



# Review of CERS Violation Library and APSA Violations

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M-G1

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26th California Unified Program  
Annual Training Conference  
February 26-29, 2024

# Overview

- Brief History of SPCC Rule
- Introduction to APSA
- Violation Classifications
- Common APSA Related Tanks
- Navigating CERS and the Violation Library
- Common Violations



# 40 CFR 112: Federal SPCC Rule

- Came into effect in January 1974
- Requirements for prevention, preparedness and response to oil discharges
- Scope of SPCC rule apply to specific non-transportation (facility not exclusively covered by DOT) related facilities
  - Reasonably expected to discharge oil into navigable waters, and
  - Greater than 1,320 gal (only containers with capacity of 55 gal or more),  
or
  - Underground storage capacity greater than 42,000 gal



# SPCC Plans and Rules

- APSA references federal standards
- Must prepare and implement a site-specific SPCC plan
  - Operating, inspection, and testing procedures
  - Containment and control measures
  - Countermeasures and cleanup measures



# 40 CFR 112 Breakdown

- Subpart A – 112.1 – 112.7
  - Applicability, definitions, and general requirements
- Subpart B – 112.8 – 112.11
  - Petroleum oil at on-shore and non-oil production facilities
- Subpart C – 112.12 (not part of APSA)
  - Requirements for animal fats and vegetable oils
- Subpart D – 112.20
  - Facility Response Plan



# 40 CFR 112 APESA Relevant Sections

- 112.1 – General Applicability
- 112.2 – Definitions
- 112.3 – Requirements to prepare and implement SPCC Plan
- 112.4 – Amendments of SPCC Plan by EPA
- 112.5 – SPCC Plan by Owner



# 40 CFR 112 APSA Relevant Sections

- 112.6 – Qualified Facility Plan Requirements
- 112.7 – General Requirements for SPCC
- 112.8 – SPCC Plan requirements for onshore facilities
- 112.20(e) – Substantial Harm Criteria



# APSA

- Under 1989 law, State Water Board and Regional Water Board responsibility for administration
- Due to 2002-2003 financial crisis, responsibilities were shifted and in 2008 AB 1130 transferred responsibilities to UPAs
- Effective 2013 AB 1566 authorized OSFM as the oversight agency for APSA





# Assembly Bill 1130

- Facilities with storage capacity of 1,320 gal or more of petroleum to prepare implement SPCC plan
- Inspections at facilities with storage capacity of greater than or equal to 10,000 gal of petroleum every 3 years
- Require inspectors to complete an AST training program



# Assembly Bill 2902

- CHSC 25270.2
- SPCC plan require for facilities with less than 1,320 gal storage capacity and one or more Tank in an Underground Area (TIUGA)
- Tank facility with less than 1,320 gal of petroleum may use qualified SPCC template ore prepare a full SPCC plan
- Excludes following TIUGA if facility – hydraulic fluid for closed loop mechanical systems, sump, clarifiers, catch basin



# Tier I Facilities

- Total aboveground oil storage capacity of 10,000 gal or less
- No aboveground oil storage container greater than 5,000 gal
- No single oil discharge greater than 1,000 gal
- No two discharges greater than 42 gal within any 12 month period
- May use EPA template



## Tier I Qualified Facility SPCC Plan

This template constitutes the SPCC Plan for the facility, when completed and signed by the owner or operator of a facility that meets the applicability criteria in §112.3(g)(1). This template addresses the requirements of 40 CFR part 112. Maintain a complete copy of the Plan at the facility if the facility is normally attended at least four hours per day, or for a facility attended fewer than four hours per day, at the nearest field office. When making operational changes at a facility that are necessary to comply with the rule requirements, the owner/operator should follow state and local requirements (such as for permitting, design and construction) and obtain professional assistance, as appropriate.

### Facility Description

|                           |             |     |   |
|---------------------------|-------------|-----|---|
| Facility Name             | _____       |     |   |
| Facility Address          | _____       |     |   |
| City                      | State       | ZIP |   |
| County                    | Tel. Number | ( ) | - |
| Owner or Operator Name    | _____       |     |   |
| Owner or Operator Address | _____       |     |   |
| City                      | State       | ZIP |   |
| County                    | Tel. Number | ( ) | - |

### I. Self-Certification Statement (§112.6(a)(1))

The owner or operator of a facility certifies that each of the following is true in order to utilize this template to comply with the SPCC requirements:

I \_\_\_\_\_ certify that the following is accurate:

1. I am familiar with the applicable requirements of 40 CFR part 112;
2. I have visited and examined the facility;
3. This Plan was prepared in accordance with accepted and sound industry practices and standards;
4. Procedures for required inspections and testing have been established in accordance with industry inspection and testing standards or recommended practices;
5. I will fully implement the Plan;
6. This facility meets the following qualification criteria (under §112.3(g)(1)):
  - a. The aggregate aboveground oil storage capacity of the facility is 10,000 U.S. gallons or less; and
  - b. The facility has had no single discharge as described in §112.1(b) exceeding 1,000 U.S. gallons and no two discharges as described in §112.1(b) each exceeding 42 U.S. gallons within any twelve month period in the three years prior to the SPCC Plan self-certification date, or since becoming subject to 40 CFR part



# Tier II Facilities

- Total aboveground oil storage capacity of 10,000 gal or less
- Any aboveground oil storage container greater than 5,000 gal
- No single oil discharge greater than 1,000 gal
- No two discharges greater than 42 gal within any 12 month period
- May use OSFM template



## Tier II Qualified Facility SPCC Plan

This template constitutes the SPCC Plan (Plan) for the facility, when completed and signed by the owner or operator of a facility that meets the applicability criteria in 40 CFR §112.3(g)(2). This template addresses the requirements of 40 CFR Part 112. Maintain a complete copy of the Plan at the facility if the facility is normally attended at least four hours per day, or for a facility attended fewer than four hours per day, at the nearest field office. When making operational changes at a facility that are necessary to comply with the rule requirements, the owner/operator should follow state and local requirements (such as for permitting, design, and construction) and obtain professional assistance, as appropriate.

### Facility Description

Facility Name \_\_\_\_\_  
Facility Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ ZIP \_\_\_\_\_  
County \_\_\_\_\_ Tel. Number (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_  
Owner or Operator Name \_\_\_\_\_  
Owner or Operator Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ ZIP \_\_\_\_\_  
County \_\_\_\_\_ Tel. Number (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

### I. Certification

#### A. Self-Certification Statement (§112.6(b)(1))

The owner or operator of a facility certifies that each of the following is true in order to utilize this template to comply with the SPCC requirements:

I, \_\_\_\_\_, certify that the following is accurate:

1. I am familiar with the applicable requirements of 40 CFR Part 112;
2. I have visited and examined the facility;
3. This Plan was prepared in accordance with accepted and sound industry practices and standards, and with the requirements of 40 CFR Part 112;
4. Procedures for required inspections and testing have been established;
5. I will fully implement the Plan;
6. This facility meets the following qualification criteria (under §112.3(g)(2)):



# PE Certified Plan – Non-Qualified

- Typically much longer and more detailed than templates
- Must be PE reviewed and certified
- PE certification does not relieve the owner/operator of duty to prepare and implement plan

The screenshot shows the 'DCA LICENSE SEARCH' page. At the top, there are logos for 'GOV' and 'dca search'. Below the title, there is a paragraph of instructions: 'Use this online search tool to verify a license issued by the Department of Consumer Affairs (DCA) for the professions listed under license type. Each license record will reflect a license's current status or has been subject to discipline within the department or division. The following DCA entities are not on this search; please visit their website to verify a license: CONTRACTORS STATE LICENSE BOARD, BUREAU OF PRIVATE POSTSECONDARY EDUCATION, BUREAU OF REAL ESTATE APPRAISERS, LICENSEES EXEMPT FROM ELECTRONIC DATA TRANSMISSION'. Below this, there is a section titled 'BOARDS AND BUREAUS' with three input fields: 'BOARDS AND BUREAUS', 'LICENSE TYPE', and 'LICENSE NUMBER'. At the bottom, there is a 'License Number' label and a corresponding input field.

