

Statute Number	Statute Number detail	Text of Statute Detail	Proposed regulations including Non-APSA State laws and regulations
<b><u>25270.2.</u></b>	<p>Definitions 25270.2</p> <p>AST definition and exclusions 25270.2 (a) only, (a)(1)-(a)(8)</p> <p>Other definitions 25270.2(b)-(n)</p> <p>Tank in an underground area definition 25270.2(o)(1)</p> <p>Viewing, direct viewing definition 25270.2(p)</p>	<p><b>25270.2 (a)</b> (a) “Aboveground storage tank” or “storage tank” means a tank or container that has the capacity to store 55 gallons or more of petroleum that is substantially or totally above the surface of the ground, except that, for purposes of this chapter, “aboveground storage tank” or “storage tank” includes a tank in an underground area.</p> <p><b>25270.2 (a)(1) – (a)(8)</b> “Aboveground storage tank” does not include any of the following: (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 owner or operator of the storage tank has a hazardous waste facilities permit from the Department of Toxic Substances Control or a permit by rule authorization from the unified program agency 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</p>	<p><b>Definitions</b> <b>Title 19</b> <b>Section Number TBD</b> <b>Definition of Aggregate Storage Capacity</b> (a) For purposes of these regulations, the aggregate petroleum storage capacity of a tank facility shall include the total shell capacity of all 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, mobile refuelers, oil-filled operational equipment, oil-filled manufacturing equipment, and bulk storage containers such as drums, intermediate bulk containers, and totes.  (b)The aggregate petroleum storage capacity shall not include capacities of aboveground storage tanks, containers, or equipment that are exempt or excluded as identified in Health and Safety Code Section 25270.2 (a)(1) – (a)(8).  (c) If the tank facility has less than 1,320 gallons of storage capacity and a tank in an underground area, the tank facility’s total aggregate petroleum storage capacity shall include only the shell capacity of tanks in an underground area that meet the provisions described in Health and Safety Code Section 25270.2(o), unless excluded under Health and Safety Code Section 25270.3(c).</p>

	<p>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.</p> <p>(5) A tank regulated as an underground storage tank under Chapter 6.7 (commencing with Section 25280) of this division 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.</p> <p>(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.</p> <p>(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.</p> <p>(8) A tank in an underground area that has the capacity to store less than 55 gallons of petroleum, has secondary containment, and is inspected monthly, if the owner or operator maintains a log of inspection records for review by the unified program agency upon request.</p>	<p><b>Title 19</b>  <b>Section Number TBD</b>                  (a) All piping and supporting components that are susceptible to corrosion and associated with an aboveground storage tank shall be provided with protection from external corrosion and galvanic action.</p> <p><b>Definitions</b>  <b>Title 19</b>  <b>Section Number TBD</b>  <b>Definitions- waters of the state</b>  <b>WAT Section 13050(e)</b>                  (e) "Waters of the state" means any surface water or groundwater, including saline waters, within the boundaries of the state.</p> <p><b>Definitions</b>  <b>Title 19</b>  <b>Section Number TBD</b>  <b>Definitions – minor violations</b>  <b>HSC Section 25404 (a)(3)</b>                  (3) "Minor violation" means the failure of a person to comply with a requirement or condition of an applicable law, regulation, permit, information request, order, variance, or other requirement, whether procedural or substantive, of the unified program that the UPA is authorized to implement or enforce pursuant to this chapter, and that does not otherwise include any of the following:</p> <p>(A) A violation that results in injury to persons or property, or that presents a significant threat to human health or the environment.</p> <p>(B) A knowing, willful, or intentional violation.</p>
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	<p><b>25270.2 (a) only, (a)(1)-(a)(8) describe exclusions.</b></p> <p>(a) “Aboveground storage tank” or “storage tank” means a tank or container that has the capacity to store 55 gallons or more of petroleum that is substantially or totally above the surface of the ground, except that, for purposes of this chapter, “aboveground storage tank” or “storage tank” includes a tank in an underground area. “Aboveground storage tank” does not include any of the following:</p> <p><b>25270.2(b)-(n)</b></p> <p>(b) “Board” means the State Water Resources Control Board.</p> <p>(c) (1) “Certified unified program agency” or “CUPA” means the agency certified by the Secretary for Environmental Protection to implement the unified program specified in Chapter 6.11 (commencing with Section 25404) within a jurisdiction.