



OFFICE OF THE STATE FIRE MARSHAL

ABOVEGROUND PETROLEUM STORAGE ACT (APSA) ADVISORY COMMITTEE

MEETING MINUTES

Friday, October 19, 2018

9:00 AM – 11:30 AM

2251 Harvard Street, 4th Floor, Sequoia Conference Room
Sacramento, California 95815

Staff Present:

Jennifer Lorenzo, Senior Environmental Scientist (Supervisor), Committee Chair
Glenn Warner, Senior Environmental Scientist (Specialist)
Joann Lai, Environmental Scientist
Kevin Chan, Special Assistant to the State Fire Marshal

Members Present:

David Harris,* Donlee Pump Company
Rich Erickson,* Donlee Pump Company
Craig Fletcher, Fletcher Consultants, Inc.
Ryan Hanretty,* California Independent Oil Marketers Association (CIOMA)
Michael Huber,* U.S. Department of Defense
Sande Pence,* San Diego County Environmental Health Certified Unified Program
Agency (CUPA)
Nancy Schlotthauer,* San Bernardino County Fire District CUPA
Wayne Geyer,* Steel Tank Institute (STI)
Michelle Le, Pacific Gas and Electric (PG&E)
Randy Sawyer,* Committee Co-Chair, Contra Costa County Hazardous Materials CUPA
Todd Tamura,* Tamura Environmental, Inc. (Consultant to Western States Petroleum
Association [WSPA])
John Paine,* California Environmental Protection Agency (CalEPA)

Guests Present:

Emily Grimes,* Stanislaus County Environmental Resources CUPA

* Via Conference Call

Members Absent:

Tom Ellison, Kern County Fire Department

Vince Mendes, Fresno County Environmental Health CUPA

Ernie Medina, Bakersfield Fire Department CUPA

Stacey Miner, Walmart

Jason Rizzi, Northern California Fire Prevention Officers (FPO)

Jim Whittle, Shasta County Environmental Health CUPA

James Carver, Southern California FPO

Armand Delgado, Verizon Wireless

Janice Witul, U.S. Environmental Protection Agency (US EPA)

Peter Reich, US EPA

I. Call to Order

Committee Chair, Jennifer Lorenzo, called the meeting to order at 9:07 a.m. and welcomed everyone to the meeting.

II. Roll Call/Determine Quorum and Introductions

Mr. Kevin Chan conducted the roll call and it was determined that a quorum was present. Attendees and guests introduced themselves.

III. Approval of Minutes

Minutes from the meeting on May 1, 2018, were reviewed. Ms. Nancy Schlotthauer suggested minor grammatical edits to the minutes and Mr. Todd Tamura redacted a statement. Mr. Tamura motioned to approve the minutes as amended and Mr. Craig Fletcher second the motion. All other committee members that were present were in favor and none opposed.

IV. Old Business

A. Review of Action Items from May 1, 2018

Ongoing Action Items:

1. APSA Frequently Asked Questions (FAQ)
2. Petroleum FAQ
3. APSA Regulations and Rulemaking Timeline

B. Tanks in Underground Areas (TIUGA)

There were no meetings since the last advisory committee meeting. The final version of Assembly Bill (AB) 2902 passed. The subcommittee will commence their meetings again to update the documents online and continue working on the regulations. Guidance documents will be updated to include amendments made by AB 2902.

C. Regulations

Clarification from the legal office regarding training requirements under Section 25270.5 was provided last June and substantial changes to the proposed regulation have been made. A draft proposed regulation document was sent via e-mail to the committee members.

A subgroup committee met at least twice since the last advisory committee meeting, in August and September of 2018. The group focused on the unified program agency (UPA) training section and made modifications to the section.

The Committee Chair provided clarification on UPA inspector training requirement. APSA requires an UPA inspector to complete and pass the initial training prior to inspecting tank facilities for compliance with the spill prevention, control, and countermeasure (SPCC) requirements. This training is not required for inspections conducted at conditionally exempt tank facilities, since such facilities are not required to prepare an SPCC Plan under APSA. There are already some CUPAs that developed a policy to require all inspectors to go through the initial training to conduct APSA inspections. Some CUPAs designate inspectors to conduct mandated inspections and therefore go through the initial training. There are CUPAs that have other inspectors inspect APSA facilities with less than 10,000 gallons of petroleum and the inspectors have never taken the initial training. Since last June, OSFM has notified the CUPAs through the regional CUPA Forum meetings, and CalEPA sent email notifications to the CUPA managers and supervisors to inform them.

In regard to CUPA evaluations for the time being, OSFM will not issue a deficiency for a CUPA that have inspectors conduct APSA inspections at facilities with less than 10,000 gallons of petroleum without the initial training. OSFM will continue to evaluate inspector's training certification for APSA inspections conducted at facilities with 10,000 gallons or more of petroleum and issue the CUPA a deficiency as necessary.

In July, OSFM met with the California Council for Environmental Economic Balance (CCEEB) to address issues that could be remedied through training. OSFM proposed six hours every three years for ongoing training requirements. APSA refresher training would not be as extensive as the International Code Council (ICC), Registered Environmental Health Specialist (REHS), or US EPA's

SPCC inspectors. The last proposal was four hours every three years, but it was increased by two additional hours for a total of six hours every three years.

The Committee Chair reviewed the changes that were proposed in Section 2190.00. A substantial change is the requirement for an inspector to take the initial training and pass the exam before they can inspect an APSA tank facility for compliance with SPCC requirements. Subsection (a) would clarify that the training requirement includes passing an examination. Subsection (b) would allow inspectors that took and passed the training prior to November 2, 2017, established by CalEPA meets the training requirements. Subsection (c) would require ongoing training, the effective date of the refresher training, and the types and forms of refresher training. Section 2190.00 has gone through substantial changes since the previous advisory committee meeting because of the legal clarification [on Health and Safety Code Section 25270.5(c)]. Training documentation is also added to the section, but does not address retention. There is an existing regulation in Title 27 [of the California Code of Regulations] that addresses documentation retention. OSFM wants to ensure there is documentation of training and that it will be maintained for CUPA evaluation purposes.

Ms. Sande Pence addressed that there may be concerns from some CUPAs. The Committee Chair spoke of the refresher training that may be an issue for some CUPAs. Initially the ongoing training requirements were proposed for eight hours and then it was reduced to four hours every three years due to the hours of trainings inspectors must complete for other programs. The current proposal now is a total of six hours every three years. There were concerns from supervisors that they are unable to have their inspectors attend the CUPA conference to complete the refresher training. The Committee Chair responded that refresher training does not have to be taken consecutively every year. The refresher training can be taken at the inspector's pace as long as the requirements are met within the time frame. Also, inspectors are not required to obtain their refresher training from the CUPA conference. Inspectors can obtain their refresher training through other means, such as attending any industry standard training related to aboveground tanks such as the STI training. The APSA TAG is also working on having an accreditation to be able to provide continuing education units for people who attend the APSA TAG.