The screenshot shows the 'License Lookup (Verification) for California-Licensed Professional Engineers, Land Surveyors, Geologists, and Geophysicists' page. At the top, there is a navigation bar with the Department of Consumer Affairs logo and links for Consumers, Licensees, Applicants, Exams, Publications, Online Services, and About Us. Below the title, there is a 'SEARCH INSTRUCTIONS FOR LICENSE LOOKUP' section with a paragraph: 'You can look up the current status of California-licensed professional engineers, land surveyors, geologists, and geophysicists via DCA Search. The link to DCA Search is provided below the Important Notes section.' Below this, there is an 'IMPORTANT NOTES' section with a paragraph: 'License Number Search Field: Enter NUMBERS ONLY without any leading zeroes. Do not enter alphabetical characters. Searching by License Number will locate results for that'. To the right of the text, there are several buttons: 'License Renewals', 'File a Complaint', 'Address Change', 'License & Fees', and 'License Search' (with a small image of people).



# APSA Petroleum vs US EPA Oil

- APSA regulates petroleum oil
  - Crude oil or any fraction thereof
  - Liquid at 60 degrees Fahrenheit
- US EPA regulates all types of oil
  - Petroleum
  - Animal (including fats and greases)
  - Vegetable (including nut based oil)





# Slido Question 1

Is Biodiesel subject to APSA requirements?

- A) Yes
- B) No
- C) It depends
- D) I don't know



# Slido Question 1



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# Slido Question 2

Is Liquefied Petroleum Gas (LPG) subject to APSA requirements?

- A) Yes
- B) No
- C) It depends
- D) I don't know



# Slido Question 2



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# Slido Question 3

Is Hot Mix Asphalt subject to APSA requirements?

- A) Yes
- B) No
- C) It depends
- D) I don't know



# Slido Question 3



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# Slido Question 4

Is Grease subject to APSA requirements?

- A) Yes
- B) No
- C) It depends
- D) I don't know



# Slido Question 4



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# Slido Question 5

Is Machining Coolant subject to APSA requirements?

- A) Yes
- B) No
- C) It depends
- D) I don't know



# Slido Question 5



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# Slido Question 6

Is Mineral Oil subject to APSA requirements?

- A) Yes
- B) No
- C) It depends
- D) I don't know



# Slido Question 6



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# Slido Question 7

Is Synthetic Oil subject to APSA requirements?

- A) Yes
- B) No
- C) It depends
- D) I don't know



# Slido Question 7



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# Regulated Facilities and Requirements

- Facility has storage capacity of 1,320 gal or more of petroleum
- One or more tanks meet definition of Tank in Underground Area (TIUGA)
- File annual tank facility statement or HMBP electronically to CERS
- Prepare and implement an SPCC plan



# Violation Classification

- Minor
  - Least egregious type of violation
  - No economic benefit from noncompliance
  - Violation doesn't result in injury to person or property
- Class II
  - Failure to correct minor violations
  - Violations that do not meet criteria of Minor or Class I violations
- Class I
  - Most egregious type of violation
  - Intentional, should have known, falsifying documents
  - Post a significant harm to the environment or human life





# Violation Classification Examples

- Minor
  - Plan doesn't provide cross reference
  - Incomplete or inaccurate facility diagram
- Class II
  - Technical amendment not certified
  - No management approval of the SPCC plan
- Class I
  - Non-qualified facility that doesn't have a SPCC plan
  - Failure to correct violations after previously cited and failed to comply



# Things To Consider

- Relative hazard
- Intent
- Number of violations
- Compliance history
- Economic benefit



# Things Not To Consider

- Potential outcomes of future enforcement
- Size or fiscal health of the business
- Demeanor of the facility representative



# APSA Penalties

- Civil penalty of no more than \$5,000 per day
  - 25270.4.5(a): Failure to prepare SPCC plan
  - 25270.6(a): Failure to submit a Tank Facility Statement
  - 25270.6(b): Failure to pay APSA Program Fee
  - 25270.8: Reporting petroleum spill
- Subsequent violation civil penalty of no more than \$10,000 per day
- Potential to be prosecuted as a misdemeanor



# Elevating Violations

- All effort should be made to gain compliance
- Failure to come into compliance can lead to elevated classification
- Explanation provided to businesses of enforcement pathway



# Graduated Enforcement

## Minor

- Notice to comply
- Timeline for correction



## Class II

- Escalate notice to comply
- Reinspection



## Class I

- Notice of violation
- Formal Enforcement

# Common APSA Regulated Facilities

- Aboveground fueling sites
- Automotive repair shops
- Big warehouses
- High rise and hospital buildings



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# Common Tank Exemptions Under APSA

- CHSC 25270.2(a)
  - Aboveground oil production tanks
  - Oil-filled electrical equipment
  - Tanks regulated as a UST
  - TIUGA less than 55 gal



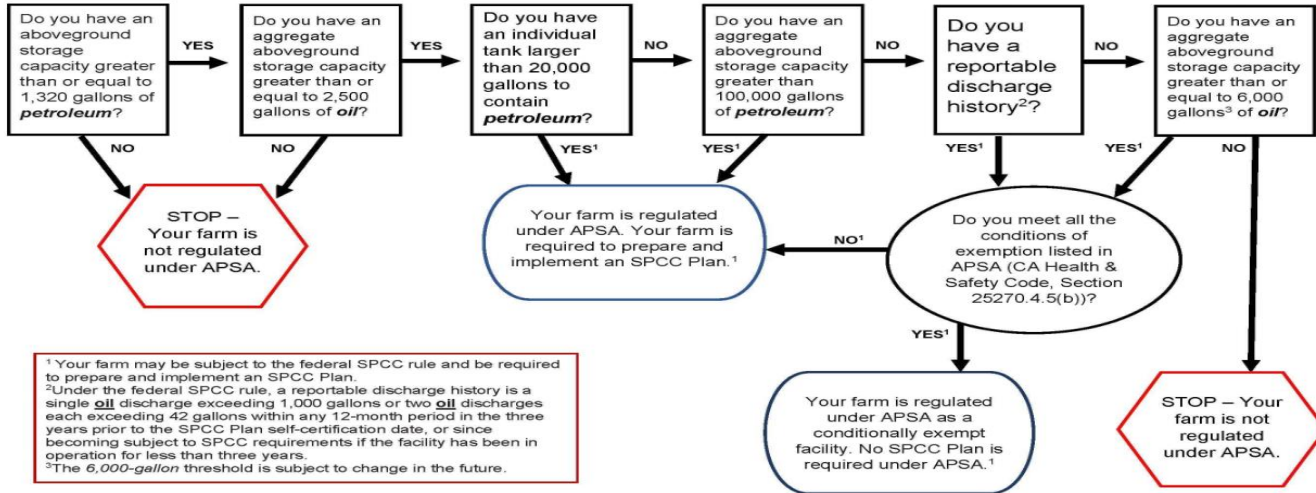


# Regulation of Farms Under APSA

Use the following flowchart to assist whether your farm is regulated under APSA

APSA: Farms per SR 612

Farms Flowchart



<sup>1</sup> Your farm may be subject to the federal SPCC rule and be required to prepare and implement an SPCC Plan.  
<sup>2</sup> Under the federal SPCC rule, a reportable discharge history is a single **oil** discharge exceeding 1,000 gallons or two **oil** discharges each exceeding 42 gallons within any 12-month period in the three years prior to the SPCC Plan self-certification date, or since becoming subject to SPCC requirements if the facility has been in operation for less than three years.  
<sup>3</sup> The 6,000-gallon threshold is subject to change in the future.

