| Federal and State Citations | Initial Statement of Reasons Justifications | Advisory Committee Comments |
| --- | --- | --- |
| Acronyms | Aboveground Petroleum Storage Act (APSA)  Code of Federal Regulations (CFR)  Health and Safety Code (HSC)  Spill Prevention, Control, and Countermeasure Plan (SPCC Plan)  Professional Engineer Certified SPCC Plan (PE Certified Plan or PE Plan)  Tank in an Underground Area (TIUGA) |  |
| **112.6 Qualified Facilities Plan Requirements.**  **112.6 (a)(1) Preparation and Self-certification of the Plan**  **112.6 (a)(2) Technical Amendments**  **112.6(a)(3) Plan Template and Applicability Requirements** | **Introduction**  These regulations use 40 CFR 112.6, 112.6(a)(1), 112.6(a)(2), and 112.6(a)(3) as the foundation for state specific spill prevention, control, and countermeasure plan regulations for TIUGA tank facilities with less than 1,320 gallons of oil storage capacity.  TIUGA Tank Facilities with less than 1,320 gallons of oil are not regulated by the federal government, however, California state law does require regulations for these tank facilities.  All modifications to the federal regulations adapt the safety standards with state law and technical elements that are specific to a Tank Facility with Tank(s) in an Underground Area and Less Than 1,320 Gallon Oil Storage Capacity.  40 CFR 112.6, 112.6(a)(1), 112.6(a)(2), and 112.6(a)(3) requires compliance with other federal regulations. These include 40 CFR: 112.7, 112.7(a)(3)(i), 112.7(a)(3)(iv), 112.7(a)(3)(vi), 112.7(a)(4), 112.7(a)(5), 112.7(c), 112.7(e), 112.7(f), 112.7(g), 112.7(k), 112.8(b)(1), 112.8(b)(2), 112.8(c)(1), 112.8(c)(3), 112.8(c)(4), 112.8(c)(5), 112.8(c)(6), 112.8(c)(10), 112.8(d)(3), 112.8(d)(4).  The substantial harm criteria certification in 40 CFR 112.20, Appendix C, Attachment C-II that is required for facilities pursuant to 40 CFR 112.20 (e), is not required for TIUGA Tank facilities, due to the smaller oil storage capacity of these facilities. | **What are the plan options for TIUGA stakeholder?**  **Can follow federal regulations, which allows for three types of plans:**  **YES:** Tier 1, Tier 2 or PE Plan.  **Statute allows for TIUGA Template.**  **YES:** TIUGA Template adopted by the OSFM  **NO:** Follow the TIUGA template requirements (aligned with the TIUGA requirements but not using the actual template). The federal regulations allow following Tier 1 template requirements at the federal level, but STATE LAW does not allow this option. The TIUGA template must be used if using state requirements.  Federal regulations: Use the template or follow the template requirements. |
| HSC 25270.2(o)  TIUGA specific technical requirements  HSC 25270.2(o)(2)  Direct viewing of storage tank | Direct Viewing of the exterior of the tank is not required under APSA if inspections of the interstitial space/containment are performed or if the tank has leak detection device, weather in the interstitial space or containment. | Advisory Committee discussion |
| HSC 25270.2(o)  TIUGA technical requirements  Direct viewing of piping systems  HSC 25270.2(o)(1)(C)(iv).  Leak detection on piping for other/ category 4 TIUGA | Piping system, Section 3 – Table 4 secondary containment (from draft TIUGA template).  Annually inspect or certify leak detection devices.  Operating and maintaining leak detection equipment in accordance with manufacturer instructions ensures the equipment is used as designed. The annual inspection or certification provides an opportunity for leak detection equipment that has failed to be discovered and replaced. Certifying or inspecting the leak detection equipment every 12 months for operability and proper operating condition ensures that other/category 4 TIUGA does not operate without functioning leak detection equipment for more than 12 months. This 12-month cycle is consistent with the underground storage tank (UST) leak detection annual monitoring system certification requirement of California Code of Regulations, title 23, sections 2638(a) and 2641(j). Prior to Senate Bill 612 (Statutes of 2016), these category 4 TIUGAs were formerly regulated under the UST requirements. | Advisory Committee Discussion:  Refer to Section 3 – Table 4 of draft TIUGA template  Include leak detection inspection/certification in the TIUGA section of APSA regulations but not part of the TIUGA SPCC Plan template or future rulemaking?  Having the leak detection device/equipment is a requirement by APSA, for other/category 4 TIUGA. Annual inspection/certification of the leak detection device(s)/equipment would be a new requirement.  Should this apply to other TIUGAs with leak detection device or only for other/category 4 TIUGA? |