The Committee Co-chair clarified the concern of the CUPAs that the language in the legislation only required inspections to be conducted for facilities with 10,000 gallons of petroleum but the proposed regulations are requiring inspections for less than 10,000 gallons, including requirements for training, for facilities with less than 10,000 gallons facilities, which is overwhelming. The Committee Chair asserted that CUPAs *are not* required to inspect facilities with less than 10,000 gallons of petroleum, but if they are, the CUPA will have to go through the initial training and the proposed regulations will require the inspectors to also obtain

refresher training. The law requires, regardless of whether it is an abbreviated or comprehensive APSA inspection for compliance with SPCC requirements, to complete the initial training and pass the exam. Article 4 of the proposed regulations state that a CUPA may either conduct an inspection **or** develop a form, such as a self-certification statement, that the facility may use to comply with the requirements. OSFM is not requiring CUPAs to conduct inspections on APSA facilities with less than 10,000 gallons of petroleum, but CUPAs have the choice to inspect or use a form that a tank facility owner/operator may use to comply with the requirements.

Ms. Michelle Le asked if an inspector does a compliance verification, is the initial training still needed. It depends on whether the CUPA uses a self-certification form or conducts an inspection. Any form of compliance inspection requires the initial training and, per the proposed regulations, also the refresher training. However, if the inspector is only reviewing the content of a form, the initial APSA inspector training or refresher training is not required.

Ms. Nancy Schlotthauer asked why the language in the training documentation section is written as “may” and not “shall”. Some of the elements may not be valid. For example, OSFM does not have the hours of training printed on the APSA certificate. For refresher training purposes, it will be tracked. Another example is online training which does not have a set location.

Changes have been made to the draft proposed APSA regulations and was reviewed by the committee members. A vote was conducted to determine the following proposed amendments to the training section. Ms. Michelle Le motioned to approve the amendments, and James Carver second the motion.

Section 2190.00 Staff Training

Ayes	Noes	Abstain
Randy Sawyer Sande Pence James Carver Ryan Hanretty Michelle Le Rich Erickson Craig Fletcher		Michael Huber Todd Tamura

OSFM is still collecting information for the fiscal and economic impact that is related to CUPAs information. The Committee Chair still needs to go to the industry stakeholders to obtain an updated fiscal and economic impact. The goal is to provide the package to the OSFM Code Development and Analysis Division by the end of the year and provide the notice to OAL within the first quarter of next calendar year. The timeline after that would be at least one year, unless

there are more substantial changes.

The TIUGA rulemaking will be separate from the APSA program, but included in the same chapter. The rulemaking packages are separate, because the rulemaking authority is coming from two different bills. Major regulations that will have an economic impact [on California businesses and individuals] in the amount exceeding \$50 million will require more paperwork and may not pass the Governor's Office.

D. Legislation

1. AB 2902

Ms. Sande Pence and the Committee Co-Chair, provided an update on AB 2902. The bill was approved by the Governor and makes various amendments to the APSA program.

The bill clarifies the definition of an "aboveground storage tank" (AST) to include container. The bill also clarifies that a petroleum waste tank at a tank facility under a permit-by-rule (PBR) from the CUPA, or the petroleum waste tank is at a treatment, storage, and disposal facility (TSDF), and the petroleum waste tank complies with the requirements under the California Code of Regulations (CCR) Title 22, then the petroleum waste tank will be excluded under the definition of an AST in APSA.

This bill also provides a path for compliance for TIUGAs, so they're no longer subject to UST requirements but subject to APSA, especially tanks with less than 55 gallons of petroleum. This bill states that if a TIUGA has a capacity to store less than 55 gallons of petroleum, has secondary containment, and is inspected, and the owner or operator maintains a log of inspection records, then the tank is excluded from the definition of an AST and the tank is not counted toward a tank facility's storage capacity. TIUGA with less than 55 gallons will no longer be regulated under the UST program, but subject to APSA. The bill also remedies the unintended consequence of Senate Bill 612 by clarifying the definition of a TIUGA to be a *stationary* storage tank. Portable containers such as 55-gallon drums would not be considered a TIUGA.

The bill also includes that, except for an emergency vent that is solely designed to relieve excessive internal pressure, all piping connected to the tank in an underground area, including any portion of a vent line, vapor recovery line, or fill pipe that is beneath the surface of the ground, and all ancillary equipment, that is designed and constructed to contain petroleum, can be visually inspected by direct viewing or has both secondary containment and leak detection that meet the requirements adopted by the Office of the State Fire Marshal (OSFM).

To alleviate confined space entry concerns, the bill also provides certain provisions. Direct viewing of the exterior of a TIUGA is not required if inspections of the interstitial space or containment structure are performed or if the storage tank has a mechanical or electronic device that will detect leaks in the interstitial space or containment structure, and alert the tank operator.

Lastly, if tanks were already excluded from the UST program, then such tanks should also be excluded from APSA for tank facilities with less than 1,320 gallons of petroleum. The bill clarifies a tank holding hydraulic fluid for a closed loop mechanical system that uses compressed air or hydraulic fluid to operate lifts, elevators, or other similar devices, heating oil tank, and if a tank is a sump, separator, clarifier, catch basic, or storm drain in an underground area is not subject to APSA. These TIUGA exclusions mirror the exclusions provided under the UST requirements.

The bill will go in effect on January 1st, 2019.

2. APSA Applicability (HSC Section 25270.3)

The Committee Chair is waiting on CAL FIRE's legal office for feedback on adding the 1,320 gallons or more of petroleum threshold to HSC Section 25270.3(a), to be consistent with Subsection (b). The legal office underwent staffing changes, and the Committee Chair is waiting for an available legal staff to discuss the matter. Clarification from the legal office will help determine whether adding additional language would be redundant from the federal SPCC rule, which has its own threshold of 1,320 gallons of oil. OSFM would have to go through another legislative process if it is decided that we want to change the language. There will be a new administration and we may have to wait for the next legislative cycle. Mr. Michael Huber recommended that it would be good to check with the legal office, but does not object if the language is added to the section.

The CUPAs wanted to add the 1,320 gallons or more of petroleum threshold to help clarify the section. For example, there can be a facility with 10,000 gallons of pure bio-diesel and 55 gallons of regular diesel. If the facility has a potential threat to navigable water, then the facility is regulated under APSA, even though the facility doesn't have 1,320 gallons or more of petroleum. This facility would meet the requirement under Subsection (a). The facility is subject to the Federal SPCC rule and meets the definition of a tank facility with one or more petroleum AST.