Revised 06/2023



# Oil Lubrication and Fuel Tanks



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# Mobile Refuelers

- May or may not be subject to APSA based off of operations



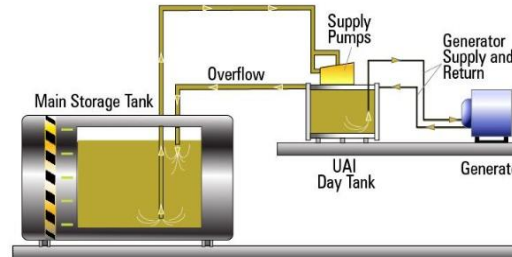
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# TIUGA

- Must allow for direct viewing of exterior of tank to check for leaks
- Direct viewing not required for double-walled tanks
- Older tank systems may not meet TIUGA requirements



# Generator Systems



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# Importance of Inspection Report

- Agency's and public's record of the inspection
- Documents and supports potential violations
- Include corrective action requirements
- Stick to the facts/relevant information
- Provides information for future inspectors



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## CERS Central

### Welcome to the California Environmental Reporting System (CERS)

[Business Portal Sign](#)[Regulator Sign In](#)[Business Training Portal Sign In](#)[Regulator Training Portal Sign In](#)

#### **CERS Stale User Account Deletion**

A CERS regulator or business user account that has been inactive for 1 or more years is considered a stale account. Stale accounts pose a security risk as each accounts offers a malicious actor opportunity to gain access to CERS. To comply with CalEPA's Information Security policies, any CERS account with no login activity within 1 year will be disabled and removed. This includes first



#### CERS Central

[Businesses](#)[Regulators](#)[Announcements](#)[EDT](#)[Resources](#)[CERS NextGen](#)[About CERS](#)

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## Facility Information

Submitted Jan. 30, 2023

[Set Submittal Status](#)

Submitted for CERS ID 920000 on 1/30/2023 2:25PM by [REDACTED]

[Business Activities](#) 


[Business Owner/Operator Identification](#) 



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## 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?



## Aboveground Petroleum Storage Act

Submitted Jan. 30, 2023

[Set Submittal Status](#)

Submitted for CERS ID ~~XXXXXXXXXX~~ on 1/30/2023 2:25PM by ~~XXXXXXXXXX~~

 [APSA Facility Information](#) 

 [Aboveground Petroleum Storage Act Documentation: Upload Document\(s\)](#)



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## Facility Information

Conditionally Exempt 


No

Total Aboveground Storage Capacity of Petroleum 

1712

Number of Tanks in Underground Area(s) 

0

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

7/10/2020



## APSA Documentation

You can meet the APSA tank facility statement requirement by either uploading a Tank Facility Statement or by submitting a hazardous materials business plan. To obtain a Tank Facility Statement (fillable PDF) or for APSA Program inquiries, please contact OSFM at [cupa@fire.ca.gov](mailto:cupa@fire.ca.gov)

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 submit a hazardous materials 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 the hazardous materials business plan to meet the APSA tank facility statement requirement, select the **Provided Elsewhere in CERS** document option below, select **Hazardous Materials Inventory**, and then click the **Save** button.

Facilities subject to APSA shall keep a copy of their Spill Prevention, Control, and Countermeasure (SPCC) Plan onsite if 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 regulator may request additional documentation to be provided if indicated below under "Local Reporting Requirements" information. For additional information, please contact your local regulator.

### 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 locating this document in your current/previous CERS facility submittals.

Supplied With...

Facility Information

**Hazardous Materials Inventory**

Emergency Response and Training Plans

Aboveground Petroleum Storage Act

Comments



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**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.): \_\_\_\_\_



## Hazardous Materials Inventory (25)

Accepted May. 21, 2020

|                      | Common Name                                                                                                                                                                                                      | CAS        | Location                              | Max Daily Amount |
|----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|---------------------------------------|------------------|
| <a href="#">View</a> | <a href="#">DIESEL FUEL #2</a>                 | 68476-30-2 | COVERED FUEL AREA (5) TANK #1         | 12,000 gallons   |
| <a href="#">View</a> | <a href="#">DIESEL FUEL #2</a>                 | 68476-30-2 | COVERED FUEL AREA (5) TANK #2         | 12,000 gallons   |
| <a href="#">View</a> | <a href="#">GASOLINE, PETROLEUM</a>            | 8002-05-9  | COVERED FUEL AREA (5) TANK #3         | 4,000 gallons    |
| <a href="#">View</a> | <a href="#">Waste Motor Oil</a>                |            | MAINTENANCE BUILDING                  | 1,000 gallons    |
| <a href="#">View</a> | <a href="#">Waste Ethylene Glycol</a>          | 107-21-1   | MAINTENANCE BUILDING                  | 500 gallons      |
| <a href="#">View</a> | <a href="#">ETHYLENE GLYCOL</a>                                                                                                 | 107-21-1   | Lube Room 1                           | 450 gallons      |
| <a href="#">View</a> | <a href="#">Automatic Transmission Fluid</a>   |            | Lube Room 1                           | 500 gallons      |
| <a href="#">View</a> | <a href="#">Automatic Transmission Fluid</a>   |            | Lube Room 2                           | 500 gallons      |
| <a href="#">View</a> | <a href="#">Diesel fuel #2</a>                 | 68476-34-6 | South West Corner of Yard (Generator) | 2,900 gallons    |
| <a href="#">View</a> | <a href="#">Oxygen</a>                                                                                                          | 7782-44-7  | MAINTENANCE BUILDING                  | 537 cubic feet   |

 = subject to APSA



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## Regulators

### **Compliance, Monitoring, and Enforcement (CME) Data**

Regulators must submit their Compliance, Monitoring and Enforcement (CME) data into CERS no later than within 30 days after the end of the quarter containing a CME transaction's action date (of each completed fiscal year quarter [CCR Title 27, Division 1, Subdivision 4, §15290(b)]). Regulators can meet this requirement by:

- Manually entering CME data using the CERS Regulator Portal, or
- Using CERS Electronic Data Transfer(EDT) Services, or
- Using the [CME Data Upload Template](#) to upload CME data to CERS in bulk. In order to successfully be uploaded into CERS using the CME Data Upload Template, the data must conform exactly to the structure of the CME Data Upload Template (having identical columns, headings and order, as well as worksheet names), and

#### Quick Links for Regulator Users

- [Violation Library](#)
- [Violation Library Factsheet](#)
- [Chemical Library](#)
- [Unified Program Agency Reporting Requirements for Regulated Businesses](#)
- [CERS Regulator Training Portal](#)

## 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 (UPA) 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@calepa](mailto:CUPA@calepa).

