

Draft Text of Proposed Regulations

California Code of Regulations Title 19. Public Safety Code Division 1. Office of the State Fire Marshal Chapter 11. Aboveground Petroleum Storage Act (APSA) Program Article 1. APSA Program Regulations

Tank in an Underground Area Only

1601. Scope: Legislative References for Inclusions, and Exclusions

(d) If a tank facility has a petroleum storage (TIUGA) capacity of less than 1,320 gallons, these regulations do not apply to a tank in an underground area that meets the conditions referenced in HSC Section 25270.3(c)(3).

Note: Authority cited: Sections 25270.4.1(a) and 25270.4.5(c), Health and Safety Code.
Reference: Sections 25270.2(o) and 25270.3(c), Health and Safety Code.

1617. SPCC Plan Requirements for TIUGA Only Tank Facility (Less Than 1,320 gallons of Oil Storage Capacity)

(a) An owner or operator of a tank facility that meets the criteria in HSC Section 25270.3(c)(1) and (c)(2) must either: comply with the requirements of subdivision (c) of this section; or prepare and implement an SPCC Plan meeting requirements of Section 112.6(a) of the Code of Federal Regulations, Title 40, Part 112; or prepare and implement an SPCC Plan meeting requirements of Section 112.6(b) of the Code of Federal Regulations, Title 40, Part 112; or prepare and implement an SPCC Plan meeting the general SPCC Plan requirements in Section 112.7 of the Code of Federal Regulations, Title 40, Part 112 and applicable requirements in Section 112.8 of the Code of Federal Regulations, Title 40, Part 112, including having the SPCC Plan certified by a Professional Engineer as required under Section 112.3(d) of the Code of Federal Regulations, Title 40, Part 112. To complete the template in Section 1618(a)(1) of these regulations, the owner or operator must certify that:

(1) The owner or operator is familiar with the applicable requirements of HSC Chapter 6.67 and the Code of Federal Regulations, Title 40, Part 112;

(2) The owner or operator has visited and examined the tank facility;

(3) The owner or operator prepared the SPCC Plan in accordance with accepted and sound industry practices and standards;

(4) The owner or operator has established procedures for required inspections and testing in accordance with industry inspection and testing standards or recommended practices;

(5) The owner or operator will fully implement the SPCC Plan;

(6) The tank facility meets the criteria in HSC Section 25270.3(c)(1) and (c)(2);

(7) The SPCC Plan does not deviate from any requirement of this section as allowed by Section 112.7(a)(2) and 112.7(d) of the Code of Federal Regulations, Title 40, Part 112; and

(8) The SPCC Plan and individual(s) responsible for implementing this SPCC Plan have the approval of management, and the tank facility owner or operator has committed the necessary resources to fully implement this SPCC Plan.

(b) Technical Amendments. The owner or operator must certify any technical amendments to the SPCC Plan in accordance with subdivision (a) of this section when there is a change in the tank facility design, construction, operation, or maintenance that affects its potential for a release as defined in HSC Section 25270.2(j). If the change results in the tank facility no longer meeting the criteria in HSC Section 25270.3(c)(1) and (c)(2) because the tank facility meets the criteria in HSC Section 25270.3(a) or (b), within six months following preparation of the amendment, the owner or operator must prepare and implement an SPCC Plan as follows:

(1) Prepare and implement an SPCC Plan in accordance with the Code of Federal Regulations, Title 40, Part 112, Section 112.6(a) if the tank facility meets the Tier I qualified facility criteria in Section 112.3(g)(1) of the Code of Federal Regulations, Title 40, Part 112; or

(2) Prepare and implement an SPCC Plan in accordance with Section 112.6(b) of the Code of Federal Regulations, Title 40, Part 112 if the tank facility meets the Tier II qualified facility criteria in Section 112.3(g)(2) of the Code of Federal Regulations, Title 40, Part 112; or

(3) Prepare and implement an SPCC Plan in accordance with the general SPCC Plan requirements in Section 112.7 of the Code of Federal Regulations, Title 40, Part 112, and applicable requirements in Section 112.8 of the Code of Federal Regulations, Title 40, Part 112, including having the SPCC Plan certified by a Professional Engineer as required under Section 112.3(d) of the Code of Federal Regulations, Title 40, Part 112.

