**Proposed Amendments and Ideas for California Code of Regulations (CCR), Title 19, Division 1, Chapter 11**

**For Aboveground Petroleum Storage Act (APSA) Advisory Committee Meeting on October 15, 2025**

Acronyms:

API – American Petroleum Institute

APSA – Aboveground Petroleum Storage Act

AST – aboveground storage tank

CCR – California Code of Regulations

CFR – Code of Federal Regulations

EPA – U. S. Environmental Protection Agency

HSC – Health and Safety Code

SPCC – Spill Prevention, Control, and Countermeasure

STI/SPFA – Steel Tank Institute/Steel Plate Fabricators Association

TIUGA – tank in an underground area

UL – Underwriters Laboratories

UPA – Unified Program Agency

UST – underground storage tank

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| **Section** | **Proposed Amendments** | **Justification** | **Advisory Committee Notes** |
| 1601 | Scope: Legislative References for Inclusions~~,~~ and Exclusions | Remove unnecessary comma (typo error) in section title for proper grammar | Discussed in June 2025 |
| 1601(c) | A storage tank or tank facility is not subject to these regulations if it meets any of the criteria referenced in the HSC Section 25270.2(a)(1)-(8). | Delete extra space between 25270.2 and (a)(1)-(8) for consistency with other referenced citations. | Discussed in June 2025 |
| 1608 | Terms in these regulations and the preparation and implementation of a Spill, Prevention, Control, and Countermeasure Plan (SPCC Plan) have the same meaning as defined in the Code of Federal Regulations Title 40, Part 112, with exceptions to the following terms, which are defined in HSC Section 25270.2~~.~~: tank facility, owner or operator, and petroleum. | Remove period (typo error) after 25270.2 for proper grammar/sentence structure. | Discussed in June 2025 |
| 1611(a)(7) | The training and discharge prevention briefings are conducted. Records of the training and discharge prevention briefings are ~~documented~~ maintained for a minimum of ~~3~~ three years. Records of training and discharge prevention briefing kept under usual and customary business practices will suffice for purposes of this subsection. | Clarification based on original intent, which was to maintain records for three years, not to document records for three years only. Records are documents.  For consistency, spell out numbers if less than 10 and write the numbers if 10 or higher. | Discussed in June 2025 |
| 1614(d) | Sections 1614(a)(2), 1614(a)(3), and 1614(a)(4) shall not apply to any owner or operator of a tank facility that meets the requirements of HSC Section 25270.4.5(b). | Delete space between 25270.4.5 and (b) for consistency with other referenced citations. | Discussed in June 2025 |
| 1615(a) | UPA staff who inspect tank facilities for SPCC Plan compliance must obtain at least ~~6~~ six hours of refresher training every ~~3~~ three years. The 3-year cycle begins from the date of the completion of the training required by HSC Section 25270.5~~.~~(c) or from December 17, 2024, whichever is more recent. | Spell out numbers if less than 10 and use the number if 10 or higher. Exception is when the number is followed by a hyphen. Remove extra space between 3 and -year for proper structure. Remove unnecessary period (typo error) between 25270.5 and (c). | Discussed in June 2025 |
| 1615(c) | UPA staff who only inspect tank facilities that meet the requirements of HSC Section 25270.4.5(b) are not subject to the training requirements in Section 1615. | Remove extra space between 25270.4.5 and (b) for consistency with other referenced citations. | Discussed in June 2025 |
| 1616 | The UPA shall notify the Regional Water Quality Control Board if the UPA has determined that cleanup or abatement of a release from an aboveground storage tank at a tank facility is required, or additional investigation is necessary to determine if cleanup is required~~,~~. ~~the~~ The UPA shall coordinate with the Regional Water Quality Control Board regarding the investigation, cleanup, and abatement activities. | Clarification and separate different statements into separate sentences. | Discussed in June 2025 |

