Plan is the appropriate violation

Citation: HSC 25270.4.5(a) with reference to 40 CFR 112.3

- There is no 4030 specific violation for training documentation because it is only required if SPCC Plan states it is documented/recorded
- 4020001 and 4020002 are training requirements and occurring annually violations, not documentation or discussion in SPCC Plan
- 4010023 – Failure to include adequate description of employee training in SPCC Plan Citation: HSC 25270.4.5(a) with reference to 40 CFR 112.7(f)(1), 112.7(f)(3)



APSA Violations – Integrity Testing

- 4030014 - Failure to ensure that tanks are inspected and tested by an appropriately qualified person in accordance with industry standards
- 4030015 - Failure to test or inspect each aboveground container for integrity based on industry standards as discussed in the SPCC Plan:
 - 1. On a regular schedule.
 - 2. After making material repairs.
 - 3. Use non-destructive testing.
 - 4. Inspect each container's supports, foundations, and outside for signs of deterioration, discharges, or accumulation of oil inside diked areas.

Citations for both: HSC 25270.4.5(a)
with reference to 40 CFR 112.7(e),
112.8(c)(6)



Poll Question 8 – Multiple Choice

- Are either 4030014 or 4030015 applicable if the inspection records are not kept or signed by the appropriate supervisor or inspector?
 1. Yes
 2. No
 3. Depends



APSA Violations – Integrity Testing

Neither 4030014 or 4030015 are applicable if the inspector is able to determine the inspections/testing is occurring

“I’ve been doing the monthly and annual inspections, but the forms are not where I normally file them”

4010021 - Failure to comply with one or more of the following requirements:

1. Have record of inspections and tests, including integrity tests, **signed by the appropriate supervisor or inspector.**
2. **Keep written procedures and records of inspections and tests,** including integrity tests, for at least three years.
3. Keep comparison record for bulk storage containers subject to 40 CFR 112.8(c)(6).

Citations: HSC 25270.4.5(a) with reference to 40 CFR 112.7(a)(1), 112.7(e), 112.8(c)(6)



Poll Question 9 – T or F

- Mobile Refuelers are required to have sized secondary containment + precipitation.

A. True

B. False



Tim, I want this photo with the poll if possible. If not, let me know so I can add a slide to include the photo. Thanks!

APSA Violations – Mobile Refuelers

- Photo of mobile refueler courtesy of Redstar Airshows Inc.
 - Company did the filming of the Maverick Top Gun jet scenes

False

4030037 - Failure to provide appropriate secondary containment and/or diversionary structures or equipment for the following:

- 1) Bulk storage containers,
- 2) Mobile or portable containers,
- 3) Oil-filled equipment,
- 4) Piping and related appurtenances,
- 5) **Mobile refuelers** or non-transportation-related tank cars, and
- 6) 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.

Citation: HSC 25270.4.5(a) with reference to 40 CFR 112.7(c)
- [112.7\(c\)](#) is for general containment



APSA Violations – Mobile Refuelers

If mobile refueler secondary containment not discussed in the SPCC Plan:

4010020 - Failure to discuss in the SPCC Plan the appropriate general containment, diversionary structures, or equipment to prevent a discharge, including typical failure mode and most likely quantity of discharge for the following:

- 1) Bulk storage containers,
- 2) Mobile/portable containers,
- 3) Oil-filled equipment,
- 4) Piping and related appurtenances,
- 5) **Mobile refuelers** or non-transportation-related tank cars, and
- 6) Transfer areas, equipment and activities.

Citations: HSC 25270.4.5(a) with reference to 40 CFR 112.7(a)(1) & [112.7\(c\)](#)



APSA Violations – Mobile Refuelers

If mobile refuelers not accounted for in the SPCC Plan:

4010041 – Failure to address in the SPCC Plan the type of oil and storage capacity for each fixed container.

For mobile or portable containers, either provide the type of oil and storage capacity, or an estimate of the potential number of mobile or portable containers, the types of oil, and anticipated storage capacities.

Citation: HSC 25270.4.5(a) with reference to 40 CFR 112.7(a)(3)(i)

*Reminder – Mobile refuelers must meet tank integrity testing requirements -
40 CFR 112.8(c)(6)



APSA Violation?

For secondary containment, SPCC Plan only provides:

"All drums are stored on containment pallets."

No discussion of other secondary containment or environmental equivalence in facility's SPCC Plan



Poll Question 10 – Multiple Choice

- Is this a 4010xxx or 4030xxx or both violations?
 1. 4010XXX
 2. 4030XXX
 3. Both



Poll Question 11 – Multiple Choice

- Sized (specific) containment is required for these drums.
 1. True
 2. False
 3. Depends



APSA Violation – Secondary Containment

It is BOTH administrative (4010xxx) and implementation (4030xxx)

4010020 – The SPCC Plan does not adequately discuss general containment

- Drums on pallets does not include the transfers to/from drum (general containment)

4010029 – The SPCC Plan does not adequately discuss sized containment

- SPCC Plan needs more information about how containment pallets are adequate

4030010 – Although the facility is following the SPCC Plan, it does NOT meet the sized secondary containment requirements of 112.8(c)(2)

- The drums are manifolded together so the pallet must have capacity for 110 gallons + precipitation



APSA Violation – Secondary Containment

- Yes, sized secondary containment is required
- Nuance - while actively moving the drum, sized containment is not required
- Drums are bulk storage and must have sized containment
- All APSA applicable petroleum must have general containment
 - Bulk storage, mobile, equipment, transfers, etc.
- General containment (building, spill kit, etc.) discussion must be included in the SPCC Plan and implemented

Citation Reminder - HSC 25270.4.5(a)
with reference to 40 CFR Part 112



APSA Violation – Secondary Containment

If using something like the dollies below, this alone is not sufficient secondary containment for bulk storage, but is good for actively moving the container



Eagle Mobile Drum Spill Dolly: Polyethylene, 31 in Inside Dia., 12 gal Sump Capacity, Yellow Model...
\$353.69
Grainger Industrial Supply.