| Nonsubstantive changes:  **Federal Regulations**  Plan  §  40 CFR 112.X  “You”  **State Regulations**  SPCC Plan  Section  Section 112.X  “Owner or operator” | **Modifications**  Plan changed to SPCC Plan.  This is a nonsubstantive change. However, the OSFM anticipates that specifying the Plan is a Spill Prevention Control and Countermeasure (SPCC) Plan will improve readability and clarity stakeholders.  **Federal**  Federal regulations use the term Plan.  Federal regulations use the symbol “§.”  Federal regulations 40 CFR Part 112.X.  **State**  These regulations will use SPCC Plan.  The symbol “§” spelled out as Section for consistency with the other APSA program regulations.  Referenced as Section 112.X. |  |
| In these regulations, each citation of Section 112.XX means Sections of 40 CFR Part 112. These regulations generally cite specific Sections instead of the entire Part. | Spill Prevention, Control, and Countermeasure Plan (SPCC) Plan Requirements for a Tank Facility with 55 gallon or larger Tank(s) in an Underground Area (TIUGA) and Less Than 1,320 Gallon Oil Storage Capacity.  The citation for 40 CFR 112 is changed to Section 112 to differentiate these regulations from the original federal regulations and for general readability. |  |
| **Federal**  Section 112.2, Definition of Oil  **State**  HSC Section 25270.2, Definition of Petroleum  HSC Section 25270.3  APSA tank facility applicability criteria | **Modifications**  Oil is generally replaced with petroleum, because the APSA program is limited to petroleum as defined in Health and Safety Code Section 25270.2.  The term oil is used when determining what type of SPCC Plan. A facility has to calculate their total aboveground storage capacity of all oils, not just petroleum, as defined. Facilities with a total storage capacity at least 1,320 gallons of all oils including petroleum may be required to prepare an SPCC Plan using the self-certified plan (Tier 1 or Tier 2 qualified facility), or Professional Engineer (PE) certified plan. Those facilities may not use this TIUGA Template.  However, TIUGA tank facility criteria is calculated using the state’s definition of petroleum.  **Federal**  Section 112 includes an expansive definition of oil. This includes additional products beyond the state definitions of such as oils include diesel, gasoline, biodiesel, animal fats, vegetable and nut oils, waste or used oil, lube oil, mineral oil, asphalt emulsions.  **State**  The APSA program regulates petroleum that meets specific criteria at a certain temperature and pressure. The federal safety regulations are applicable to this product, in addition to a variety of other types of products. | APSA tank facility applicability HSC 25270.3  1. tank facility has a potential threat of discharge to navigable water or adjoining shoreline AND their total storage exceeds 1,320 gallons of oil.  2. tank facility stores 1,320 gallons or more of petroleum.  3. Tank facility has, one or more TIUGA, as long as the TIUGA is stationary, 55 gallons or larger of petroleum and does not qualify for an exclusion or exception, and tank facility stores less than 1,320 gallons.  See Health and Safety Code Section 25270.3(c)(1) and (c)(2) for the applicability for TIUGA tank facilities. |
| **Federal 112.6 – Replace in most of document (Per Jennifer).** | **TBD OSFM TITLE 19** Section number instead of 40 CFR 112.6 in many locations, because 112.6 is the foundation but modified significantly and many of the 112.6 requirements do not apply. |  |