</p> <p>(2) “Participating agency” or “PA” means an agency that has a written agreement with the CUPA pursuant to subdivision (d) of Section 25404.3, and is approved by the secretary, to implement and enforce the unified program element specified in paragraph (2) of subdivision (c) of Section 25404, in accordance with Sections 25404.1 and 25404.2.</p> <p>(3) (A) “Unified program agency” or “UPA” means the CUPA, or its participating agencies to the extent that each PA has been designated by the CUPA, pursuant to a written agreement, to implement and enforce the unified program element specified in paragraph (2) of subdivision (c) of Section 25404. The UPAs have the</p>	<p>(C) A violation that is a chronic violation, or that is committed by a recalcitrant violator. In determining whether a violation is chronic or a violator is recalcitrant, the UPA shall consider whether there is evidence indicating that the violator has engaged in a pattern of neglect or disregard with respect to applicable regulatory requirements.</p> <p>(D) A violation that results in an emergency response from a public safety agency.</p> <p>(E) A violation that enables the violator to benefit economically from the noncompliance, either by reduced costs or competitive advantage.</p> <p>(F) A class I violation, as provided in Section 25110.8.5.</p> <p>(G) A violation that hinders the ability of the UPA to determine compliance with any other applicable local, state, or federal rule, regulation, information request, order, variance, permit, or other requirement.</p> <p><b>Definitions</b>  <b>Title 19</b>  <b>Section Number TBD</b></p> <p><b>Definitions</b>  <b>CCR Title 27 15110(e)</b></p> <p>(e) Enforcement Actions. There are two types of Unified Program enforcement actions:</p> <p>(1) Formal Enforcement means a civil, criminal, or administrative action that mandates compliance, imposes sanctions, and results in an enforceable</p>
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	<p>responsibility and authority, to the extent provided by this chapter and Sections 25404.1 to 25404.2, inclusive, to implement and enforce the requirements of this chapter.</p> <p>(B) After a CUPA has been certified by the secretary, the unified program agency shall be the only agency authorized to enforce the requirements of this chapter.</p> <p>(C) This paragraph does not limit the authority or responsibility granted to the office, the board, and the regional boards by this chapter.</p> <p>(d) "Office" means the Office of the State Fire Marshal.</p> <p>(e) "Operator" means the person responsible for the overall operation of a tank facility.</p> <p>(f) "Owner" means the person who owns the tank facility or part of the tank facility.</p> <p>(g) "Person" means an individual, trust, firm, joint stock company, corporation, including a government corporation, partnership, limited liability company, or association. "Person" also includes any city, county, district, the University of California, the California State University, the state, any department or agency thereof, and the United States, to the extent authorized by federal law.</p> <p>(h) "Petroleum" means crude oil, or a fraction thereof, that is liquid at 60 degrees Fahrenheit temperature and 14.7 pounds per square inch absolute pressure.</p> <p>(i) "Regional board" means a California regional water quality control board.</p> <p>(j) "Release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, escaping, leaching, or disposing into the environment.</p>	<p>agreement or order. Enforceable agreement or order means the instrument creates an independent, affirmative obligation to comply and imposes sanctions for the prior failure to comply. Sanctions include fines and penalties as well as other tangible obligations, beyond returning to compliance, that are imposed upon the regulated business.</p> <p>(2) Informal Enforcement means a notification to the regulated business of non-compliance and establishes an action and a date by which that non-compliance is to be corrected. Examples include a letter, notice of violation, or notice to comply. Informal Enforcement does not impose sanctions.</p> <p><b>CCR Title 27 15110(f)</b></p> <p>(f) Inspection Types. There are two types of Unified Program inspections, which for reporting purposes are mutually exclusive:</p> <p>(1) Routine Inspection is a regularly scheduled inspection to evaluate compliance pursuant to one or more program elements.</p> <p>(2) Other Inspection includes, but is not limited to, regulatory field activity such as re-inspections to verify compliance, complaint investigations, enforcement follow-up, closures, tank installation and/or removal oversight, tank cleaning, and release investigations. It does not include routine inspections or field or site visits whose principal purposes are informational or educational, pollution prevention education, verification of administrative information, or orientation of new owners or operators.</p>