3. AB 1980

The Committee Co-Chair provided an update on AB 1980. The statute of limitation for civil penalties changes from one year to five years for all Unified Program elements. This means the APSA program statute of limitation for

civil penalty changes from one year to five years as well. This bill was addressed by the District Attorney from Alameda County. AB 1980 allows all program elements to be consistent in terms of the statute of limitations for civil penalties.

E. APSA Training

Ms. Joann Lai gave an update on the online APSA training. Sixty-six (66) inspectors took the online APSA Basic Inspector training and passed the exam since the last committee meeting. A total of 125 inspectors have taken the online course and passed the exam since November 2017, when the OSFM online training course became available. There are 15 inspectors that are currently enrolled and will need to take the exam.

A CUPA requested OSFM to develop a separate training that is shorter than the current training at the last regulations subcommittee meeting. The CUPA hoped for a 4-6 hour training that focused on specific SPCC Plan compliance components. This could mean looking at the six components under the verification section in the proposed regulations. The Committee Chair wanted to open this topic with the committee members to discuss potential benefits of an abbreviated training versus the full online training. The current online training is about 17 hours, including the exam. The first online training that was hosted by San Diego County CUPA was about 22.5 hours. Both the OSFM and San Diego County CUPA online training courses were based on the original classroom training that took a total of 3 days, with 2.5 days of instruction and the remaining half day on the last day on the final exam.

Ms. Pence voiced that the abbreviated training request was for CUPAs that are doing abbreviated compliance inspections at facilities with less than 10,000 gallons of petroleum, ensuring the facility has a plan, providing outreach and guidance to the facility, ensuring the facility has secondary containment for their tanks, making sure there are no oil discharge that are not cleaned up, and making sure the facilities are doing their inspections. Currently, if the CUPA decides to do an inspection, they will have to do the full online training and refresher training. The request was from CUPAs that want a shorter training for conducting abbreviated inspections at facilities with less than 10,000 gallons of petroleum. A bulk of inspections are conducted at facilities with less than 10,000 gallons of petroleum.

The Committee Chair asked for more feedback from other members on whether OSFM needs to develop a shorter training that will give an inspector an APSA certificate to conduct inspections. Mr. Warner interprets this request as an alternate initial training program that is much shorter to address the CUPA requirements and smaller facilities; however, the shorter training will not fit the needs of the state. Hypothetically, inspectors that have undergone the abbreviated APSA training would also be able to inspect facilities that store

10,000 gallons or more of petroleum, which is not accomplishing the goal of providing suitable comprehensive training for inspectors at large facilities.

Ms. Michelle Le also agreed with Mr. Warner and reminded the committee members that initial training is required for facilities with less than 10,000 gallons of petroleum. It would be best if training was standardized and all inspectors receive the same information.

Mr. Paine said it was entirely up to the group and what they feel the needs are. There is no preference. Mr. James Carver understands the need to have staff know more and for staff doing HMBP inspection to also do a basic APSA inspection, but he cannot see how an inspector do a full APSA inspection at a small facility to not go through the full training. It might be helpful if OSFM wants to develop an informational training for HMBP inspectors to identify some of the key APSA elements, and they can refer to the APSA inspector in their agency if needed. Mr. Carver does not see the benefits of a tiered APSA training program.

The Committee Co-Chair explained the CUPA's request that facilities under 10,000 gallons of petroleum are not required to do a full APSA inspection, only a verification process. They do not need a full APSA training but a different training for the verification process. The Committee Chair said that the CUPA can decide whether it is a comprehensive or abbreviated inspection. There are no requirements for a comprehensive inspection. At the State level, the Committee Chair does not see the need or benefit of an abbreviated training. It may be helpful to provide presentations at the CUPA conference that are specific to the verification components. There are courses at the CUPA conference that covers components of the verification process in the APSA refresher and SPCC basics class. The current online APSA training covers components that are all necessary information that the Committee Chair does not want to remove for an abbreviated training. The cost of developing an abbreviated training is unknown.

The Committee Co-Chair asked whether CUPAs that are choosing the verification process and will attend the APSA courses at the CUPA conference would meet the requirements under the regulations. The Committee Chair explained it would not because the statute requires that inspectors must take the basic training. The Committee Co-Chair agreed that it would cost OSFM more money and time to develop an abbreviated training program. The Committee Co-Chair believes that larger CUPAs cannot send all their staff to the CUPA conference. The Committee Chair reminded the members that inspections at facilities with less than 10,000 gallons of petroleum is not required. The option for a CUPA is to conduct an inspection (abbreviated or comprehensive) or complete a self-certification. This will require a massive outreach because everyone believes a verification is an inspection. The self-certification option was developed. Inspectors who are conducting an HMBP inspection must go through the APSA training if they are also doing an APSA verification.

The Committee Chair also mentioned that there are trainees that have not been able to complete the online APSA training within the three-month time-frame. OSFM provides flexibility for the trainees to take the online course. OSFM still needs to integrate the new requirements for TIUGAs into the online training. Some CUPAs have the businesses to support an increase in their fees to have more inspectors. Rural CUPA inspectors are already trained.

Mr. Carver asked whether the statute allows for multiple certifications. It does not say how many. In the original statute, it has written, "initial inspector training program." It does not dictate how many training programs there are. There can potentially be more if it is developed by OSFM. Mr. Carver understands that if an inspector is only going to a facility for verification, then he can see agencies not wanting to have their inspectors to spend 17 hours in training to conduct a verification inspection. US EPA does not differentiate their inspector trainings; their inspectors go through 40-hour training for all types of facilities. They also have annual refresher training. The Committee Co-Chair also reminded the group that US EPA inspectors focus on larger facilities, while a CUPA inspector focuses on facilities with less than 10,000 gallons of petroleum.

The Committee Chair said this topic can reopen for discussion again once other priorities are completed.

The next CUPA conference will be held in February 2019. There will be an industry stakeholder meeting on Monday evening and a variety of training courses. If interested, please visit the [CalCUPA Forum website](#) for more information.

F. Frequently Asked Questions (FAQ)

Mr. Glenn Warner provided an update on the APSA FAQ. He received feedback from a few members and made changes to the draft. Mr. Warner reached out to interested parties to review the FAQ. The Committee Chair asked whether there will be a subgroup to help with the FAQ. Mr. Warner confirmed that there will be a subgroup once he has polished the FAQ and is ready to move forward with the document. Mr. Warner would appreciate those who are interested in being part of the subgroup to work on the document.