| **Federal:**  Section 112.2, Definition of Bulk Storage Container  Section 112.3 (g), Tier 1 qualified facility and Tier 2 qualified facility  **State:**  Health and Safety Code Section 25270.2(a)  Storage tank, Aboveground Storage Tank  Health and Safety Code Section 25270.2(o)  TIUGA | **Changes:**  Tier 1 Qualified Facilities, Tier 2 Qualified Facilities are all changed to Tank Facilities as defined in Health and Safety Code Section 25270.2 because this TIUGA template is specific to TIUGA Tank Facilities.  Bulk Storage Container is changed to tank or TIUGA.  This TIUGA template uses the federal template as a model. All facilities discussed in these regulations are tank facilities with stationary TIUGAs. The TIUGA tank facilities that would use this TIUGA template do not meet the qualified facility criteria because they are less than 1,320 gallons of oil.  **Federal**  Section 112.3 (g) defines qualified facility and includes Tier 1 qualified facilities and Tier 2 qualified facilities.  Section 112.2 defines Bulk Storage Container.  **State**  Defines Tank in an Underground Area. |  |
| **Federal**  Section 112.3(g) and 112.6(a)  **State**  Health and Safety Code Sections 25270.4.5(a) and 25270.4.5(c) | **Federal**  Section 112.3 (g) and Section 112.6 (a) describe the options for owners or operators to prepare and implement an SPPC Plan based on requirements of the template in Section 112.6 or an alternative plan that meets these requirements.  **State**  Requires owners or operators of a TIUGA tank facility to prepare an SPCC Plan using good engineering practices. Health and Safety Code Section 25270.4.5 (a) and 25270.4.5(c) allow owners or operators of a TIUGA tank facility to choose to prepare an SPCC Plan that meets Section 112 or use the format adopted by the OSFM. |  |

**Regulations**

| **Heading** | Comments for Federal Changes | Edits for TIUGA Regulations | Advisory Committee Notes |
| --- | --- | --- | --- |
|  | Health and Safety Code Section 25270.2 (o)  Health and Safety Code Section 25270.3(c)(1) and (c)(2)  Health and Safety Code Section 25270.4.5(a) and (c) |  |  |
| **Introduction and Title**  **112.6 Qualified Facilities Plan Requirements.** | **Introduction and Title**  The federal regulations apply to facilities that meet the Tier 1 or Tier 2 qualified facility criteria in 40 CFR 112.3(g). The spill prevention, control, and countermeasure regulations for Tier 1 and Tier 2 qualified facilities are generally applicable to TIUGA tank facilities. All modifications to the federal regulations are to accommodate state law or technical requirements specific to TIUGA Tank Facilities with less than 1,320- gallon oil storage capacity.  The title is edited to reflect TIUGA as described in Health and Safety Code 25270.3 (c)(1) and (c)(2). These facilities are smaller in size and have a tank in an underground area, as defined.  State law is more stringent than federal law because state law requires comparable safety measures for tank facilities that have a smaller storage capacity than Tier 1 and Tier 2 qualified facilities. Tank facilities that are of larger capacity and also have TIUGAs are required to be compliant with APSA requirements generally.  Additional title is added to identify the acronyms SPCC and TIUGA in this document.  **Modifications:**  The term qualified facility does not apply because the facilities that will use this TIUGA template are differentiated using criteria in the California Health and Safety Code and not the federal regulations. These regulations are specific to Spill Prevention, Control, and Countermeasure Plan (SPCC) Plan Requirements for a Tank Facility with Tank(s) in an Underground Area (TIUGA) and Less Than 1,320 Gallon Oil Storage Capacity.  Federal regulations do not require facilities of less than 1,320 Gallon Oil Storage Capacity to meet safety standards. However, the California Health and Safety Code is more stringent than federal regulations and do require tank facilities of less than 1,320 gallons of oil storage capacity to meet safety standards.  References to Sections 112.9-112.12 are removed because these technical elements are not applicable to APSA.  