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		<p>(k) "Secretary" means the Secretary for Environmental Protection.</p> <p>(l) "Storage" or "store" means the containment, handling, or treatment of petroleum, for a period of time, including on a temporary basis.</p> <p>(m) "Storage capacity" means the aggregate capacity of all aboveground storage tanks at a tank facility.</p> <p>(n) "Tank facility" means one or more aboveground storage tanks, including any piping that is integral to the tanks, that contain petroleum and that are used by an owner or operator at a single location or site. For purposes of this chapter, a pipe is integrally related to an aboveground storage tank if the pipe is connected to the tank and meets any of the following:</p> <ol style="list-style-type: none"> <li>(1) The pipe is within the dike or containment area.</li> <li>(2) The pipe is between the containment area and the first flange or valve outside the containment area.</li> <li>(3) The pipe is connected to the first flange or valve on the exterior of the tank, if state or federal law does not require a containment area.</li> <li>(4) The pipe is connected to a tank in an underground area.</li> </ol> <p><b>25270.2(o)((1)</b></p> <p>(o) (1) "Tank in an underground area" means a stationary storage tank to which all of the following apply:</p> <p>(A) The storage tank is located in a structure that is at least 10 percent below the ground surface, including, but not limited to, a basement, cellar, shaft, pit, or vault.</p>	<p><b>Code of Federal Regulations Title 40 Part 112 Definitions</b></p> <p><b>Title 19</b></p> <p><b>Section Number TBD</b></p> <p>(a) Unless the terms have already been defined in Health and Safety Code, Division 20, Chapter 6.67, Section 25270.2, the following terms used in these regulations and in the preparation and implementation of a spill prevention, control, and countermeasure plan shall have the definitions provided in the Code of Federal Regulations, Title 40, Chapter 1, Subchapter D, Part 112, Section 112.2.</p> <ol style="list-style-type: none"> <li>(1) Adverse weather</li> <li>(2) Alteration</li> <li>(3) Animal Fat</li> <li>(4) Breakout tank</li> <li>(5) Bulk storage container</li> <li>(6) Bunkered tank</li> <li>(7) Completely buried tank</li> <li>(8) Complex</li> <li>(9) Contiguous zone</li> <li>(10) Contract or other approved means</li> <li>(11) Discharge</li> <li><del>(12) Facility</del></li> <li>(13) Farm</li> <li>(14) Fish and wildlife and sensitive environments</li> <li>(15) Injury</li> <li>(16) Loading/unloading rack</li> <li>(17) Maximum extent practicable</li> <li>(18) Mobile refueler</li> <li>(19) Motive power container</li> <li>(20) Navigable waters of the United States</li> <li>(21) Non-petroleum oil</li> <li>(22) Offshore facility</li> <li>(23) Oil</li> <li>(24) Oil-filled operational equipment</li> </ol>
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		<p>(B) The structure in which the storage tank is located, at a minimum, provides for secondary containment of the contents of the tank, piping, and ancillary equipment, until cleanup occurs. A shop-fabricated double-walled storage tank with a mechanical or electronic device used to detect leaks in the interstitial space meets the requirement for secondary containment of the contents of the tank.</p> <p>(C) The storage tank meets one or more of the following conditions:</p> <p>(i) The storage tank contains petroleum to be used or previously used as a lubricant or coolant in a motor engine or transmission, oil-filled operational equipment, or oil-filled manufacturing equipment, is situated on or above the surface of the floor, and the structure in which the tank is located provides enough space for direct viewing of the exterior of the tank except for the part of the tank in contact with the surface of the floor.</p> <p>(ii) The storage tank only contains petroleum that is determined to be a hazardous waste, complies with the hazardous waste tank standards pursuant to Article 10 (commencing with Section 66265.190) of Chapter 15 of Division 4.5 of Title 22 of the California Code of Regulations as it may be amended, and the tank facility has been issued a unified program facility permit pursuant to Section 25404.2 for generation, treatment, accumulation, or storage of hazardous waste.</p> <p>(iii) The storage tank contains petroleum and is used solely in connection with a fire pump or an emergency system, legally required standby system, or optional standby system as defined in the most recent version of the California</p>	<p>(25) Oil Spill Removal Organization  (26) Onshore facility  <del>(27) Owner or operator</del>  (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</p>