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          | <input type="text"/> | Violation Description | <input type="text"/> |
| Violation Type Number   | <input type="text"/> | Violation Source      | <input type="text"/> |
| Violation Program       | <input type="text"/> | Violation Category    | Select a Program     |
| Begin Date Greater Than | <input type="text"/> | End Date Less Than    | <input type="text"/> |

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                                          | Business Plan Program | Business Plan Program - Administration/Documentation - General                                                                                                                                    | 1010    | 7/1/2011   | 12/31/2099 |
| <input type="button" value="View"/> | Hazardous Materials Business Plan Implementation | Business Plan Program | Failure to adequately establish and implement a business plan when storing/handling a hazardous material at or above reportable quantities.                                                       | 1010001 | 7/1/2014   | 12/31/2099 |
| <input type="button" value="View"/> | Hazardous Materials Business Plan Implementation | Business Plan Program | Owner/Operator failed to establish and implement a Hazardous Materials Business Plan when storing hazardous materials at or above the thresholds quantities of 55 gallons/500 lbs/200 cubic feet. | 1010001 | 7/1/2011   | 6/30/2014  |
| <input type="button" value="View"/> | Hazardous Materials Business Plan Submittal      | Business Plan Program | Owner/Operator failed to complete and/or submit a Hazardous Materials Business Plan when storing hazardous materials at or above the thresholds quantities of 55 gallons/500 lbs/200 cubic feet.  | 1010002 | 7/1/2011   | 6/30/2014  |





Unified Program Violation Library

[CERS Data Registry](#) » Unified Program Violation Library

Instructions/Help

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[CERS Central Home Page](#)

|                         |                       |
|-------------------------|-----------------------|
| 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"/> | 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"/> | 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 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 |
| <input type="button" value="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 |



# 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 (UPA) 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

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"/> | Employee Training and Spill Prevention Briefings Description | APSA Program | Failure to include in the SPCC plan an adequate description of employee training. Training shall address, at a minimum: 1) Operation and maintenance of equipment to prevent discharges, 2) Discharge ... | 4010023 | 11/1/2017  | 12/31/2099 |
| <input type="button" value="View"/> | Employee training requirements                               | APSA Program | 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 ...   | 4020001 | 6/1/2016   | 12/31/2099 |

1 10 items per page 1 - 2 of 2 items



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Annual Training Conference  
February 26-29, 2024

Unified Program Violation Library

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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 (UPA) 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@calepa](mailto:CUPA@calepa).

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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"/> | Employee Training and Spill Prevention Briefings Description | APSA Program | Failure to include in the SPCC plan an adequate description of employee training. Training shall address, at a minimum: 1) Operation and maintenance of equipment to prevent discharges; 2) Discharge ... | 4010023 | 11/1/2017  | 12/31/2099 |
| <input type="button" value="View"/> | General                                                      | APSA Program | APSA Program - Training - General                                                                                                                                                                         | 4020    | 7/1/2011   | 12/31/2099 |
| <input type="button" value="View"/> | Employee training requirements                               | APSA Program | 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 ...   | 4020001 | 6/1/2016   | 12/31/2099 |
| <input type="button" value="View"/> | General Local Ordinance                                      | APSA Program | APSA Program - Training - General Local Ordinance                                                                                                                                                         | 4025    | 6/1/2016   | 12/31/2099 |

10 items per page

1 - 4 of 4 items



**Unified Program Violation Library**

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**Instructions/Help**

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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"/> | 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"/> | 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 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 |
| <input type="button" value="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 |



# Violation Type Number

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



# Violation Type Number

- Middle two numbers indicate the Violation Category
  - Administration/Documentation = 10
  - Training = 20
  - Operations/Maintenance = 30
  - Release/Leaks/Spills = 40
  - Abandonment/Illegal Disposal/Unauthorized Treatment = 50
  - Design/Construction = 60



# Violation Type Number

- Last three numbers are the Violation Number for specific category added to the library

Program – Category – Number

4010001

40 – 10 – 001

40 = APSA 10 = Admin/Doc 001 = 1<sup>st</sup> violation for Admin/Doc





# CERS Business

## Unified Program Violation Library

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### Instructions/Help

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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"/> | SPCC Plan prepared | APSA Program | Failure to prepare a Spill Prevention, Control, and Countermeasures (SPCC) Plan. | 4010001 | 11/1/2017  | 12/31/2099 |

1 10 items per page 1 - 1 of 1 items

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## CERS Business

**Violation Detail: Five-year SPCC Plan review and documentation of the review**[CERS Data Registry](#) » [Unified Program Violation Library](#) » [Violation Detail \(4010009\)](#)[Back](#)**Violation Type Information**

|                         |                                                            |                     |            |
|-------------------------|------------------------------------------------------------|---------------------|------------|
| Type Number             | 4010009                                                    | Begin Date          | 11/1/2017  |
| Violation Name          | Five-year SPCC Plan review and documentation of the review | End Date            | 12/31/2099 |
| Program Element         | APSA Program                                               | RCRA Violation Code | -          |
| Category                | Administration/Documentation                               | Violation Comments  | -          |
| UST Performance Measure | -                                                          |                     |            |

**Violation Type Description**

Failure to complete a review and evaluation of the SPCC Plan at least once every five years, document the completion of the review, and sign a statement as to whether the SPCC Plan will be amended.

**Violation Citations**

- U.S. Code of Federal Regulations, Title 40, Chapter 1, Section 112.5 (b)
- California Health and Safety Code, Chapter 6.67, Section 25270.4.5 (a)

[Back](#)

## CERS Business

## Violation Detail: Five-year SPCC Plan review and documentation of the review

[CERS Data Registry](#) » [Unified Program Violation Library](#) » [Violation Detail \(4010009\)](#)[Back](#)

## Violation Type Information

Type Number [4010009](#)

Begin Date 11/1/2017

Violation Name Five-year SPCC Plan review and documentation of the review

End Date 12/31/2099

Program Element **APSA Program**

RCRA Violation Code -

Category Administration/Documentation

Violation Comments -

UST Performance Measure -

## Violation Type Description

Failure to complete a review and evaluation of the SPCC Plan at least once every five years, document the completion of the review, and sign a statement as to whether the SPCC Plan will be amended.

## Violation Citations

- U.S. Code of Federal Regulations, Title 40, Chapter 1, Section 112.5 (b)
- California Health and Safety Code, Chapter 6.67, Section 25270.4.5 (a)

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## CERS Business

## Violation Detail: Five-year SPCC Plan review and documentation of the review

[CERS Data Registry](#) » [Unified Program Violation Library](#) » [Violation Detail \(4010009\)](#)[Back](#)

## Violation Type Information

|                         |                                                            |                     |            |
|-------------------------|------------------------------------------------------------|---------------------|------------|
| Type Number             | 4010009                                                    | Begin Date          | 11/1/2017  |
| Violation Name          | Five-year SPCC Plan review and documentation of the review | End Date            | 12/31/2099 |
| Program Element         | APSA Program                                               | RCRA Violation Code | -          |
| Category                | Administration/Documentation                               | Violation Comments  | -          |
| UST Performance Measure | -                                                          |                     |            |

## Violation Type Description

Failure to complete a review and evaluation of the SPCC Plan at least once every five years, document the completion of the review, and sign a statement as to whether the SPCC Plan will be amended.

