

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 (ApsaAPSA) Program
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

Preparation and implementation of the SPCC Plan. The owner or operator of a tank facility meeting the criteria in Health and Safety Code (HSC) Section 25270.3(c) shall either:

- (a) Complete and implement the TIUGA tank facility SPCC Plan template in **Section #**;
or
- (b) Prepare and implement an SPCC Plan as required by HSC Section 25270.4.5(a).

Note: Authority cited: Sections 25270.4.1(a) and 25270.4.5(c), HSC. Reference: Sections 25270.2(o), 25270.3(c), 25270.4.1(d), and 25270.4.5.(a), HSC.

Section #. TIUGA Tank Facility SPCC Plan Template

(a) 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).

(b) To complete the template, the owner or operator shall certify that:

(1) The owner or operator is familiar with the applicable requirements of HSC Division 20, Chapter 6.67, and California Code of Regulations (CCR), Title 19, Division 1, Chapter 11;

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

(3) The SPCC Plan has been prepared in accordance with accepted and sound industry practices and standards;

(4) The owner or operator will fully implement the SPCC Plan, including inspections, testing, training, and plan reviews;

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

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

(c) A complete template, signed by the owner or operator, may be used as the SPCC Plan.

(d) *Technical Amendments.* The owner or operator shall certify any technical amendments to the SPCC Plan in accordance with CFR, Title 40, Section 112.5(a) when there is a change in the tank facility design, construction, operation, or maintenance that materially affects its potential for a release. 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), prior to putting any aboveground storage tank, container, oil-filled manufacturing equipment, oil-filled operational equipment, or mobile refueler into service, the owner or operator shall prepare an SPCC Plan as required by HSC Section 25270.4.5(a).

(e) The template includes the following requirements under CFR, Title 40, Sections 112.3(e)(1), 112.5(b), introductory paragraph of Section 112.7, 112.7(a)(3)(i), 112.7(a)(3)(iv), 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). Additionally, the owner or operator shall meet the following requirements:

(1) *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, leakage, or any other equipment known to be a source of release), include in the template 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.

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

(3) In lieu of providing a contact list and phone numbers as described in CFR, Title 40, Section 112.7(a)(3)(vi), the facility shall maintain a current hazardous materials business plan as required in Health and Safety Code, Division 20, Chapter 6.95.

(f) When using the template, 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), HSC. Reference: Sections 25270.2(o), 25270.3(c), 25270.4.1(d), and 25270.4.5.(a), HSC.