The symbol “§” is spelled out as Section for consistency with the other APSA program regulations.  Most references to “oil” as defined in Section 112.2 are modified to read “petroleum” as defined in Health and Safety Code Section 25270.2(h).  Health and Safety Code Section 25270.2 (o) defines TIUGA tank facility and 25270.2(h) defines petroleum.  Health and Safety Code Section 25270.3(c)(1) and (c)(2) are the applicability for TIUGA tank facilities.  Health and Safety Code Section 25270.4.5(a) requires APSA tank facilities, except for conditionally exempt tank facilities, to prepare an SPCC Plan using the same format as the federal SPCC Rule.  Health and Safety Code Section 25270.4.5(c) allows TIUGA Tank facilities to use the alternative format (TIUGA template) adopted by the OSFM. | Section XXXSpill Prevention, Control, and Countermeasure Plan Requirements for a Tank Facility with Tank(s) in an Underground Area and Less Than 1,320 Gallon Oil Storage Capacity. | TIUGA tank facilities that will be using the TIUGA template are generally smaller scale. Examples: hotel basement, high-rise office building, small hospital or clinic. |
| **Section 112.6(a)(1) Preparation and Self-Certification of the Plan.** | **Modifications:**  TIUGA tank facility owners or operators have the option to use the adopted TIUGA template or prepare an SPCC Plan that meets federal requirements. Federal regulations provide three SPCC Plan options: Tier 1, Tier 2, and PE Plan. The option to prepare an equivalent plan meeting the TIUGA template requirements is not explicitly provided under the APSA statute; therefore, the option to allow an equivalent SPCC Plan that meets this section is removed. TIUGA stakeholders have four options; too many options may cause confusion and be problematic for TIUGA stakeholders. Most TIUGA tank facility owners or operators of TIUGA storing less than 1,320 gallons of oil are not familiar with SPCC requirements.  This section is modified to replace ‘you’ with ‘owner or operator’, if applicable, to be consistent with language used in APSA regulations. ‘You’ is not used in APSA regulations.  Modifications include minor grammar edits, such as inserting ‘an’ or ‘the’, as applicable.  This section is modified to replace the Tier 1 and Tier 2 qualified facilities with TIUGA tank facilities.  These statements are modified to include Health and Safety Code requirements. The Health and Safety Code is more stringent than Section 112, however, the foundational safety regulations in Section 112 are still applicable. Therefore, stakeholders must be familiar with both Health and Safety Code Chapter 6.67 and 40 CFR Part 112.  Applicability criteria is modified from federal criteria to TIUGA tank facility requirements in the Health and Safety Code that describes TIUGA tank facilities.  “Produce Water” is naturally occurring water that comes out of the ground or rocks during oil and gas extraction. TIUGA Tank facilities are not extraction facilities and do not have “produced water”. Therefore, produced water containers are not needed. ‘Any associated piping’ is also not needed, since the piping is associated with produced water containers. | (a) TIUGA Tank Facilities  (1) **Preparation and Self-Certification of the SPCC Plan.** An owner or operator of a tank facility that meets the criteria in Health and Safety Code Section 25270.3(c )(1) and (c )(2) must either: comply with the requirements of \_\_\_\_\_\_\_ (a)(3) of this section; or prepare and implement an SPCC Plan meeting requirements of \_\_\_\_\_\_(ii) of this section; or prepare and implement an SPCC Plan meeting the general SPCC Plan requirements in Section 112.7 and applicable requirements in Section 112.8, including having the SPCC Plan certified by a Professional Engineer as required under Section 112.3(d).  