## Violation Citations

- U.S. Code of Federal Regulations, Title 40, Chapter 1, Section 112.5 (b)
- California Health and Safety Code, Chapter 6.67, Section 25270.4.5 (a)

[Back](#)

## CERS Business

## Violation Detail: Five-year SPCC Plan review and documentation of the review

[CERS Data Registry](#) » [Unified Program Violation Library](#) » Violation Detail (4010009)[Back](#)

## Violation Type Information

Type Number 

Begin Date 11/1/2017

Violation Name Five-year SPCC Plan review and documentation of the review

End Date 12/31/2099

Program Element APSA Program

RCRA Violation Code -

Category Administration/Documentation

Violation Comments -

UST Performance Measure -

## Violation Type Description

Failure to complete a review and evaluation of the SPCC Plan at least once every five years, document the completion of the review, and sign a statement as to whether the SPCC Plan will be amended.

## Violation Citations

- U.S. Code of Federal Regulations, Title 40, Chapter 1, Section 112.5 (b)
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## CERS Business

## Violation Detail: Five-year SPCC Plan review and documentation of the review

[CERS Data Registry](#) » [Unified Program Violation Library](#) » Violation Detail (4010009)[Back](#)

## Violation Type Information

|                         |                                                            |                     |            |
|-------------------------|------------------------------------------------------------|---------------------|------------|
| Type Number             | 4010009                                                    | Begin Date          | 11/1/2017  |
| Violation Name          | Five-year SPCC Plan review and documentation of the review | End Date            | 12/31/2099 |
| Program Element         | APSA Program                                               | RCRA Violation Code | -          |
| Category                | Administration/Documentation                               | Violation Comments  | -          |
| UST Performance Measure | -                                                          |                     |            |

## Violation Type Description

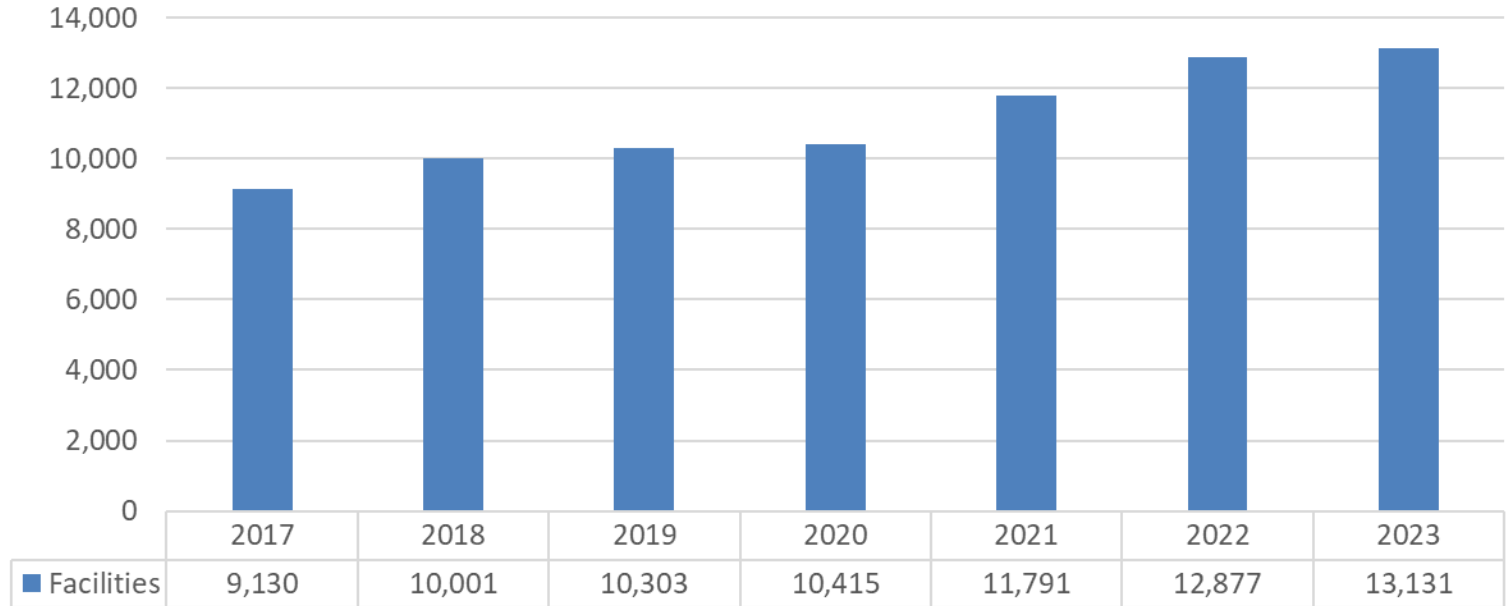
Failure to complete a review and evaluation of the SPCC Plan at least once every five years, document the completion of the review, and sign a statement as to whether the SPCC Plan will be amended.

## Violation Citations

- U.S. Code of Federal Regulations, Title 40, Chapter 1, Section 112.5 (b)
- California Health and Safety Code, Chapter 6.67, Section 25270.4.5 (a)

[Back](#)

# 2017 – 2023 APSA Facilities in CERS



26th California Unified Program  
Annual Training Conference  
February 26-29, 2024

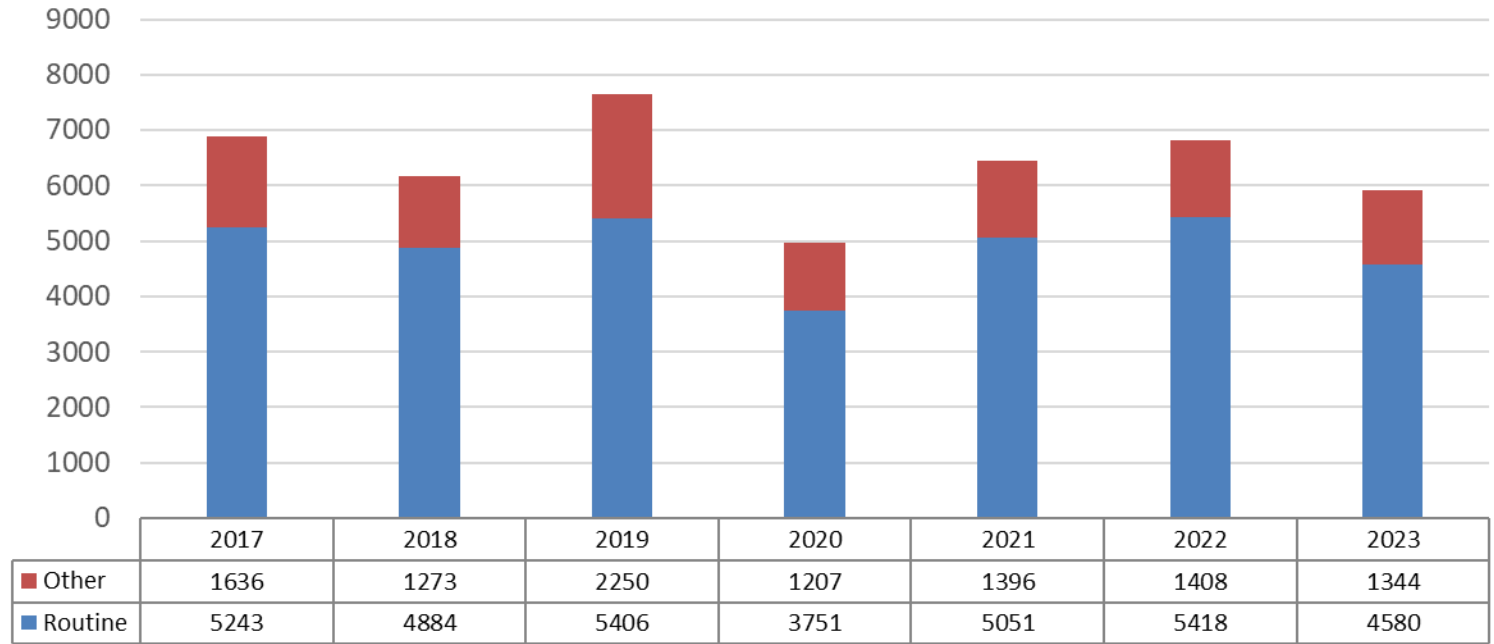
# 2023 APSA Inspection Data

- Inspections conducted: 5924
- Violations cited: 6416
- Violation Categories
  - Abandonment/Illegal Disposal/Unauthorized Treatment: 2 violations
  - Administration/Documentation: 3998 violations
  - Operations/Maintenance: 1637 violations
  - Release/Leaks/Spills: 26 violations
  - Training: 753 violations



