

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

Article 1. ~~Apsa~~APSA Program Regulations

1601. Scope: Legislative References for Inclusions, and Exclusions.

(d) If a tank facility has a petroleum storage capacity of less than 1,320 gallons, these regulations do not apply to a tank in an underground area (TIUGA) 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.

Article 2. Tank in an Underground Area (TIUGA) Requirements

Section #. Spill Prevention, Control, and Countermeasure (SPCC) Plan Requirements for Tank Facilities with TIUGAs and Less Than 1,320 Gallons Oil Storage Capacity.

Tank facilities meeting the criteria in Health and Safety Code (HSC) Section 25270.3(c) are subject to the SPCC Plan requirements of this section.

(a) *Preparation and Certification of the SPCC Plan.* If the owner or operator of a tank facility meets the criteria in HSC Section 25270.3(c), the owner or operator must either: comply with the requirements of subsection (c) of this section; or prepare and implement an SPCC Plan meeting requirements of subsection (b)(i) of this section; or prepare and implement an SPCC Plan meeting requirements of subsection (b)(ii) of this section; or prepare and implement an SPCC Plan meeting the general SPCC Plan requirements in Section 112.7 and applicable requirements in Section 112.8, including having the SPCC Plan certified by a Professional Engineer as required under CFR, Title 40, Section 112.3(d).

To complete the template in Section #, the owner or operator must certify that:

(i) The owner or operator is familiar with the applicable requirements of Article 1 of this chapter, HSC Chapter 6.67, and CFR Title 40, Part 112;

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

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

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

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

(vi) The tank facility meets the criteria in HSC Section 25270.3(c);

(vii) The SPCC Plan does not deviate from any requirement of this section as allowed by CFR Title 40, Section 112.7(a)(2) and 112.7(d); and

(viii) 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 subsection (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 described 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), 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 either:

(i) Prepare and implement an SPCC Plan in accordance with CFR Title 40, Section 112.6(a) if the tank facility meets the Tier I qualified facility criteria in CFR Title 40, Section 112.3(g)(1); or

(ii) Prepare and implement an SPCC Plan in accordance with CFR Title 40, Section 112.6(b) if the tank facility meets the Tier II qualified facility criteria in CFR Title 40, Section 112.3(g)(2); or

(iii) Prepare and implement an SPCC Plan in accordance with the general SPCC Plan requirements in CFR Title 40, Section 112.7, and applicable requirements in CFR Title 40, Section 112.8, including having the SPCC Plan certified by a Professional Engineer as required under CFR Title 40, Section 112.3(d).

(c) *SPCC Plan Template and Applicable Requirements.* Prepare and implement an SPCC Plan that meets the following requirements under CFR Title 40, Sections **112.3(e), 112.5(a), 112.5(b), 112.7 and 112.8:** introductory paragraph of Sections 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), and 112.8(d)(4).

The template has been developed to meet the applicable requirements of HSC Chapter 6.67 and CFR Title 40, Part 112. When completed and signed by the owner or operator,

the template may be used as the SPCC Plan. Additionally, the owner or operator must meet the following requirements:

(i) Failure analysis, in lieu of the requirements in CFR Title 40, Section 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 release), include in the SPCC Plan a prediction of the direction and total quantity of petroleum which could be released from the tank facility as a result of each type of major equipment failure.

(ii) Overfill prevention, in lieu of the requirements in CFR Title 40, Sections 112.8(c)(8) and 112.12(c)(8). Ensure that each TIUGA is provided with a system or documented procedure to prevent overfills, describe the system or procedure in the SPCC Plan and regularly test to ensure proper operation or efficacy.

(iii) The owner or operator is not required to complete the “Certification of the Applicability of the Substantial Harm Criteria” as specified in CFR Title 40, Section 112.20(e) and CFR Title 40, Part 112, 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), 25270.3(c), 25270.4.1(d), and 25270.4.5.(a), Health and Safety Code.

Section #. TIUGA Tank Facility SPCC Plan Template.

The following template, in the format developed by the Office of the State Fire Marshal, is hereby incorporated by reference: SPCC Plan Template for a Tank Facility with Tank(s) in an Underground Area and Less Than 1,320 Gallons 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), 25270.3(c), 25270.4.1(d), and 25270.4.5(a), Health and Safety Code.