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		<p>Electrical Code (Section 700.2 of Article 700, Section 701.2 of Article 701, and Section 702.2 of Article 702, of Chapter 7 of Part 3 of Title 24 of the California Code of Regulations), is situated on or above the surface of the floor, and the structure in which the tank is located provides enough space for direct viewing of the exterior of the tank except for the part of the tank in contact with the surface of the floor.</p> <p>(iv) The storage tank does not meet the conditions in clause (i), (ii), or (iii), but meets all of the following conditions:</p> <p>(I) It contains petroleum.</p> <p>(II) It is situated on or above the surface of the floor.</p> <p>(III) The structure in which the storage tank is located provides enough space for direct viewing of the exterior of the tank, except for the part of the tank in contact with the surface of the floor.</p> <p>(IV) Except for an emergency vent that is solely designed to relieve excessive internal pressure, all piping connected to the tank, 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 either be visually inspected by direct viewing or has both secondary containment and leak detection that meet the requirements of the regulations adopted by the office pursuant to Section 25270.4.1.</p>	
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	<p><b>25270.2 (o)(2)</b> (2) Direct viewing of the exterior of the tank is not required under paragraph (1) 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.</p> <p><b>25270.2 (p)</b> (p) "Viewing" means visual inspection, and "direct viewing" means, in regard to a storage tank, direct visual inspection of the exterior of the tank, except for the part of the tank in contact with the surface of the floor, and, where applicable, the entire length of all piping and ancillary equipment, including all exterior surfaces, by a person or through the use of visual aids, including, but not limited to, mirrors, cameras, or video equipment.</p>	
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<p><b><u>25270.3.</u></b></p>	<p>Tank Facility Applicability to APSA 25270.3(a), 25270.3(b), 25270.3(c)(1)- (c)(2)</p> <p>Exclusions from Tank in an Underground Area (TIUGA) 25270.3(c)(3)</p>	<p><b>25270.3(a), 25270.3(b), 25270.3(c)(1)-(c)(2)</b> A tank facility is subject to this chapter if any of the following apply: (a) The tank facility is subject to the oil pollution prevention regulations specified in Part 112 (commencing with Section 112.1) of Subchapter D of Chapter I of Title 40 of the Code of Federal Regulations. (b) The tank facility has a storage capacity of 1,320 gallons or more of petroleum. (c) (1) Except as provided in paragraph (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 paragraph (1) of subdivision (o) of Section 25270.2. (2) If a tank facility is subject to this chapter only pursuant to this subdivision, only those tanks that meet the conditions specified in paragraph (1) of subdivision (o) of Section 25270.2 shall be included as storage tanks and subject to this chapter.</p> <p><b>25270.3(c)(3)</b> (3) A tank in an underground area that would otherwise be subject to this chapter only pursuant to this subdivision is not subject to this chapter if any of the following apply: (A) The tank holds hydraulic fluid for a closed loop mechanical system that uses compressed air or hydraulic fluid to operate lifts, elevators, or other similar devices. (B) The tank is a heating oil tank. (C) The tank is a sump, separator, clarifier, catch basin, or storm drain</p>	<p><b>Title 19</b> <b>Section Number TBD</b> A tank facility is subject to these regulations if any of the subdivisions of Health and Safety Code Section 25270.3 apply.</p>
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<p><b><u>25270.4.</u></b></p>	<p>UPA implementation 25270.4</p>	<p><b>25270.4</b> This chapter shall be implemented by the unified program agency, in accordance with the regulations adopted by the office pursuant to Section 25270.4.1.</p>	<p><b>Title 19 Section</b> <b>Section Number TBD</b> <b>UPA Implementation</b> (a) These regulations shall be applied by the UPA in a manner that is consistent with the Health and Safety Code, Chapter 6.67 and the Code of Federal Regulations, Title 40, Part 112.  (b) The UPA is authorized to review the SPCC Plan and ensure plan implementation for compliance with the Code of Federal Regulations, Title 40, Part 112, and these regulations.  (c) The UPA is not authorized 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.</p>
<p><b><u>25270.4.1.</u></b></p>	<p>Consistency with state and federal requirements 25270.4.1(c)-(d)</p>	<p><b>25270.4.1(c)-(d)</b> (c) The office shall, in addition to any other requirements imposed pursuant to this chapter, train UPAs, ensure consistency with state law, to the maximum extent feasible, ensure consistency with federal enforcement guidance issued by federal agencies pursuant to subdivision (d), and support the UPAs in providing outreach to regulated persons regarding compliance with current local, state, and federal regulations relevant to the office’s obligations under this chapter.  (d) Any regulation adopted by the office pursuant to this section shall ensure consistency with the requirements for spill prevention, control, and countermeasure plans under Part</p>	<p><b>Title 19</b> <b>Section Number TBD</b> (a) The failure of an owner or operator of a tank facility to prepare an SPCC Plan shall not be classified as a minor violation.</p>

		112 (commencing with Section 112.1) of Subchapter D of Chapter I of Title 40 of the Code of Federal Regulations, and shall include any more stringent requirements necessary to implement this chapter.	