Ms. Pence asked if the FAQ could be brought to the advisory committee to review. Mr. Warner clarified that after the subgroup has reviewed the FAQ, it will be available to the advisory committee to review, before it is sent to the legal office. The legal office will do a final review. The Committee Chair recommended having the draft FAQ document available at the next advisory committee meeting.

Mr. Warner asked if there are participants that would like be part of the subgroup. Ms. Michelle Le and Mr. Craig Fletcher volunteered. Ms. Sande Pence, Ms.

Devra Lewis, Mr. Jeremy Gates, and US EPA staff will also be part of the subgroup. Ms. Christina Graulau may also join.

G. Petroleum FAQ

The Committee Chair is working on refining a minor statement, “traces of petroleum”, to be properly integrated into the document. The petroleum guidance document will be sent to the committee members via email to review.

V. New Business

A. Violation Library

Mr. John Paine provided an update on the violation library. The 2018 violation library is published and available in CERS. Since publishing it, CalEPA found two errors. There was a data entry error that was fixed immediately. The other error has been incorrect for about three to four years but has not been an issue yet. CalEPA plans to fix the error at the next update. CalEPA plans to begin the process for the 2019 violation library next month. A workgroup will meet to begin looking at next year’s violation library. The workgroup will look at new laws that have been passed or any incorrect information that is in the current library.

B. CERS 3 Enhancement

CalEPA developed the four new APSA data fields in CERS that will be live at the end of March 2019. CalEPA is currently going through the rulemaking and is getting a package together for the data dictionary only. The package must be ready and effective by April 1, 2019. This means the CERS 3 live date is on March 31, 2019. CalEPA will only include CERS 3 data elements in the CCR Title 27 rulemaking. CalEPA will wait until the following year to correct other things such as the revision of the training section (15260) in the second package. The UST data fields will include the field that will allow an existing TIUGA that meets the APSA definition to be transferred from UST to APSA.

The Committee Chair summarized that the four new APSA data fields stem from the proposed APSA regulations, and the existing data field 8 in the business activities portion will also be updated. Ms. Michelle Le asked if 12 months from the live date is when industry must have information in there. Mr. Paine said that the business or facility should provide information during their regular annual submittal period. Ms. Le asked how it would work with the new APSA data fields if the APSA regulations are not yet effective. Mr. Paine responded that CCR Title 27 covers the requirements to submit data electronically to CERS, and once the data dictionary in CCR Title 27 is updated, then the data dictionary mandates the reporting of APSA information to CERS.

The Committee Chair explained that the APSA questions are on a separate submittal and is based on the answer to data field 8. If a facility marks yes to data field 8, there will be a separate APSA facility information to complete. The first question asks if the facility is conditionally exempt. If the facility is conditionally exempt, then it is not required to complete the other three APSA fields. The other three data fields will request the date of the SPCC Plan, the total petroleum storage capacity of a tank facility, and the number of TIUGAs at the facility.

Ms. Le asked if the business activities page exclude or exempt APSA facilities with oil-filled electrical equipment. The Committee Chair responded that if a facility's tank meets the AST exclusion under Health and Safety Code Section 25270.2, then such tank would not be counted toward the storage capacity. For example, if a facility has only oil-filled equipment or transformers and exceeds 1,320 gallons, then the facility is not regulated under the APSA program. The tanks are recognized under the APSA program and need to meet certain requirements under APSA, but the owner or operator would mark "no" for data field 8 in CERS and the facility is not expected to answer the new APSA questions. For a typical APSA regulated facility, such as a repair shop, they would have to mark "yes" to data field 8 and complete the new APSA submittal.

Ms. Le voiced her concern that there are still regulators that have facilities mark "yes" for data field 8 when it should be marked "no". The Committee Chair mentioned that there are issues where facilities are exempt due to a reduction of oil storage but continue to upload a document on the APSA documentation upload page. Submittals under the APSA documentation upload section in CERS will automatically indicate that the facility is still regulated under the APSA program [regardless of whether or not the facility is truly regulated under the APSA program]. OSFM has sent an article [for the CalEPA Unified Program monthly newsletter] to remind industries that if they are no longer regulated under APSA to not upload anything or select anything on the APSA documentation section in CERS.

Mr. Paine asked if it would be beneficial to provide webinars for the industries or regulators. The CERS staff and other involved state agencies may be able to provide information. There are some CUPAs that participated in the testing period and provided feedback on the reports and data fields, but providing webinars will be useful for industry. Action item here is to work with CalEPA and CERS staff team to create webinars.

Ms. Sande Pence asked if there could be a CERS FAQ to instruct how to mark the business activities page for the APSA section under the different conditions. The Committee Chair will update the CERS FAQ for the APSA program. There are currently three FAQs under the APSA program, but unsure if businesses or facilities can see them. Ms. Pence recommends putting the APSA CERS FAQs on the OSFM APSA webpage. Ms. Pence also asked if the revised question for

data field 8 will address facilities with less than 1,320 gallons of petroleum. The Committee Chair responded that it does; the information in the help button for this data field is current and the help button does not require rulemaking for it to be updated.

C. STI Update

Mr. Wayne Geyer gave an update. STI SP001 Standard is available for purchase.

There is an SP001 certified inspector training class on October 29-November 2, 2018, in Costa Mesa that is taught by Mr. Craig Fletcher. The last training was held in Houston at the end of September.

There will be STI sessions held at the CUPA conference. One of the courses will cover SP001 inspections and checklist, and some of the things an inspector might come across in California. Another course will cover emergency generator and fuel quality issues in generators.

D. APSA TAG

The APSA TAG will be meeting next month on November 13, 2018. The Committee Chair indicated that Mr. Jeremy Gates sent out the meeting notes to the members. There will also be a meeting at the CUPA conference.

E. US EPA Update

No update from US EPA.

VI. Open Forum and Public Comments

Ms. Emily Grimes looks forward to available webinars or sessions that may be offered in the future.

The charter states that the committee will meet quarterly; however, due to the workload at OSFM, the Committee Chair requested to meet at least semi-annually instead of quarterly. A vote was conducted to change the frequency of the APSA Advisory Committee meetings to semi-annually. Mr. James Carver motioned to reduce the advisory committee meeting to twice a year and Ms. Michelle Le second the motion. All other committee members that were present were in favor and none opposed. The APSA Advisory Committee will meet twice a year.

The Committee Chair asked the members if they were interested in attending the meeting in person. Members suggested it would be best to have one meeting where members meet in person, and another to have as a teleconference. The committee members will plan to meet during the second quarter (in April, May, or June) in person.