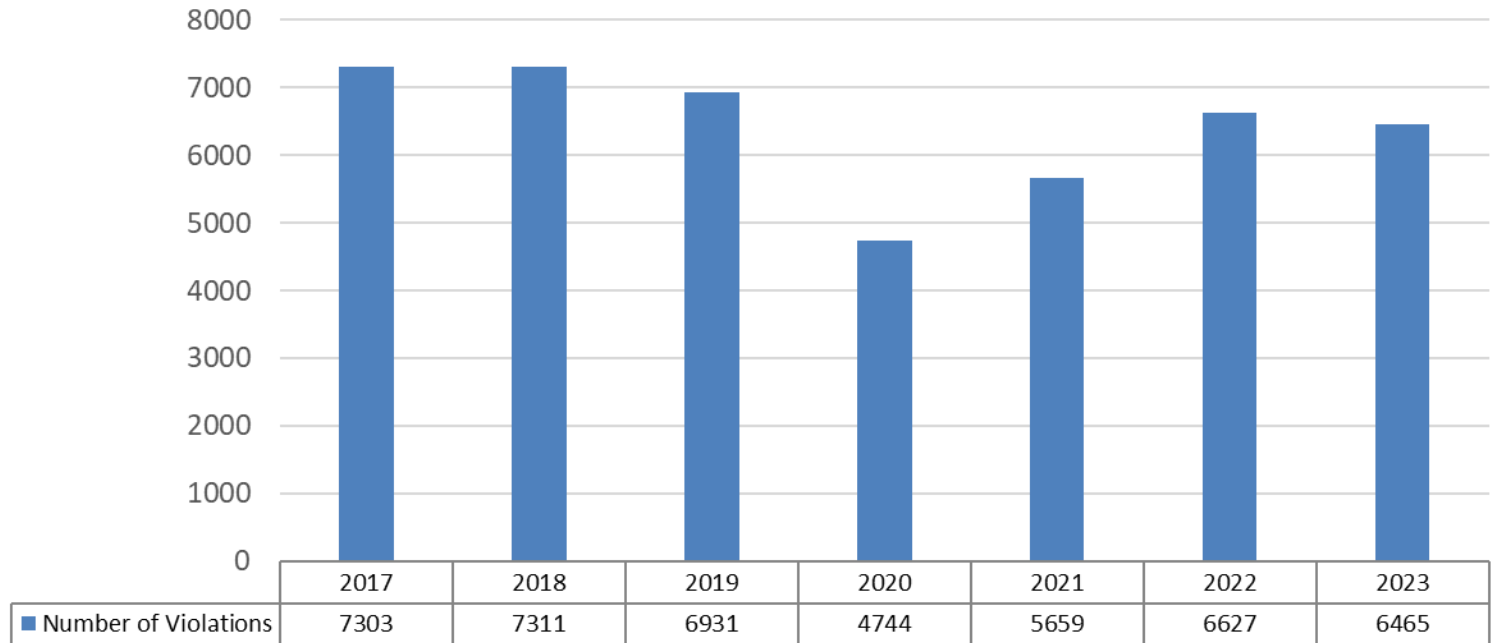


# 2017 – 2023 Inspections Conducted



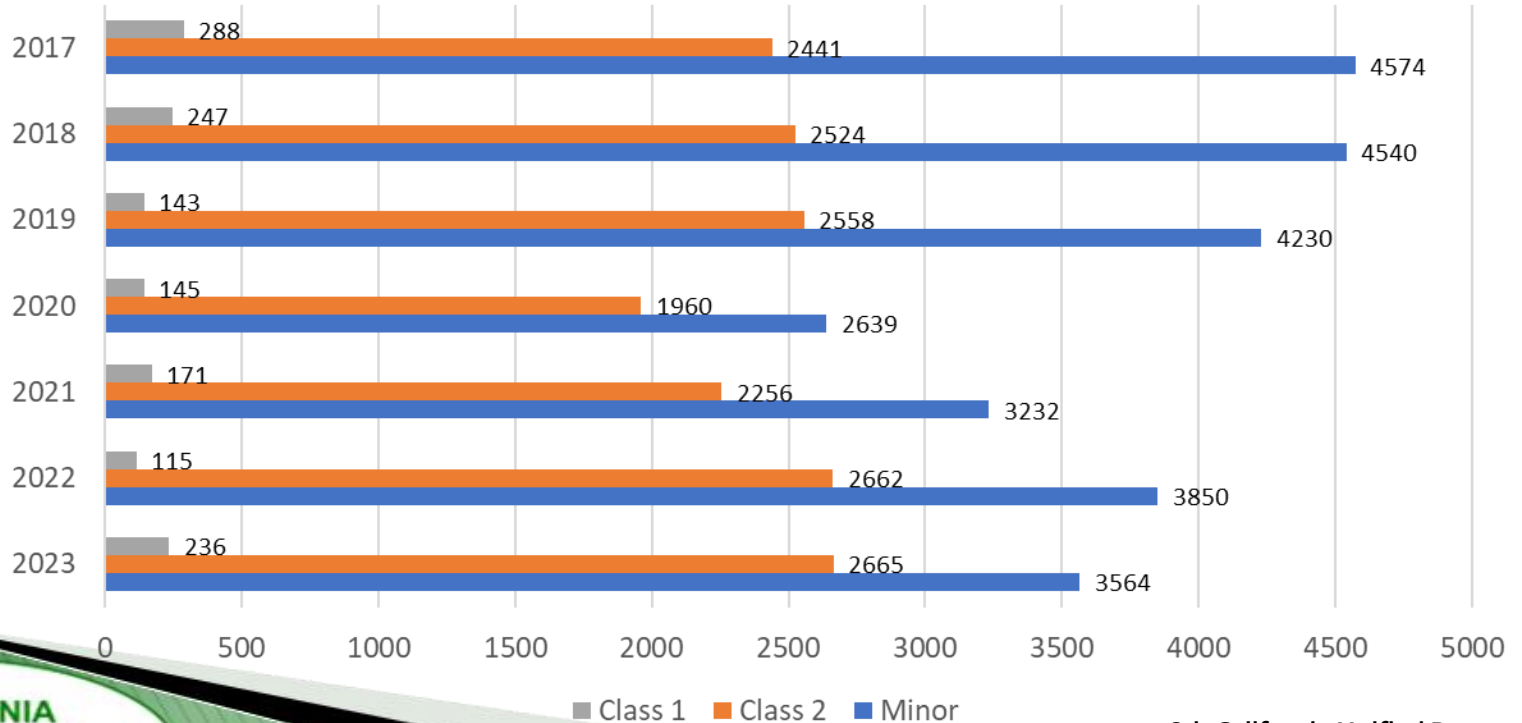


# 2017 – 2023 Violations Cited



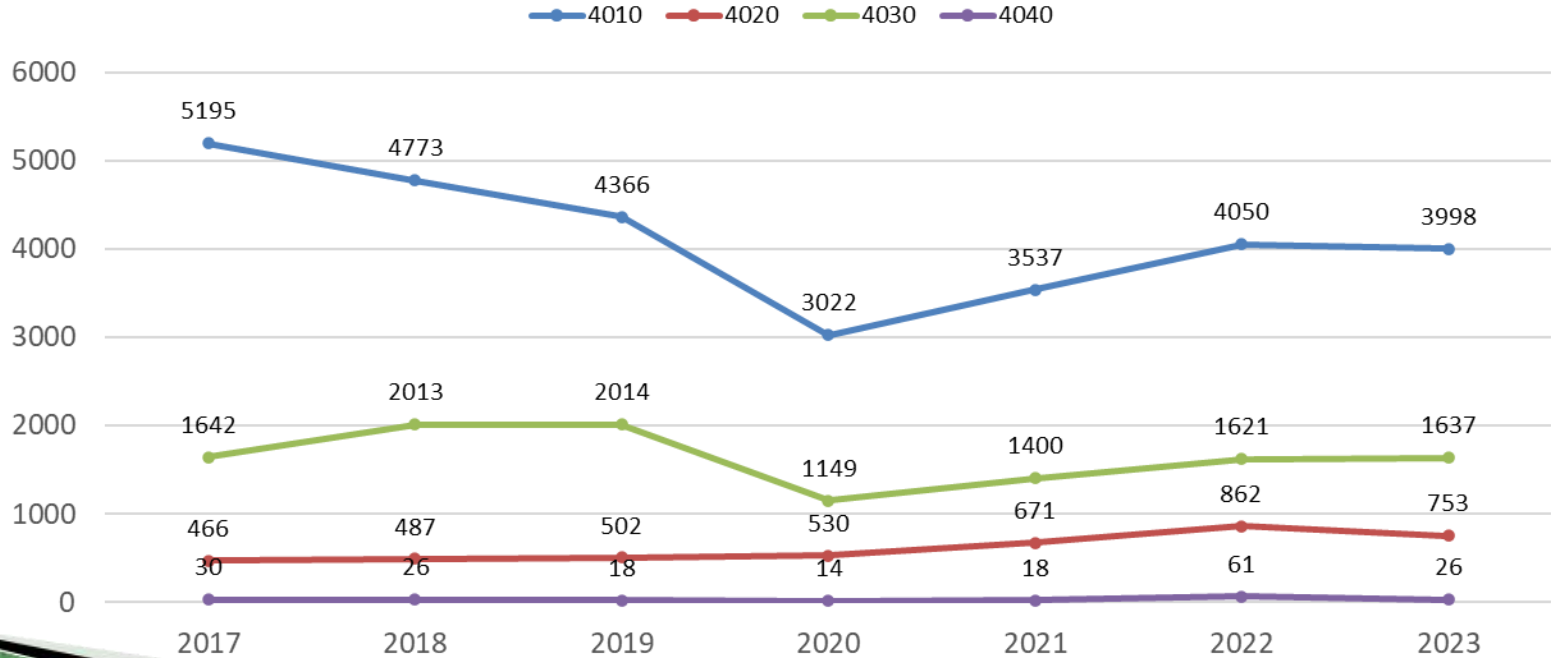
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# 2017 – 2023 Violation Categories



# 2017 – 2023 Violation Trends

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



26th California Unified Program  
Annual Training Conference  
February 26-29, 2024

# 2017 – 2023 Top 10 Violations

|         | 2017 | 2018 | 2019 | 2020 | 2021 | 2022 | 2023 |                                 |
|---------|------|------|------|------|------|------|------|---------------------------------|
| 4010    | 454  |      |      |      |      |      |      | General admin/documentation     |
| 4010001 | 670  | 500  | 469  | 329  | 369  | 391  | 426  | Plan prepared                   |
| 4010008 | 316  | 220  | 227  | 180  | 199  | 255  | 228  | Plan available onsite           |
| 4010009 | 398  | 376  | 362  | 225  | 307  | 397  | 357  | Five-year review                |
| 4010010 | 227  | 241  | 198  | 130  |      |      |      | Technical amendments            |
| 4010021 | 626  | 576  | 596  | 402  | 534  | 606  | 522  | Written inspections/testing     |
| 4010023 | 291  | 215  |      |      |      |      |      | Training descriptions           |
| 4010028 | 204  | 203  |      |      |      |      |      | Discuss inspection procedures   |
| 4010032 | 194  |      | 209  | 200  | 265  | 283  | 264  | CERS tank facility statement    |
| 4010041 |      |      |      | 162  | 165  | 224  | 237  | Listing oil type and storage    |
| 4020001 | 429  | 430  | 393  | 264  | 309  | 416  | 360  | Content of employee training    |
| 4020002 |      |      |      | 245  | 342  | 419  | 372  | Spill briefings not conducted   |
| 4030014 |      | 213  | 199  |      | 197  | 236  |      | Inspected by qualified person   |
| 4030015 |      |      | 308  | 237  | 168  | 310  | 300  | Testing meet industry standards |