**Other Ideas and Proposals for CCR Title 19, Division 1, Chapter 11**

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| **Reference** | **Idea or Proposal** | **Justification** | **Advisory Committee Notes** |
| 40 CFR 112.8(d)(3) | 112.8(d)(3) - *Properly design pipe supports to minimize abrasion and corrosion and allow for expansion and contraction.*  Apply this requirement to all APSA tank facilities, regardless of SPCC Plan type/status. | Consistency with building standards code requirements. | Initiated discussion in June 2025.  CUPAs have difficulties with enforcing this section.  Eloy wants guidance (from EPA, also perhaps from Pipeline Safety)  Craig- lots of engineering  On the TIUGA SPCC Plan template – committee wanted to include this.  CCR, Title 19, Section 1606 covers corrosion protection for all APSA aboveground storage tanks, regardless of SPCC Plan type/status. |
|  | Sampling capability for UPAs:  -known releases or spills at a tank facility  -closure of AST system (including associated piping and appurtenances) of a tank facility | To provide explicit authority for an UPA to require tank facilities when there is a known release or spill at a tank facility, or when a tank is being closed and removed from a tank facility. Sampling is necessary to confirm if facility needs to be referred to the State and Regional Water Boards for potential cleanup or abatement efforts. | Authority provided for UPAs under hazardous waste generator requirements (HSC 25189), and facilities do the sampling per UST regulations, 23 CCR Section 2672(d) (noted below).  *(d) The owner or operator of an underground storage tank being closed pursuant to this section shall demonstrate to the satisfaction of the local agency that an unauthorized release has not occurred. This demonstration shall be based on soil sample analysis and/or water analysis if water is present in the excavation. This analysis shall be performed during or immediately after closure activities. If the demonstration is based on soil sample analysis, soil samples shall be taken and analyzed as follows:*  *(1) If the underground storage tank or any portion thereof is removed, soil samples shall be taken immediately beneath the removed portions of the tank, a minimum of two feet into native material at each end of the tank in accordance with section 2649. A separate sample shall be taken for each 20 linear-feet of trench for piping.*  *(2) If the underground storage tank or any portion thereof is not removed, at least one boring shall be taken as close as possible to the midpoint beneath the tank using a slant boring (mechanical or manual), or other appropriate method such as vertical borings drilled on each long dimensional side of the tank as approved by the local agency.*  *(3) Soils shall be analyzed in accordance with section 2649 for all constituents of the previously stored hazardous substances and their breakdown or transformation products. The local agency may waive the requirement for analysis of all constituents, breakdown or transformation products when key constituents that pose a significant threat to water quality or the environment can be identified for analysis.* **California Fire Code references are below:** **5001.6.3 Facility closure plan** *Where a facility closure plan is required in accordance with* [*Section 5001.5*](https://codes.iccsafe.org/lookup/CAFC2022P3_Pt05_Ch50_Sec5001.5/3389) *to terminate storage, dispensing, handling or use of hazardous materials, it shall be submitted to the fire code official not less than 30 days prior to facility closure. The plan shall demonstrate that hazardous materials that are stored, dispensed, handled or used in the facility will be transported, disposed of or reu558436sed in a manner that eliminates the need for further maintenance and any threat to public health and safety.* **5003.3.1 Unauthorized discharges.** *In the event hazardous materials are released in quantities reportable under state, federal or local regulations, the fire code official shall be notified and the following procedures required in accordance with Sections 5003.3.1.1 through 5003.3.1.4.* **5003.3.1.1 Records.** *Records of the unauthorized discharge of hazardous materials by the permittee shall be maintained.* **5003.3.1.2 Preparation.** *Provisions shall be made for controlling and mitigating unauthorized discharges.* **5003.3.1.3 Control.** *Where an unauthorized discharge caused by primary container failure is discovered, the involved primary container shall be repaired or removed from service.* **5003.3.1.4 Responsibility for cleanup.** *The person, firm or corporation responsible for an unauthorized discharge shall institute and complete all actions necessary to remedy the effects of such unauthorized discharge, whether sudden or gradual, without cost to the jurisdiction. Where deemed necessary by the fire code official, cleanup can be initiated by the fire department or by an authorized individual or firm. Costs associated with such cleanup shall be borne by the owner, operator or other person responsible for the unauthorized discharge.*  *ICC Digital Codes is the largest provider of model codes, custom codes and standards used worldwide to construct safe, sustainable, affordable and resilient structures.*  **5001.3.3.17 Consequence analysis.**  *Where an accidental release of hazardous materials could endanger people or property, either on- or off-site, an analysis of the expected consequences of a plausible release shall be performed and utilized in the analysis and selection of active and passive hazard mitigation controls.* **5703.3 Site assessment.** *In the event of a spill, leak or discharge from a tank system, a site assessment shall be completed by the owner or operator of such tank system if the fire code official determines that a potential fire or explosion hazard exists. Such site assessments shall be conducted to ascertain potential fire hazards and shall be completed and submitted to the fire department within a time period established by the fire code official, not to exceed 60 days.*  Also, refer to CFC Sections 5001.3.3 and 5001.3.3.17.  What about repurposed USTs as ASTs? Old piping associated with ASTs? |
| API 653 – section? | Require an owner or operator to document why required or mandated actions are not being followed based on the formal inspections per industry standard.  Apply this requirement to tank facilities with aboveground storage tanks listed to UL 142, UL 2085, etc. that follow the SP001 inspection standard. | This is an existing requirement for tank facilities built to API 650 standards and follow API 653 inspection standards. However, there is no such explicit requirement in the SP001 inspection standard when required actions are not followed by the owner or operator. | Owner/operator to address required/mandated actions in writing if not being implemented.  SP001 section 1.2.5 –  Owner has responsibility to address requirements/mandated actions.  Guidance: recommendations vs required/mandated actions; certain recommendations may appear to be ‘requirements’.  Formal inspection reports vary. |
| CCR, Title 23, Division 3, Chapter 16, Section \_\_\_\_\_\_ | Annual testing of leak detection device or equipment on piping associated with category (iv) tanks in an underground area (TIUGA) | To ensure proper operation of the leak detection device or equipment. Prior to TIUGAs being regulated under APSA, these systems were subject to UST requirements, including leak detection on associated piping. This proposal is consistent with UST requirements. | Ask STI/SPFA: Is this on the monthly or annual inspection checklist? |