ENPAC 5205-YE
Spill Scooter
\$248.95
Global Industrial

APSA Violation – Piping



Did anyone think about the piping in the manifolded drums photo?

- Manifolded drums had piping – 40 CFR 112.8(d)
 - Piping must have general containment discussed in SPCC Plan - 4010020
 - Piping discussed in the SPCC Plan - soon to be 4010058, until then 4010013
 - General containment implemented for piping - 4030037
 - Aboveground piping inspected – 4030026
 - Buried piping exposed inspection – 4030025
 - TIUGA piping – 4030043 [HSC 25270.2(o)(1)(C)(iv)(IV)]
 - Piping inspections documented/signed - 4010021

Citation Reminder - HSC 25270.4.5(a)
with reference to 40 CFR Part 112





SPCC Plan needs to discuss and implement secondary containment because fuel tank drain means there is no secondary containment from the double wall design

Photo courtesy of Nick Umemoto
Contra Costa UPA



APSA Violation – More Secondary Containment

Facility lists 13,750 - 27,500 gallons of petroleum capacity for 250 – 500 55-gallon capacity drums storing various petroleum products
All drums have petroleum, these are not empty drums



Poll Question 12 – Multiple Choice

- How much containment is required for this drum storage area?
 1. 13,750 gallons + precipitation
 2. 27,500 gallons + precipitation
 3. 27,500 gallons but do not have to account for precipitation
 4. Facility must have a catchment basin with quick drainage system
 5. **None of the above**



APSA Violation – More Secondary Containment

None of the above!

Sized secondary containment capacity must be for the largest container + precipitation

For this drum storage area with hundreds of drums –
55 gallons + precipitation is the requirement

(Note: this facility has containment for much more than 27,500 gallons)



Poll Question 13 – Multiple Choice

- Loading/Unloading racks, rail or truck, are required to have sized secondary containment but do not have to account for precipitation.
1. True
 2. False
 3. Depends



APSA Violation – Loading/Unloading Racks

Loading/Unloading racks are required to have sized secondary containment, but do NOT have to account for precipitation

If rack drainage does not flow into a catchment basin or treatment facility designed to handle discharges, use a quick drainage system for tank car/truck loading/unloading rack, then the facility must design a containment system to hold at least the maximum capacity of any single compartment of a tank car/truck loaded or unloaded at the facility.

This language does not change requirement for sized secondary containment

4030002 is corresponding violation if loading/unloading rack does not have sufficient sized containment

4010025 is failure to discuss loading rack requirements in SPCC Plan

Citation: HSC 25270.4.5(a) with reference to 40 CFR 112.7(h)



APSA Violation – Tank Facility Statement

Inspection Report Includes Violation 4010032 stating:

OBSERVATION: At the time of inspection, a tank facility statement nor the APSA element had been submitted via CERS.

CORRECTIVE ACTION: Submit a tank facility statement or the APSA element via CERS.

APSA Violation Library

4010032	Annual tank facility statement	Failure to submit a tank facility statement on or before January 1 annually unless a current Business Plan has been submitted.
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Poll Question 14 – Multiple Choice

- Do you agree with the violation cited?
 1. Yes
 2. No
 3. Depends



APSA Violation – Tank Facility Statement

The APSA submittal element in CERS is not required....yet

A facility can submit a Hazardous Materials Business Plan in lieu of the Tank Facility Statement – HSC 25270.6(a)

Violation Example for 4010032:

OBSERVATION: A tank facility statement has not been submitted by the facility since the CERS submittal of 8/24/2020. A complete Business Plan submittal in CERS satisfies this requirement.

CORRECTIVE ACTION: Submit a completed tank facility statement or a complete Business Plan into CERS.



APSA Violation – Technical Amendments

Full PE Certified Plan – 4010039 [HSC 25270.4.5(a) with reference to 40 CFR 112.5(c)]

Tier II SPCC Plan – 4010052 [HSC 25270.4.5(a) with reference to 40 CFR 112.6(b)(2) and 112.6(b)(2)(i)]

Tier I SPCC Plan – 4010048 [HSC 25270.4.5(a) with reference to 40 CFR 112.6(a)(2)]



APSA Violations - Petroleum

- If the oil is not “petroleum” – do not cite an APSA violation, but still need to count to determine if a Qualified Facility
- If B100 listed – do not assume not APSA applicable
 - Material could have started from a crude product
 - Facility could add lubricity, which is a petroleum
 - No de minimus amount of petroleum to be APSA applicable





ANY QUESTIONS?

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