| 4030038 |      |      |      |      |      |      | 285  | Failure to implement plan       |
| 4030040 |      |      | 251  | 273  |      |      |      | No longer in violation library  |



# 2017 – 2023 Top 10 Violations

|         | 2017 | 2018 | 2019 | 2020 | 2021 | 2022 | 2023 |                                 |
|---------|------|------|------|------|------|------|------|---------------------------------|
| 4010    | 454  |      |      |      |      |      |      | General admin/documentation     |
| 4010001 | 670  | 500  | 469  | 329  | 369  | 391  | 426  | Plan prepared                   |
| 4010008 | 316  | 220  | 227  | 180  | 199  | 255  | 228  | Plan available onsite           |
| 4010009 | 398  | 376  | 362  | 225  | 307  | 397  | 357  | Five-year review                |
| 4010010 | 227  | 241  | 198  | 130  |      |      |      | Technical amendments            |
| 4010021 | 626  | 576  | 596  | 402  | 534  | 606  | 522  | Written inspections/testing     |
| 4010023 | 291  | 215  |      |      |      |      |      | Training descriptions           |
| 4010028 | 204  | 203  |      |      |      |      |      | Discuss inspection procedures   |
| 4010032 | 194  |      | 209  | 200  | 265  | 283  | 264  | CERS tank facility statement    |
| 4010041 |      |      |      | 162  | 165  | 224  | 237  | Listing oil type and storage    |
| 4020001 | 429  | 430  | 393  | 264  | 309  | 416  | 360  | Content of employee training    |
| 4020002 |      |      |      | 245  | 342  | 419  | 372  | Spill briefings not conducted   |
| 4030014 |      | 213  | 199  |      | 197  | 236  |      | Inspected by qualified person   |
| 4030015 |      |      | 308  | 237  | 168  | 310  | 300  | Testing meet industry standards |
| 4030038 |      |      |      |      |      |      | 285  | Failure to implement plan       |
| 4030040 |      |      | 251  | 273  |      |      |      | No longer in violation library  |