To complete the template XX section of these regulations, the owner or operator must certify that:  (i) The owner or operator is familiar with the applicable requirements of Health and Safety Code, Chapter 6.67 and 40 CFR Part 112;  (ii) The owner or operator has visited and examined the tank facility;  (iii) The owner or operator prepared the SPCC Plan in accordance with accepted and sound industry practices and standards;  (iv) The owner or operator has established procedures for required inspections and testing in accordance with industry inspection and testing standards or recommended practices;  (v) The owner or operator will fully implement the SPCC Plan;  (vi) The tank facility meets the criteria in Health and Safety Code Section 25270.3(c)(1) and (c)(2);  (vii) The SPCC Plan does not deviate from any requirement of this Section as allowed by Section 112.7(a)(2) and 112.7(d); and  (viii) The SPCC Plan and individual(s) responsible for implementing this SPCC Plan have the approval of management, and the tank facility owner or operator has committed the necessary resources to fully implement this SPCC Plan. | Ask Advisory Committee:  or prepare and implement an SPCC Plan meeting the general SPCC Plan requirements in Section 112.7 and applicable requirements in Section 112.8, including having the SPCC Plan certified by a Professional Engineer as required under Section 112.3(d). |
| **Section 112.6 (a)(2) Technical Amendments** | Applicability criteria is modified from federal criteria to TIUGA tank facility requirements in the Health and Safety Code that describes TIUGA tank facilities.  When facilities make operational changes such as storage capacity, it is necessary to reevaluate their applicability criteria.  Nonsubstantive additions made for emphasis: six months following preparation of the amendment, you must prepare and implement an SPCC plan as follows.  This section is modified to replace ‘you’ with ‘owner or operator’, where applicable, to be consistent with language used in APSA regulations. | (2) **Technical Amendments.** The owner or operator must certify any technical amendments to the SPCC Plan in accordance with \_\_\_\_\_\_ XX of this section when there is a change in the tank facility design, construction, operation, or maintenance that affects its potential for a discharge as described in Section 112.1(b). If the change results in the tank facility no longer meeting the criteria in Health and Safety Code Section 25270.3(c)(1) and (c)(2) because the tank facility meets the criteria in Health and Safety Code Section 25270.3 (a) or (b), within six months following preparation of the amendment, you must prepare and implement an SPCC plan as follows: | Advisory committee  **“as described in Section 112.1(b)”** relates to discharge of oil that may be harmful to navigable waters or adjoining shorelines, should this be edited so it’s not limited to navigable waters? |
| **Section 112.6 (a)(1) non substantive modification**  **Technical Amendments** | This is a nonsubstantive formatting modification to the federal regulations. This option is provided in the federal regulations, but only appears in Section 112.6 (a)(1) and is not listed under technical amendments. These regulations are condensed and each option is presented as it relates to TIUGA tank facilities.  This section is modified to replace ‘you’ with ‘tank facility’ for grammar.  Background:  This option is for Tier 1 qualified facilities with up to 10,000 gallons of oil, no single tank greater than 5,000 gallons and no reportable discharge history. Tier 1 qualified facilities are also allowed to use Tier 2 qualified facility SPCC Plan or a PE Certified Plan. | (i) Prepare and implement an SPCC Plan in accordance with Section 112.6(a) if the tank facility meets the Tier I qualified facility criteria in Section 112.3(g)(1); or |  |
| **Section 112.6 (a)(2)(i)**  **Technical Amendments** | Nonsubstantive changes (grammar) are made.  This section is modified to replace ‘you’ with ‘tank facility’ for grammar.  Background:  This option is for Tier 2 qualified facilities with up to 10,000 gallons of storage capacity, has a single tank greater than 5,000, and no reportable discharge history. Tier 2 qualified facilities are also allowed to use a PE Certified Plan. | (ii) Prepare and implement an SPCC Plan in accordance with Section 112.6(b) if the tank facility meets the Tier II qualified facility criteria in Section 112.3(g)(2); or |  |