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<p><b><u>25270.4.5.</u></b></p> <p>Clarity for Stakeholders-Owner/Operator Requirements 25270.4.5 (a)</p> <p>Clarity for stakeholders-maintaining Conditional Status 25270.4.5 (b)</p> <p>Template for TIUGA facility 25270.4.5 (c)</p>	<p>Clarity for Stakeholders-Owner/Operator Requirements 25270.4.5 (a)</p> <p>Clarity for stakeholders-maintaining Conditional Status 25270.4.5 (b)</p> <p>Template for TIUGA facility 25270.4.5 (c)</p>	<p><b>25270.4.5 (a)</b></p> <p>(a) Except as provided in subdivision (b), the owner or operator of a storage tank at a tank facility subject to this chapter shall prepare a spill prevention control and countermeasure plan</p> <p>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,</p> <p>including owners and operators of tank facilities not subject to the general provisions in Section 112.1 of those regulations.</p> <p>An 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.</p> <p>In implementing the spill prevention control and countermeasure plan, an 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.</p> <p><b>25270.4.5 (b)</b></p> <p>(b) A tank facility located on and operated by a farm, nursery, logging site, or construction site is</p>	<p><b>Title 19</b></p> <p><b>Section TBD</b></p> <p><b>Compliance with SPCC Plan requirements</b></p> <p>(a) In order to determine if the owner or operator of a tank facility is in compliance with the SPCC Plan, a routine inspection shall include verification of the following measures:</p> <p>(1) The SPCC Plan elements are consistent with the Code of Federal Regulations, Title 40, Part 112.</p> <p>(2) The SPCC Plan, including any amendments, is complete and appropriate for the tank facility.</p> <p>(3) The SPCC Plan has been certified by the owner or operator, or a professional engineer if required by the Code of Federal Regulations, Title 40, Part 112.</p> <p>(4) The SPCC Plan has been reviewed by the owner or operator at least once every five years, and the review is documented.</p> <p>(5) The appropriate containment and/or diversionary structures or equipment are provided.</p> <p>(6) The owner or operator has completed and documented the periodic inspections and tests.</p> <p>(7) The training and discharge prevention briefings are conducted and documented. Records of training and discharge prevention briefing kept under usual and customary business practices will suffice for purposes of this subsection.</p> <p>(8) The visible discharges from aboveground storage tanks have been promptly corrected and</p>
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	<p>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.</p> <p>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:</p> <p>(1) Conduct a daily visual inspection of any storage tank storing petroleum. For purposes of this section, “daily” means every day that 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 UPA 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.</p> <p>(2) Allow the UPA to conduct a periodic inspection of the tank facility.</p> <p>(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</p>	<p>accumulations of petroleum in diked areas are promptly removed.</p> <p>(b) This section shall not apply to an inspection at a tank facility that meets the requirements of Health and Safety Code, Section 25270.4.5(b).</p> <p><b>Title 19 Section Section Number TBD</b></p> <p>(a) The owner or operator of a tank facility shall have the SPCC Plan and all applicable required documentation to implement the SPCC Plan available for review upon request by the UPA during normal working hours.</p> <p>(b) Provided the tank facility owner or operator agrees to provide copies of SPCC Plan implementation records and documentation, or provide remote access to the records and documentation, the UPA may inspect or review tank facility documentation and records remotely or offsite. If a tank facility owner or operator does not provide copies of the records and documentation or does not provide remote access to the records and documentation, then the UPA review of the SPCC Plan implementation records and documentation must occur onsite.</p> <p>(c) If SPCC Plan implementation records and documentation are unavailable or incomplete at the time of an UPA inspection, the owner or operator of a tank facility shall provide all applicable required documentation within 5 calendar days to the UPA. An extension may be provided by the UPA on a case-by-case basis.</p>