(c) SPCC Plan Template and Applicable Requirements. The owner or operator as specified in HSC Section 25270.3(c) may prepare and implement an SPCC Plan that meets the following requirements as described in Sections 112.7 and 112.8 of the Code of Federal Regulations, Title 40, Part 112: introductory paragraph of Section 112.7, 112.7(a)(3)(i), 112.7(a)(3)(iv), 112.7(a)(3)(vi), 112.7(a)(4), 112.7(a)(5), 112.7(c), 112.7(e), 112.7(f), 112.7(g), 112.8(b)(1), 112.8(b)(2), 112.8(c)(1), 112.8(c)(3), 112.8(c)(6), 112.8(c)(10), 112.8(d)(3), 112.8(d)(4). This template has been developed to meet the applicable requirements of HSC Chapter 6.67 and the Code of Federal Regulations, Title 40, Part 112. When completed and signed by the owner or operator, this template may be used as the SPCC Plan. Additionally, the owner or operator must meet the following requirements:

(1) Failure Analysis in lieu of the requirements in Section 112.7(b) of the Code of Federal Regulations, Title 40, Part 112. Where experience indicates a reasonable potential for equipment failure (such as loading or unloading equipment, tank overflow, rupture, or leakage, or any other equipment known to be a source of discharge), include in the SPCC Plan a prediction of the direction and total quantity of petroleum which could be discharged from the tank facility as a result of each type of major equipment failure associated with a TIUGA.

(2) Overfill prevention in lieu of the requirements in Section 112.8(c)(8) of the Code of Federal Regulations, Title 40, Part 112. Ensure that each TIUGA is provided with a system or documented procedure to prevent overfills of the TIUGA, describe the system or procedure in the SPCC Plan and regularly test to ensure proper operation or efficacy.

(XXX) The owner or operator is not required to complete the "Certification of the Applicability of the Substantial Harm Criteria" as specified in the Code of Federal Regulations, Title 40, Part 112, Section 112.20(e) and Appendix C, Attachment C-II.

Note: Authority cited: Sections 25270.4.1(a) and 25270.4.5(c), Health and Safety Code.
Reference: Sections 25270.2(o) and 25270.3(c), Health and Safety Code.

1618. Incorporated by Reference

(a) The following template in the format developed by the Office of the State Fire Marshal is hereby incorporated by reference:

(1) Spill Prevention, Control, and Countermeasure Plan Template for Tank Facility with Tank in an Underground Area and Less Than 1,320 gallons of Oil Storage Capacity (dated Month Day, Year).

Note: Authority cited: Sections 25270.4.1(a) and 25270.4.5(c), Health and Safety Code.
Reference: Sections 25270.2(o) and 25270.3(c), Health and Safety Code.

1619. TIUGA Monitoring Equipment Certification

(a) All leak detection equipment or devices for a tank in an underground area, including piping, as specified in HSC Section 25270.2(o)(1)(C)(iv), shall be operated and maintained in accordance with manufacturer's instructions and certified every 12 months for operability and proper operating condition.

(b) Records of the certification specified in subdivision (a) shall be maintained for a minimum of three years and be available for review by the UPA upon request. Records of inspections and tests kept under usual and customary business practices satisfy the recordkeeping requirements of this subdivision.

or

Records of the inspection and testing of each tank in an underground areas as specified in HSC 25270.2(o)(1)(C)(iv), including connected piping, leak detection equipment, and other appurtenances, shall include the date of service, name of the qualified personnel conducting the inspection or test, a summary of conditions noted and a detailed description of any conditions requiring correction and what corrective action was taken. Records shall be maintained for a minimum of three years and be available for inspection by the UPA. Records of inspections and tests kept under usual and customary business practices satisfy the recordkeeping requirements of this section.

Note: Authority cited: Sections 25270.4.1(a) and 25270.4.5(c), Health and Safety Code.
Reference: Section 25270.2(o), Health and Safety Code.

Copy of Code of Federal Regulations, Title 40, Part 112, Section 112.6(a) for reference.

§ 112.6 Qualified Facilities Plan Requirements.

Qualified facilities meeting the Tier I applicability criteria in § 112.3(g)(1) are subject to the requirements in paragraph (a) of this section. Qualified facilities meeting the Tier II applicability criteria in § 112.3(g)(2) are subject to the requirements in paragraph (b) of this section.