VII. Action Items

1. APSA FAQ
2. Petroleum FAQ
3. APSA Regulations, Including Timeline
4. APSA Online Training – Update to incorporate TIUGA information
5. Webinars – Follow-up with CalEPA on CERS webinars

VIII. Schedule Next Meeting and Adjourn

The Committee Chair will send out a “Doodle” poll to the committee members to determine the best available date for the next committee meeting.

The Committee Chair requested to adjourn the meeting. Mr. Craig Fletcher motioned to adjourn the meeting and Mr. Todd Tamura second the motion. All other committee members that were present were in favor and none opposed.

The meeting was adjourned by the Committee Chair at 11:10 a.m.

ATTACHMENT

DRAFT

California Code of Regulations

Title 19 Public Safety Code

Division 1

Chapter 15

Aboveground Petroleum Storage Act Program

Articles 1-7

Sections 2150.00-2210.00

ARTICLE 1 ADMINISTRATION

2150.00 AUTHORITY

California Code of Regulations, Title 19, Division 1, Chapter 15 is adopted by the Office of the State Fire Marshal under the authority of the Health and Safety Code, Division 20, Chapter 6.67, Section 25270.4.1.

Note: Authority cited: Section 25270.4.1(a), Health and Safety Code.
Reference: Section 25270.4.1(a), (c) and (d), Health and Safety Code.

2150.01 TITLE

These regulations shall be known as the "Regulations for the Aboveground Petroleum Storage Act (APSA)," may be cited as such, and will be hereinafter referred to as "these regulations."

Note: Authority cited: Section 25270.4.1(a), Health and Safety Code.
Reference: Sections 25270 and 25270.4.1(a), Health and Safety Code.

2150.02 PURPOSE

The purpose of these regulations is to implement the Aboveground Petroleum Storage Act which requires tank facility owners or operators in California, as described in Health and Safety Code Section 25270.4.5, to comply with the requirements of the spill prevention, control, and countermeasure (SPCC) plan specified under the Code of Federal Regulations, Title 40, Chapter I, Subchapter D, Part 112 (commencing with Section 112.1).

Note: Authority cited: Section 25270.4.1(a), Health and Safety Code.
Reference: Sections 25270.4.5 and 25270.4, Health and Safety Code.

2150.03 SCOPE

(a) Except as otherwise provided in the exemptions described in Sections 2150.04, 2150.05 and 2150.06, these regulations apply to all tank facilities and Unified Program Agencies as specified in Health and Safety Code Sections 25270.3 and 25270.4.

(b) A tank facility is subject to these regulations if any of the following apply:

(1) The tank facility is subject to the oil pollution prevention regulations specified in the Code of Federal Regulations, Title 40, Part 112 (commencing with Section 112.1).

(2) The tank facility has a total aggregate storage capacity of 1,320 gallons or more of petroleum as described in Health and Safety Code Section 25270.3(b).

(3) The tank facility has a storage capacity of less than 1,320 gallons of petroleum and has one or more tanks in an underground area meeting the conditions specified in Health and Safety Code Section 25270.2(o)(1). If this subsection is applicable, only tanks meeting the conditions specified in Health and Safety Code Section 25270.2(o)(1) shall be included as storage tanks and subject to these regulations.

(c) These regulations apply to the protection of the people and natural resources of the State of California, including navigable waters of the United States as defined in the Code of Federal Regulations Title 40, Part 112.

Note: Authority Cited: Section 25270.4.1(a) and (d), Health and Safety Code.
Reference: Sections 25270.3, 25270.4, 25270.4.1(a) and (d), and 25270.4.5(a), Health and Safety Code; Sections 112.1 and 112.2, Subpart A, Part 112, Subchapter D, Chapter I, Title 40, Code of Federal Regulations; and Section 1321(o), Chapter 26, Title 33, United States Code.

2150.04 EXEMPTIONS TO THESE REGULATIONS

Facilities, tanks and equipment that are exempt from the Code of Federal Regulations, Title 40, Part 112 as described in the Code of Federal Regulations, Title 40, Section 112.1(d)(1)(ii) through (d)(12) are exempt from these regulations.

EXCEPTIONS:

(1) A tank in an underground area as defined in Health and Safety Code Section 25270.2(o) is not exempt from these regulations even if exempt under the Code of Federal Regulations, Title 40, Section 112.1(d)(4).

(2) A tank facility with an aggregate storage capacity of 1,320 gallons of petroleum is not exempt from these regulations even if exempt under the Code of Federal Regulations, Title 40, Section 112.1(d)(2)(ii).

Note: Authority cited: Section 25270.4.1(a) and (d), Health and Safety Code.
Reference: Sections 25270.2(a) and (o), 25270.4.1(d) and 25270.4.5(a), Health and Safety Code; and Section 112.1, Part 112, Title 40, Code of Federal Regulations.

2150.05 NONAPPLICABILITY

The tank facilities, tanks and equipment listed in Health and Safety Code Section 25270.2 (a)(1) through (7) are not subject to these regulations.

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

2150.06 For purposes of clarification, Health and Safety Code Section 25270.2(a)(1) through (7) is repeated.

(1) A pressure vessel or boiler that is subject to Part 6 (commencing with Section 7620) of Division 5 of the Labor Code.

(2) A tank containing hazardous waste or extremely hazardous waste, as respectively defined in Sections 25117 and 25115, if the Department of Toxic Substances Control has issued the person owning or operating the tank a hazardous waste facilities permit for the storage tank.

(3) An aboveground oil production tank that is subject to Section 3106 of the Public Resources Code.

(4) Oil-filled electrical equipment, including, but not limited to, transformers, circuit breakers, or capacitors, if the oil-filled electrical equipment meets either of the following conditions:

(A) The equipment contains less than 10,000 gallons of dielectric fluid.

(B) The equipment contains 10,000 gallons or more of dielectric fluid with PCB levels less than 50 parts per million, appropriate containment or

diversionary structures or equipment are employed to prevent discharged oil from reaching a navigable water course, and the electrical equipment is visually inspected in accordance with the usual routine maintenance procedures of the owner or operator.

(5) A tank regulated as an underground storage tank under Chapter 6.7 (commencing with Section 25280) of the Health and Safety Code and Chapter 16 (commencing with Section 2610) of Division 3 of Title 23 of the California Code of Regulations and that does not meet the definition of a tank in an underground area.

(6) A transportation-related tank facility, subject to the authority and control of the United States Department of Transportation, as defined in the Memorandum of Understanding between the Secretary of Transportation and the Administrator of the United States Environmental Protection Agency, as set forth in Appendix A to Part 112 (commencing with Section 112.1) of Subchapter D of Chapter I of Title 40 of the Code of Federal Regulations.