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		<p>entire contents of the largest tank protected by the secondary containment plus precipitation.</p> <p><b>25270.4.5 (c)</b></p> <p>The owner or operator of a tank in an underground area that is subject to this chapter pursuant to subdivision (c) of Section 25270.3 may use the format adopted by the office to prepare a spill prevention control and countermeasure plan as specified in subdivision (a).</p>	<p>(d) The inspection report shall be provided not more than 30 calendar days after the conclusion of the inspection. This 30-day timeline may be extended in the case of a state of emergency as declared by the Governor. The inspection report shall be provided by the UPA to the tank facility owner or operator, or authorized representative.</p> <p>(e) Subsections (a) through (c) shall not apply to a tank facility that meets the requirements of Health and Safety Code, Section 25270.4.5(b).</p> <p><b>Title 19</b> <b>Section Number TBD</b></p> <p>(a) Each owner or operator of a tank facility with one or more tanks in an underground area and a storage capacity of less than 1,320 gallons of petroleum shall comply with one of the following:</p> <p>(1) Prepare a spill prevention, control, and countermeasure plan using the same format required by the Code of Federal Regulations, Title 40, Part 112 (commencing with Section 112.1), as described in Health and Safety Code, Section 252570.4.5(a). The owner or operator is not required to complete the “Certification of the Applicability of the Substantial Harm Criteria” as specified under the Code of Federal Regulations, Title 40, Part 112, Section 112.20(e) and Appendix C, Attachment C-II.</p> <p>(2) Complete the “Tank in an Underground Area Facility SPCC Plan” template (dated Month Day, Year) in the format developed by the Office of the State Fire Marshal, which is hereby incorporated by reference.</p>
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<p><b><u>25270.5.</u></b></p> <p>UPA mandated inspection 25270.5 (a)</p> <p>Alternative inspection and compliance plan 25270.5 (b)</p> <p>UPA Inspector training requirements 25270.5 (c)</p>	<p>UPA mandated inspection 25270.5 (a)</p> <p>Alternative inspection and compliance plan 25270.5 (b)</p> <p>UPA Inspector training requirements 25270.5 (c)</p>	<p><b>25270.5 (a)-(b)</b></p> <p>(a) Except as provided in subdivision (b), at least once every three years, the UPA shall inspect each storage tank or a representative sampling of the storage tanks at each tank facility that has a storage capacity of 10,000 gallons or more of petroleum.</p> <p>The purpose of the inspection shall be to determine whether the owner or operator is in compliance with the spill prevention control and countermeasure plan requirements of this chapter.</p> <p>(b) The UPA may develop an alternative inspection and compliance plan, subject to approval by the secretary and the office.</p> <p><b>25270.5 (c)</b></p> <p>(c) An inspection conducted pursuant to this section does not require the oversight of a professional engineer.</p> <p>The person conducting the inspection shall complete and pass the initial aboveground storage tank inspector training program.</p> <p>The curriculum of the aboveground storage tank inspector training program shall focus on the spill prevention control and countermeasure plan provisions and safety requirements for aboveground storage tank inspections.</p>	<p><b>Title 19</b></p> <p><b>Section TBD</b></p> <p>(a) At least once every three years, to determine compliance with the SPCC Plan and these regulations, the UPA shall inspect each tank in underground area of a tank facility that meets one or more of the subdivisions of Health and Safety Code Section 25270.3, unless excluded under Health and Safety Code Section 25270.3(c)(3).</p> <p>(b) The UPA may inspect each tank facility that has a storage capacity of less than 10,000 gallons or more of petroleum and has no tank in an underground area, as defined in Health and Safety Code, Section 25270.2(o), to determine compliance with the SPCC Plan and these regulations. The inspection frequency shall be documented in the Inspection and Enforcement Plan, in accordance with the CCR Title 27, Section 15200, and not exceed 6 years.</p> <p>(c) In lieu of an inspection as described in subsection (b), the UPA may develop a procedure to determine SPCC Plan compliance. The procedure shall be subject to approval by the California Environmental Protection Agency and the Office of the State Fire Marshal. The UPA shall include a summary on their implementation of the procedure in the annual self-audit, as described in the CCR Title 27 Section 15280.</p>
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<p><b><u>25270.6.</u></b></p>	<p>Tank facility electronic reporting requirements 25270.6. (a)</p>	<p><b>25270.6. (a)</b>                  (a) (1) On or before January 1, annually, each owner or operator of a tank facility subject to this chapter shall file with the statewide information management system,                   a tank facility statement that shall identify the name and address of the tank facility, a contact person for the tank facility, the total storage capacity of the tank facility, and the location and contents of each petroleum storage tank that exceeds 10,000 gallons in storage capacity.                   A copy of a statement submitted previously pursuant to this section may be submitted in lieu of a new tank facility statement if no new or used storage tanks have been added to the facility or if no significant modifications have been made.                   For purposes of this section, a significant modification includes, but is not limited to, altering existing storage tanks or changing spill prevention or containment methods.                   (2) Notwithstanding paragraph (1), an owner or operator of a tank facility that submits a business plan, as defined in subdivision (d) of Section 25501, to the statewide information management system and that complies with Sections 25503, 25505, 25505.1, 25507, 25507.2, 25508, 25508.1, and 25508.2, satisfies the requirement in paragraph (1) to file a tank facility statement.</p>	<p><b>Title 19</b>  <b>Section TBD</b>  <b>Tank Facility Electronic Reporting</b></p> <p>(a) The owner or operator of a tank facility shall submit the following information electronically to the statewide information management system, called the California Environmental Reporting System (CERS), within 12 months following the effective date of this regulation, and annually thereafter.                  (1) Conditionally exempt from SPCC Plan status;                  (2) Date of SPCC Plan certification or last 5-year review, whichever is more recent;                  (3) Total aggregate petroleum storage capacity of a tank facility in gallons; and                  (4) Number of tanks in an underground area.                   (b) For purposes of subsection (a)(4), if the tank facility has a storage capacity of less than 1,320 gallons and has one or more tanks in an underground area, the number of tanks in an underground area shall not include those excluded under Health and Safety Code Section 25270.3(c).                   (c) The submittal of information required in subsection (a) shall be in conjunction with the submittal of the tank facility statement or hazardous materials business plan as required under Health and Safety Code Section 25270.6(a).                   (d) Subsections (a)(2) through (4) shall not apply to an owner or operator of a tank facility that meets the requirements of Health and Safety Code Section 25270.4.5 (b).</p>
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	<p>Tank facility fees 25270.6 (b)</p>	<p><b>25270.6 (b)</b></p> <p>(b) Each owner or operator of a tank facility who is subject to the requirements of subdivision (a) shall annually pay a fee to the UPA, on or before a date specified by the UPA. The governing body of the UPA shall establish a fee, as part of the single fee system implemented pursuant to Section 25404.5, at a level sufficient to pay the necessary and reasonable costs incurred by the UPA in administering this chapter, including, but not limited to, inspections, enforcement, and administrative costs. The UPA shall also implement the fee accountability program established pursuant to subdivision (c) of Section 25404.5 and the regulations adopted to implement that program.</p>	<p>(e) Each UPA shall review the information submitted by each tank facility as required under subsection (a) and Health and Safety Code Section 25270.6(a) and ensure the information is complete.</p>
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<p><b><u>25270.8.</u></b></p>	<p>Release reporting 25270.8</p>	<p><b>25270.8.</b></p> <p>Each owner or operator of a tank facility shall immediately, upon discovery, notify the Office of Emergency Services and the UPA using the appropriate 24-hour emergency number or the 911 number, as established by the UPA, or by the governing body of the UPA, of the occurrence of a spill or other release of one barrel (42 gallons) or more of petroleum that is required to be reported pursuant to subdivision (a) of Section 13272 of the Water Code.</p>	<p><b>Title 19</b> <b>Section Number TBD</b> <b>Conditions Requiring Soil and Water Investigation</b></p> <p>When evidence of a release is observed from an aboveground storage tank at a tank facility, the UPA may request soil and/or water sample analysis from the owner or operator of the tank facility, or an authorized representative.</p> <p>Evidence includes factors such as an oily sheen, oil staining, or visible discharge outside of the secondary containment.</p> <p>(b) If any of the following conditions exist, the UPA may collect verification samples.</p> <p>(1) There is evidence that surface water or ground water has been or may be affected by a release.</p> <p>(2) Free product is found at the site where a release occurred or in the surrounding area.</p> <p>(3) There is evidence that contaminated soils are or may be in contact with surface water or ground water.</p> <p>(c) Sample collection, analysis, and testing:</p> <p>(1) Soil and/or water sample collection shall be performed by a qualified or certified individual or company.</p> <p>(2) Soil and/or water sample analysis and testing shall be performed by a state certified laboratory.</p>
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<p><b><u>25270.9.</u></b></p>	<p>Cleanup or Abatement from a release 25270.9 (a)</p>	<p><b>25270.9 (a)</b>  (a) The board and the regional board may oversee cleanup or abatement efforts, or cause cleanup or abatement efforts, of a release from a storage tank at a tank facility.</p>	<p><b>Title 19</b> <b>Section Number TBD</b> 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 UPA shall coordinate with the Regional Water Quality Control Board regarding the investigation, cleanup, and abatement activities.</p>