# 2017 – 2023 Top 10 Violations

|         | 2017 | 2018 | 2019 | 2020 | 2021 | 2022 | 2023 |                                 |
|---------|------|------|------|------|------|------|------|---------------------------------|
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| 4030014 |      | 213  | 199  |      | 197  | 236  |      | Inspected by qualified person   |
| 4030015 |      |      | 308  | 237  | 168  | 310  | 300  | Testing meet industry standards |
| 4030038 |      |      |      |      |      |      | 285  | Failure to implement plan       |
| 4030040 |      |      | 251  | 273  |      |      |      | No longer in violation library  |



# 2017 – 2023 Top 10 Violations

|         | 2017 | 2018 | 2019 | 2020 | 2021 | 2022 | 2023 |                                 |
|---------|------|------|------|------|------|------|------|---------------------------------|
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| 4010001 | 670  | 500  | 469  | 329  | 369  | 391  | 426  | Plan prepared                   |
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| 4010010 | 227  | 241  | 198  | 130  |      |      |      | Technical amendments            |
| 4010021 | 626  | 576  | 596  | 402  | 534  | 606  | 522  | Written inspections/testing     |
| 4010023 | 291  | 215  |      |      |      |      |      | Training descriptions           |
| 4010028 | 204  | 203  |      |      |      |      |      | Discuss inspection procedures   |
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# 2017 – 2023 Top 10 Violations

|         | 2017 | 2018 | 2019 | 2020 | 2021 | 2022 | 2023 |                                 |
|---------|------|------|------|------|------|------|------|---------------------------------|
| 4010    | 454  |      |      |      |      |      |      | General admin/documentation     |
| 4010001 | 670  | 500  | 469  | 329  | 369  | 391  | 426  | Plan prepared                   |
| 4010008 | 316  | 220  | 227  | 180  | 199  | 255  | 228  | Plan available onsite           |
| 4010009 | 398  | 376  | 362  | 225  | 307  | 397  | 357  | Five-year review                |
| 4010010 | 227  | 241  | 198  | 130  |      |      |      | Technical amendments            |
| 4010021 | 626  | 576  | 596  | 402  | 534  | 606  | 522  | Written inspections/testing     |
| 4010023 | 291  | 215  |      |      |      |      |      | Training descriptions           |
| 4010028 | 204  | 203  |      |      |      |      |      | Discuss inspection procedures   |
| 4010032 | 194  |      | 209  | 200  | 265  | 283  | 264  | CERS tank facility statement    |
| 4010041 |      |      |      | 162  | 165  | 224  | 237  | Listing oil type and storage    |
| 4020001 | 429  | 430  | 393  | 264  | 309  | 416  | 360  | Content of employee training    |
| 4020002 |      |      |      | 245  | 342  | 419  | 372  | Spill briefings not conducted   |
| 4030014 |      | 213  | 199  |      | 197  | 236  |      | Inspected by qualified person   |
| 4030015 |      |      | 308  | 237  | 168  | 310  | 300  | Testing meet industry standards |
| 4030038 |      |      |      |      |      |      | 285  | Failure to implement plan       |
| 4030040 |      |      | 251  | 273  |      |      |      | No longer in violation library  |





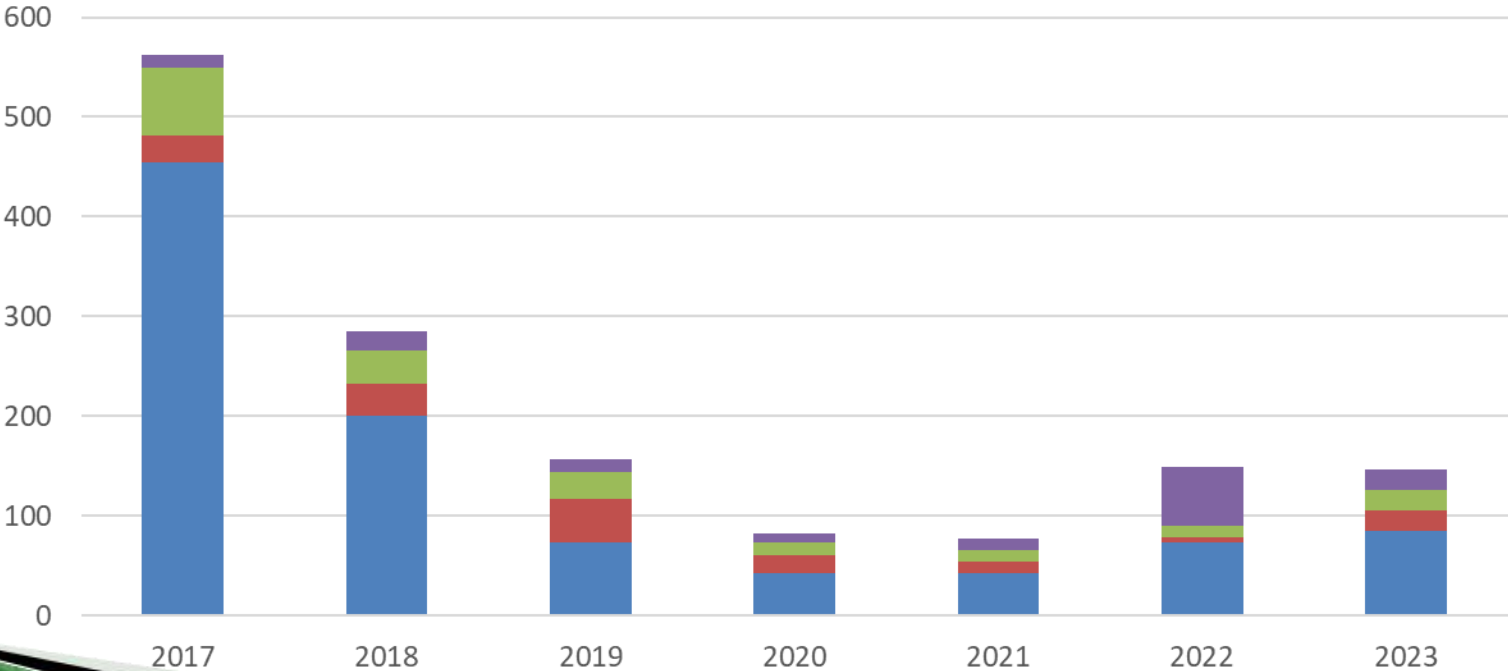
# 2017 – 2023 Top 10 Violations

|         | 2017 | 2018 | 2019 | 2020 | 2021 | 2022 | 2023 |                                 |
|---------|------|------|------|------|------|------|------|---------------------------------|
| 4010    | 454  |      |      |      |      |      |      | General admin/documentation     |
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# Usage of General Violations

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



4010 4020 4030 4040

26th California Unified Program  
Annual Training Conference  
February 26-29, 2024

# APSA FAQ

- I already submit a HMBP, do I still need an SPCC plan?
- Can a business with multiple facilities/locations have a single SPCC plan?
- Are ASTs that are empty or no longer in service still required to be included in a facility's SPCC plan?



# Additional Resources

- [Board of Professional Engineers, Land Surveyors, and Geologists](#)
- [California CUPA Forum Board](#)
- [CERS Violation Library](#)
- [Department of Consumer Affairs](#)
- [OSFM Website](#)
- [SPCC EPA Guidance Document](#)





# Any Questions?

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