(7) A tank or tank facility located on and operated by a farm that is exempt from the federal spill prevention, control, and countermeasure rule requirements pursuant to Part 112 (commencing with Section 112.1) of Subchapter D of Chapter I of Title 40 of the Code of Federal Regulations.

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

ARTICLE 2 DEFINITIONS

2160.00 DEFINITIONS

(a) The following terms used in these regulations shall have the definitions provided in the Code of Federal Regulations, Title 40, Chapter 1, Subchapter D, Part 112, Section 112.2 unless the terms have already been defined in Health and Safety Code, Division 20, Chapter 6.67, Section 25270.2.

(1) Adverse weather

(2) Alteration

(3) Animal Fat

(4) Breakout tank

(5) Bulk storage container

- (6) Bunkered tank
- (7) Completely buried tank
- (8) Complex
- (9) Contiguous zone
- (10) Contract or other approved means
- (11) Discharge
- (12) Facility
- (13) Farm
- (14) Fish and wildlife and sensitive environments
- (15) Injury
- (16) Loading/unloading rack
- (17) Maximum extent practicable
- (18) Mobile refueler
- (19) Motive power container
- (20) Navigable waters of the United States
- (21) Non-petroleum oil
- (22) Offshore facility
- (23) Oil
- (24) Oil-filled operational equipment
- (25) Oil Spill Removal Organization
- (26) Onshore facility
- (27) Owner or operator
- (28) Partially buried tank
- (29) Permanently closed
- (30) Petroleum oil

(31) Produced water container

(32) Production facility

(33) Regional Administrator

(34) Repair

(35) Spill Prevention, Control, and Countermeasure Plan; SPCC Plan, or Plan

(36) Storage capacity of a container

(37) Transportation-related and non-transportation-related

(38) United States

(39) Vegetable oil

(40) Vessel

(41) Wetlands

(42) Worst case discharge

(b) The following terms used in these regulations shall have the definitions provided in Health and Safety Code, Division 20, Chapter 6.67, Section 25270.2.

(1) Aboveground storage tank or storage tank

(2) Board

(3) Certified Unified Program Agency or CUPA

(4) Direct Viewing

(5) Office

(6) Operator

(7) Owner

(8) Person

(9) Participating Agency or PA

(10) Petroleum

(11) Regional board

(12) Release

(13) Secretary

(14) Storage or store

(15) Storage capacity

(16) Tank facility

(17) Tank in an underground area

(18) Unified Program Agency or UPA

(19) Viewing

(c) The following term shall have the definition provided in Health and Safety Code, Division 20, Chapter 6.11, Section 25404(a)(3).

(1) Minor violation

Note: Authority cited: Section 25270.4.1(a), Health and Safety Code.
Reference: Sections 25270.2, 25270.4.1(a), (c) and (d), and 25404(a), Health and Safety Code; and Section 112.2, Part 112, Title 40, Code of Federal Regulations.

ARTICLE 3 GENERAL PROVISIONS

2170.00 IMPLEMENTATION

(a) Tank facility owners or operators subject to Health and Safety Code, Chapter 6.67 shall prepare and implement an SPCC plan to address discharges or releases.

(b) These regulations shall be applied by the Unified Program Agency (UPA) in a manner that is consistent with the Code of Federal Regulations, Title 40, Part 112.

(c) The UPA is not authorized under these regulations to evaluate the provisions and recommendations contained in an SPCC plan independent from the provisions of the Code of Federal Regulations, Title 40, Part 112, but the UPA is authorized to review the Plan to ensure that it complies with the Code of Federal Regulations, Title 40, Part 112 and is implemented in accordance with the Code of Federal Regulations, Title 40, Part 112. In carrying out its responsibilities under these regulations, the UPA shall request additional information from the owner or operator of the tank facility if necessary to verify that the Plan meets the abovementioned federal requirements and that the owner or operator is implementing the Plan as written.

(d) In accordance with the Code of Federal Regulations, Title 40, Sections 112.7(c)(1)(i) and 112.8(c)(2), any containment systems that are required must be sufficiently impervious to contain petroleum such that the entire containment system, including walls and floor, must be capable of containing petroleum and must be constructed so that any discharge from a primary containment system, such as a tank, will not escape the containment system before cleanup occurs. Systems that meet the applicable requirement of being sufficiently impervious to contain petroleum with respect to the Code of Federal Regulations, Title 40, Sections 112.7(c)(1)(i) and/or 112.8(c)(2) also meet that requirement with respect to the Aboveground Petroleum Storage Act and these regulations.

Note: Authority cited: Section 25270.4.1(a), Health and Safety Code.

Reference: Sections 25270.4.1, 25270.4.5(a), and 25270.5, Health and Safety Code.

2170.01 SPCC PLAN PREPARATION, IMPLEMENTATION AND CONDITIONAL EXEMPTION

2170.02 For purposes of clarification, Health and Safety Code, Chapter 6.67, Section 25270.4.5 is repeated.

(a) Except as provided in subdivision (b), each owner or operator of a storage tank at a tank facility subject to this chapter shall prepare a spill prevention control and countermeasure plan applying good engineering practices to prevent petroleum releases using the same format required by Part 112 (commencing with Section 112.1) of Subchapter D of Chapter I of Title 40 of the Code of Federal Regulations, including owners and operators of tank facilities not subject to the general provisions in Section 112.1 of those regulations. Each owner or operator specified in this subdivision shall conduct periodic inspections of the storage tank to ensure compliance with Part 112 (commencing with Section 112.1) of Subchapter D of Chapter I of Title 40 of the Code of Federal Regulations. In implementing the spill prevention control and countermeasure plan, each owner or operator specified in this subdivision shall fully comply with the latest version of the regulations contained in Part 112 (commencing with Section 112.1) of Subchapter D of Chapter I of Title 40 of the Code of Federal Regulations.

(b) A tank facility located on and operated by a farm, nursery, logging site, or construction site is not subject to subdivision (a) if no storage tank at the location exceeds 20,000 gallons and the cumulative storage capacity of the tank facility does not exceed 100,000 gallons. Unless excluded from the definition of an “aboveground storage tank” in Section 25270.2, the owner or operator of a tank facility exempt pursuant to this subdivision shall take the following actions:

(1) Conduct a daily visual inspection of any storage tank storing petroleum. For purposes of this section, “daily” means every day that the contents are added to or withdrawn from the tank, but no less than five days per week. The number of days may be reduced by the number of state or federal holidays that occur during the week if there is no addition to, or withdrawal from, the tank on the holiday. The unified program agency may reduce the frequency of inspections to not less than once every three days at a tank facility that is exempt pursuant to this section if the tank facility is not staffed on a regular basis, provided that the inspection is performed every day the facility is staffed.