<p><b><u>25270.12.</u></b></p>	<p>Civil Penalties  25270.12 (a), (b)(1)  25270.12 (c)(1)  25270.12 (d), (e)</p>	<p><b>25270.12 (a), (b)(1)</b> (a) Any owner or operator of a tank facility who fails to prepare a spill prevention control and countermeasure plan in compliance with subdivision (a) of Section 25270.4.5, to file a tank facility statement pursuant to subdivision (a) of Section 25270.6, to submit the fee required by subdivision (b) of Section 25270.6, or to report spills as required by Section 25270.8, or who otherwise fails to comply with the requirements of this chapter, is subject to a civil penalty of not more than five thousand dollars (\$5,000) for each day on which the violation continues.  If the owner or operator commits a second or subsequent violation, a civil penalty of not more than ten thousand dollars (\$10,000) for each day on which the violation continues may be imposed.</p>	<p><b>Title 19</b> <b>Section Number TBD</b> <b>UPA Enforcement</b>  (a) The UPA may pursue enforcement for an owner or operator who fails to prepare an SPCC Plan, file a tank facility statement, submit the fee, report spills as required, or who otherwise fails to comply with the requirements of Health and Safety Code, Chapter 6.67 or these regulations.  (b) The UPA shall pursue formal enforcement, as defined CCR 27 Section 15110(e), to obtain compliance from an owner or operator of a tank facility with a violation that remains open or uncorrected for more than six years or after two APSA routine inspection cycles, whichever is less.</p>

		<p>(b) (1) The civil penalties provided by this section may be assessed and recovered in a civil action brought by the city attorney or district attorney on behalf of the UPA.</p> <p><b>25270.12 (c)(1)</b>  (c) (1) The civil penalties provided in this section may be assessed and recovered in a civil action brought by the Attorney General on behalf of the office, the board, or a regional board, or on behalf of the people of the State of California.</p> <p><b>25270.12 (d), (e)</b>  (d) The city attorney, district attorney, or the Attorney General may seek to enjoin, in any court of competent jurisdiction, any person believed to be in violation of this chapter.  (e) The penalties specified in this section are in addition to any other penalties provided by law.</p>	<p><b>Title 19</b>  <b>Section Number TBD</b></p> <p>(a) A non-compliant storage tank does not meet the requirements of an SPCC Plan. Use of a non-compliant storage tank shall not be classified as a minor violation.</p> <p>(b) The following storage tanks are non-compliant.  (1) A storage tank designed and intended for use as an underground storage tank, such as a storage tank complying with Underwriters Laboratories (UL) 58 or UL 1316.  (2) A tank car or tank vehicle designed for transportation, such as U.S. Department of Transportation (DOT)-111, DOT-117, or DOT 406, and used as an aboveground storage tank in a fixed or stationary installation, such as a storage tank complying with UL 142 or UL 2085.</p>
<p><b><u>25270.12.1.</u></b></p>	<p>Administrative penalties  25270.12.1.  (a)  25270.12.1.  (c)  25270.12.1.  (d)</p>	<p><b>25270.12.1. (a)</b>  (a) An owner or operator of a tank facility who fails to prepare a spill prevention control and countermeasure plan in compliance with subdivision (a) of Section 25270.4.5, to file a tank facility statement pursuant to subdivision (a) of Section 25270.6, to submit the fee required by subdivision (b) of Section 25270.6, or to report spills as required by Section 25270.8, or who otherwise fails to comply with the requirements of this chapter is liable to the UPA for an administrative penalty of not more than</p>	

		<p>five thousand dollars (\$5,000) for each day on which the violation continues.</p> <p>If the owner or operator commits a second or subsequent violation, an administrative penalty of not more than ten thousand dollars (\$10,000) for each day on which the violation continues may be imposed.</p> <p><b>25270.12.1. (c)</b>  (c) When a UPA issues an enforcement order or assesses an administrative penalty, or both, for a violation of this chapter, the administering agency shall utilize the administrative enforcement procedures specified in Sections 25404.1.1 and 25404.1.2.</p> <p><b>25270.12.1. (d)</b>  (d) The administrative penalties specified in this section are in addition to any other penalties provided by law, except for a violation for which a civil penalty under Section 25270.12 has already been imposed for the same violation.</p>	
<p><b><u>25270.12.5</u></b></p>	<p>Misdemeanor, other civil or criminal penalties 25270.12.5. (a), (b)</p>	<p><b>25270.12.5. (a), (b)</b>  (a) A person who knowingly violates Section 25270.4.5, 25270.6, or 25270.8 after reasonable notice of the violation is, upon conviction, guilty of a misdemeanor.  (b) This section does not preempt any other applicable criminal or civil penalties.</p>	

<b><u>25270.13.</u></b>	Local ordinance 25270.13. (a)	<b>25270.13. (a)</b> (a) This chapter does not preempt local storage tank ordinances, in effect as of August 16, 1989, that meet or exceed the standards prescribed by this chapter.	
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