(a) Tier I Qualified Facilities —

(1) **Preparation and Self-Certification of the Plan.** If you are an owner or operator of a facility that meets the Tier I qualified facility criteria in § 112.3(g)(1), you must either: comply with the requirements of paragraph (a)(3) of this section; or prepare and implement a Plan meeting requirements of paragraph (b) of this section; or prepare and implement a Plan meeting the general Plan requirements in § 112.7 and applicable requirements in subparts B and C, including having the Plan certified by a Professional Engineer as required under § 112.3(d). If you do not follow the appendix G template, you must prepare an equivalent Plan that meets all of the applicable requirements listed in this part, and you must supplement it with a section cross-referencing the location of requirements listed in this part and the equivalent requirements in the other prevention plan. To complete the template in appendix G, you must certify that:

- (i) You are familiar with the applicable requirements of 40 CFR part 112;
- (ii) You have visited and examined the facility;
- (iii) You prepared the Plan in accordance with accepted and sound industry practices and standards;
- (iv) You have established procedures for required inspections and testing in accordance with industry inspection and testing standards or recommended practices;
- (v) You will fully implement the Plan;
- (vi) The facility meets the qualification criteria in § 112.3(g)(1);
- (vii) The Plan does not deviate from any requirement of this part as allowed by § 112.7(a)(2) and 112.7(d) or include measures pursuant to § 112.9(c)(6) for produced water containers and any associated piping; and
- (viii) The Plan and individual(s) responsible for implementing this Plan have the approval of management, and the facility owner or operator has committed the necessary resources to fully implement this Plan.

(2) **Technical Amendments.** You must certify any technical amendments to your Plan in accordance with paragraph (a)(1) of this section when there is a change in the facility design, construction, operation, or maintenance that affects its potential for a discharge as described in § 112.1(b). If the facility change results in the facility no longer meeting the Tier I qualifying criteria in § 112.3(g)(1) because an individual oil storage container capacity exceeds 5,000 U.S. gallons or the facility capacity exceeds 10,000 U.S. gallons in aggregate aboveground storage capacity, within six months following preparation of the amendment, you must either:

- (i) Prepare and implement a Plan in accordance with § 112.6(b) if you meet the Tier II qualified facility criteria in § 112.3(g)(2); or

(ii) Prepare and implement a Plan in accordance with the general Plan requirements in § 112.7, and applicable requirements in subparts B and C, including having the Plan certified by a Professional Engineer as required under § 112.3(d).

(3) ***Plan Template and Applicable Requirements.*** Prepare and implement an SPCC Plan that meets the following requirements under § 112.7 and in subparts B and C of this part: introductory paragraph of §§ 112.7, 112.7(a)(3)(i), 112.7(a)(3)(iv), 112.7(a)(3)(vi), 112.7(a)(4), 112.7(a)(5), 112.7(c), 112.7(e), 112.7(f), 112.7(g), 112.7(k), 112.8(b)(1), 112.8(b)(2), 112.8(c)(1), 112.8(c)(3), 112.8(c)(4), 112.8(c)(5), 112.8(c)(6), 112.8(c)(10), 112.8(d)(4), 112.9(b), 112.9(c)(1), 112.9(c)(2), 112.9(c)(3), 112.9(c)(4), 112.9(c)(5), 112.9(d)(1), 112.9(d)(3), 112.9(d)(4), 112.10(b), 112.10(c), 112.10(d), 112.12(b)(1), 112.12(b)(2), 112.12(c)(1), 112.12(c)(3), 112.12(c)(4), 112.12(c)(5), 112.12(c)(6), 112.12(c)(10), and 112.12(d)(4). The template in appendix G to this part has been developed to meet the requirements of 40 CFR part 112 and, when completed and signed by the owner or operator, may be used as the SPCC Plan. Additionally, you must meet the following requirements:

(i) ***Failure analysis, in lieu of the requirements in § 112.7(b).*** Where experience indicates a reasonable potential for equipment failure (such as loading or unloading equipment, tank overflow, rupture, or leakage, or any other equipment known to be a source of discharge), include in your Plan a prediction of the direction and total quantity of oil which could be discharged from the facility as a result of each type of major equipment failure.

(ii) ***Bulk storage container secondary containment, in lieu of the requirements in §§ 112.8(c)(2) and (c)(11) and 112.12(c)(2) and (c)(11).***

Construct all bulk storage container installations (except mobile refuelers and other non-transportation-related tank trucks), including mobile or portable oil storage containers, so that you provide a secondary means of containment for the entire capacity of the largest single container plus additional capacity to contain precipitation. Dikes, containment curbs, and pits are commonly employed for this purpose. You may also use an alternative system consisting of a drainage trench enclosure that must be arranged so that any discharge will terminate and be safely confined in a catchment basin or holding pond. Position or locate mobile or portable oil storage containers to prevent a discharge as described in § 112.1(b).

(iii) ***Overfill prevention, in lieu of the requirements in §§ 112.8(c)(8) and 112.12(c)(8).*** Ensure that each container is provided with a system or documented procedure to prevent overfills of the container, describe the system or procedure in the SPCC Plan and regularly test to ensure proper operation or efficacy.