(2) Allow the UPA to conduct a periodic inspection of the tank facility.

(3) If the UPA determines installation of secondary containment is necessary for the protection of the waters of the state, install a secondary means of containment for each tank or group of tanks where the secondary containment will, at a minimum, contain the entire contents of the largest tank protected by the secondary containment plus precipitation.

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

2170.03 PERIODIC INSPECTIONS BY TANK FACILITY OWNERS AND OPERATORS

In conducting periodic inspections as described in Section 2170.02(a), each owner or operator shall inspect each aboveground storage tank at a tank facility in accordance with the frequency specified in the applicable industry inspection standard or an equivalent inspection program developed by a licensed professional engineer in accordance with good engineering practice, as documented on the tank facility’s SPCC Plan.

EXCEPTION: This section shall not apply to tank facilities that meet the conditions described in Section 2170.02(b).

Note: Authority cited: Section 25270.4.1(a), Health and Safety Code.

Reference: Sections 25270.4.5(a) and 25270.4.1(d), Health and Safety Code.

2170.04 AGGREGATE STORAGE CAPACITY OF A TANK FACILITY

For purposes of these regulations, the aggregate petroleum storage capacity shall include aboveground storage tanks and containers with a shell capacity of 55 U.S. gallons or greater including, but not limited to, tanks in an underground area, bulk storage containers (for example, drums, intermediate bulk containers and totes), mobile refuelers, oil-filled operational equipment, and oil-filled manufacturing equipment, as described in the Code of Federal Regulations Title 40, Section 112.2. The aggregate petroleum storage capacity shall not include capacity calculations from exemptions and exclusions identified in Sections 2150.04, 2150.05, and 2150.06.

Note: Authority cited: Section 25270.4.1(a) Health and Safety Code.
Reference: Sections 25270.4.1(a), (c) and (d), 25270.2(a)(1) through (6), Health and Safety Code; and Section 112.1, Part 112, Title 40, Code of Federal Regulations.

ARTICLE 4 UPA COMPLIANCE VERIFICATION, INSPECTIONS AND ENFORCEMENT

2180.00 SPCC COMPLIANCE VERIFICATION – LESS THAN 10,000 GALLONS

(a) At least once every three years, to verify SPCC plan implementation at each tank facility with less than 10,000 gallons of petroleum storage capacity, the UPA shall, at a minimum, verify that each owner or operator is in compliance with the following:

(1) The tank facility has a current SPCC plan in place that has been certified by the owner or operator or, if necessary, a licensed professional engineer.

(2) The SPCC plan is complete and appropriate for the tank facility type.

(3) The SPCC plan is reviewed by the owner or operator at least once every five years and the review is documented.

(4) Appropriate containment and/or diversionary structures or equipment is provided pursuant to the SPCC plan prepared in accordance with the Code of Federal Regulations, Title 40, Part 112.

(5) Inspections of aboveground storage tanks are conducted as described in Section 2170.03 pursuant to the Code of Federal Regulations, Title 40, Part 112.

(6) Visible discharges from aboveground storage tanks are corrected and accumulations of petroleum in diked areas are removed pursuant to the Code of Federal Regulations, Title 40, Part 112, Section 112.8(c)(10).

(b) The UPA may develop a form and allow the owner or operator to utilize the form to self-certify that the tank facility is in compliance with subsection (a). The number of facilities that use this form to self-certify compliance with subsection (a) shall be reported in the UPA's annual self-audit.

(c) The UPA may inspect a tank facility with less than 10,000 gallons of petroleum storage capacity to verify that, at a minimum, the tank facility meets subsection (a).

EXCEPTION: This section shall not apply to tank facilities that meet the conditions described in Section 2170.02(b).

Note: Authority cited: Section 25270.4.1(a), Health and Safety Code.

Reference: Sections 25270.4, 25270.4.5(a), and 25270.5, Health and Safety Code; and Section 112.3, Part 112, Title 40, Code of Federal Regulations.

2180.01 SPCC COMPLIANCE INSPECTIONS – 10,000 GALLONS OR MORE AND TANKS IN UNDERGROUND AREAS

(a) At least once every three years, for each tank facility with a petroleum storage capacity of 10,000 gallons or more and each tank facility with a tank in an underground area, the UPA shall do the following to ensure compliance with Health and Safety Code Chapter 6.67 and the Code of Federal Regulations, Title 40, Part 112:

(1) Verify that each tank facility has a current SPCC plan in place that has been certified by the owner or operator or, if necessary, a licensed professional engineer.

(2) Review the SPCC plan, and any updates thereto, to determine whether the SPCC plan is complete and appropriate for the tank facility type.

(3) Verify that each SPCC plan is reviewed by the owner or operator at least once every five years and the review is documented.

(b) At least once every three years, the UPA shall inspect each tank facility with a petroleum storage capacity of 10,000 gallons or more and each tank facility with a tank in an underground area to verify SPCC Plan implementation and compliance with all applicable requirements of the Code of Federal Regulations, Title 40, Part 112, and the Health and Safety Code, Chapter 6.67.

EXCEPTION: This section shall not apply to tank facilities that meet the conditions described in Section 2170.02(b).

Note: Authority cited: Section 25270.4.1(a) and 25270.4.5(a), Health and Safety Code.

Reference: Sections 25270.2(c)(3), 25270.2(o), 25270.3(c), 25270.4, 25270.4.5(a), 25270.5, and 25270.13(b), Health and Safety Code.

2180.02 OPTIONAL INSPECTIONS

The UPA may inspect tank facilities conditionally exempt under Section 2170.02(b) to verify compliance with the conditions of the exemption.

Note: Authority cited: Sections 25270.4.1(a) and 25270.4.5(b)(2), Health and Safety Code.

Reference: Sections 25270.4, 25270.4.5(b)(2), and 25270.13(a), Health and Safety Code.

2180.03 INSPECTION REPORTS

(a) The UPA inspector shall, if the owner or operator or authorized representative is present, prior to leaving the tank facility, discuss the findings of the inspection and any questions or concerns that the owner or operator or authorized representative might have regarding the inspection.

(b) Within five business days after the conclusion of an inspection, the UPA inspector should provide to the owner or operator or authorized representative of the tank facility an initial summary of all violations, a notice to comply, or the final inspection report, including applicable citations alleged by the inspector. The final inspection report shall be provided within 30 calendar days after the inspection.

Note: Authority cited: Section 25270.4.1(a) Health and Safety Code.

Reference: Sections 25270.4, 25270.4.5(a), 25270.5(a), 25185(c)(1) and 25288(b), Health and Safety code.

2180.04 NOTICE TO COMPLY

2180.05 For purposes of clarification, Health and Safety Code, Chapter 6.11, Section 25404.1.2(a), (b), (c), (d), and (e) is repeated.

- (a) (1) An authorized representative of the UPA, who in the course of conducting an inspection, detects a minor violation, shall take an enforcement action as to the minor violation only in accordance with this section.
- (2) In any proceeding concerning an enforcement action taken pursuant to this section, there shall be a rebuttable presumption upholding the determination made by the UPA regarding whether the violation is a minor violation.
- (b) A notice to comply shall be the only means by which a UPA may cite a minor violation, unless the person cited fails to correct the violation or fails to submit the certification of correction within the time period prescribed in the notice, in

- which case the UPA may take any enforcement action, including imposing a penalty, as authorized by this chapter.
- (c) (1) A person who receives a notice to comply detailing a minor violation shall have not more than 30 days from the date of the notice to comply in which to correct any violation cited in the notice to comply. Within five working days of correcting the violation, the person cited or an authorized representative shall sign the notice to comply, certifying that any violation has been corrected, and return the notice to the UPA.
- (2) A false certification that a violation has been corrected is punishable as a misdemeanor.
- (3) The effective date of the certification that any violation has been corrected shall be the date that it is postmarked.
- (d) If a notice to comply is issued, a single notice to comply shall be issued for all minor violations noted during the inspection, and the notice to comply shall list all of the minor violations and the manner in which each of the minor violations may be brought into compliance.
- (e) If a person who receives a notice to comply pursuant to subdivision (a) disagrees with one or more of the alleged violations listed on the notice to comply, the person shall provide the UPA a written notice of disagreement along with the returned signed notice to comply. If the person disagrees with all of the alleged violations, the written notice of disagreement shall be returned in lieu of the signed certification of correction within 30 days of the date of issuance of the notice to comply. If the issuing agency takes administrative enforcement action on the basis of the disputed violation, that action may be appealed in the same manner as any other alleged violation under Section 25404.1.1.

Note: Authority cited: Section 25270.4.1(a), Health and Safety Code.

Reference: Sections 25270.4.1(c) and 25404.1.2(b), (c), (d) and (e), Health and Safety Code.

2180.06 ENFORCEMENT

(a) The failure of an owner or operator of a tank facility to prepare an SPCC plan pursuant to Health and Safety Code, Chapter 6.67, Section 25270.4.5(a) shall be classified as class I or class II violation as provided in Health and Safety Code, Chapter 6.11, Section 25404(a)(3).

(b) The UPA may pursue enforcement for class I or class II violation as described in Health and Safety Code, Chapter 6.11, Section 25404(a)(3) through an administrative penalty pursuant to Health and Safety Code Section 25270.12.1, an administrative

enforcement order pursuant to Health and Safety Code Section 25404.1.1, a civil penalty pursuant to Health and Safety Code Section 25270.12, or as a misdemeanor pursuant to Health and Safety Code Section 25270.12.5.

Note: Authority cited: Section 25270.4.1(a), Health and Safety Code.

Reference: Sections 25270.2(c)(3)(A), 25270.4, 25270.4.1(c), 25270.12, 25270.12.1, 25270.12.5, 25404(a)(3), 25404.1.1, and 25404.2, Health and Safety Code.

ARTICLE 5 UPA TRAINING

2190.00 UPA STAFF TRAINING

(a) The initial training as described in Health and Safety Code Section 25270.5(c) shall be established by the Office of the State Fire Marshal and include an examination.

(b) Completion of the initial training and passing the exam shall apply to UPA staff prior to inspecting tank facilities for compliance with the spill prevention, control, and countermeasure plan requirements of APSA.

EXCEPTION: An inspector that prior to November 2, 2017, completed the aboveground storage tank training program and passed the exam that was established by the California Environmental Protection Agency meets the requirements of this subsection.

(c) In addition to the initial training, UPA staff who inspect tank facilities as described in subsection (b) shall complete a minimum of six hours of refresher training every three years from the date of completing and passing the initial training or from the effective date of these regulations, whichever is more recent. Training topics may include, but not be limited to, those covered in an aboveground storage tank training program or any other generally accepted industry practice relating to aboveground storage tanks. Training may be in the form of a seminar, lecture, conference, workshop, online training, or other similar method.

(d) Training shall be documented and the training records maintained by the UPA. Training documentation may include, but is not limited to:

(1) Title of brief description or synopsis of the training;

(2) Name of the instructor or organization that provided the training;

(3) Location of the training;

(4) Date(s) of the training; and

(5) Total number of hours earned for the training.

EXCEPTION: This section shall not apply to UPA staff inspecting tank facilities that meet the conditions described in Section 2170.02(b).

Note: Authority cited: Section 25270.4.1(a), Health and Safety Code.
Reference: Section 25270.5, Health and Safety Code.

ARTICLE 6 REPORTING REQUIREMENTS

2200.00 TANK FACILITY ELECTRONIC DATA REPORTING

(a) Regardless of whether a tank facility statement is submitted pursuant to Health and Safety Code Section 25270.6(a), the owner or operator of a tank facility shall submit the following information electronically to the statewide information management system within twelve months following the date that the statewide information management system is capable of receiving these data, and, thereafter, annually review and certify that the information in the statewide information management system is complete, accurate, and up to date. Review of this information shall be completed in conjunction with the annual review and certification of hazardous materials business plan information, if applicable, in accordance with Health and Safety Code, Chapter 6.95, Section 25508.2.

(1) Date of SPCC plan certification or most current 5-year review, whichever is more recent;

(2) Total aggregate petroleum storage capacity of a tank facility in gallons (as specified in Section 2170.04); and

(3) Number of tanks in an underground area as defined in Health and Safety Code Section 25270.2(o).

(b) Each UPA shall verify that a tank facility has submitted the information listed under subsection (a).

EXCEPTION: This section shall not apply to tank facilities that meet the conditions described in Section 2170.02(b).

Note: Authority cited: Section 25270.4.1(a), Health and Safety Code.
Reference: Sections 25270.2(m) and (o), 25270.4.1(d), 25270.4.5(a) and (b), 25270.6(a), 25404(e)(4) and 25508.2, Health and Safety Code.

ARTICLE 7 AGENCY COORDINATION

2210.00 UPA COORDINATION WITH REGIONAL WATER BOARD

If the UPA determines 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, then the UPA shall notify and coordinate with the Regional Water Quality Control Board on investigation, cleanup or abatement activities.

Note: Authority cited: Section 25270.4.1(a), Health and Safety Code.
Reference: Sections 25270.2(j), 25270.4, 25270.9 and 25270.13(b), Health and Safety Code.

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