| **Section 112.6 (a)(2)(ii)**  **Technical Amendments** | Nonsubstantive changes are made-for grammar and used SPCC Plan.  Background:  If a TIUGA tank facility does not meet the qualified facility criteria then the owner or operator is not allowed to self-certify their SPCC Plan. Instead, they are required to prepare a professional engineer certified SPCC Plan.  TIUGA tank facilities would be required to prepare a professional engineer certified plan. This would include a facility that has up to than 10,000 gallons of oil but also has a reportable discharge history. This would also include a facility with greater than 10,000 gallons of oil, regardless of reportable discharge history. | (iii) Prepare and implement an SPCC Plan in accordance with the general SPCC Plan requirements in Section 112.7, and applicable requirements in 40 CFR 112.8, including having the SPCC Plan certified by a Professional Engineer as required under Section 112.3(d). |  |
| **Section 112.6 (a)(3)**  **Plan Template and Applicability Requirements** | References to Sections 112.9-112.12 are removed because they are not applicable to APSA. Health and Safety Code Chapter 6.67 requirements are added because some APSA requirements are more stringent than federal requirements.  This section is modified to replace ‘you’ with ‘owner or operator, where applicable, to be consistent with language used in APSA regulations. APSA regulations does not use ‘you’.  Section 112.7(k) (oil-filled equipment) is removed; cannot substitute containment with a contingency plan for a TIUGA.  Sections 112.7(c)(4) and 112.7(c)(5) are removed. These sections do not apply; these are for completely or partially buried tanks.  Per committee meeting on June 4, 2024, Section 112.8(d)(3) has been added to address ancillary piping. | (3) **SPCC Plan Template and Applicable Requirements.** Prepare and implement an SPCC Plan that meets the following requirements under Sections 112.7 and 112.8: introductory paragraph of Section 112.7, 112.7(a)(3)(i), 112.7(a)(3)(iv), 112.7(a)(3)(vi), 112.7(a)(4), 112.7(a)(5), 112.7(c), 112.7(e), 112.7(f), 112.7(g), 112.8(b)(1), 112.8(b)(2), 112.8(c)(1), 112.8(c)(3), 112.8(c)(6), 112.8(c)(10), 112.8(d)(3), 112.8(d)(4).  (XXX) 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.  This TIUGA template has been developed to meet the requirements of Health and Safety Code Chapter 6.67 and 40 CFR Part 112. When completed and signed by the owner or operator, this template may be used as the SPCC Plan. Additionally, the owner or operator must meet the following requirements: | Are there other 40 CFR Sections besides the ones listed here???  For example: 112.3 or 112.5 (Example: 5-year plan review)  **Highlight this statement and requirement in the introduction and regulations:**  This TIUGA template has been developed to meet the requirements of Health and Safety Code Chapter 6.67 and 40 CFR Part 112.  Ask committee: Do we need to include APSA regulations (CCR Title 19, Division 1, Chapter #)?  Feedback from committee:  Does this give the flexibility needed for the regulated community? If they have a problem, they can use a hybrid Tier 2 plan or PE plan.  Does the TIUGA template have a facility site diagram? Not included in 112.6(a); not required for this type of plan.  Should 112.8(d) all be applicable? Why is it not included in the federal regulations for this section?  112.8(d)(3) – this is not included in the 112.6 (a) original Tier 1 template (appendix G). This is added by the committee per discussion. |
| **Section 112.6 (a)(3)(i)**  **Plan Template and Applicability Requirements**  -**Failure Analysis in lieu of the requirements** | Modified to change oil to petroleum and specify a TIUGA instead of general equipment.  Nonsubstantive modification-replaced ‘your’ with ‘the’ for grammar correction and to be consistent with the APSA regulations. ‘Your’ is not used in the APSA regulations. | (i) **Failure analysis, in lieu of the requirements in** Section 112.7(b)**.** Where experience indicates a reasonable potential for equipment failure (such as loading or unloading equipment, tank overflow, rupture, or leakage, or any other equipment known to be a source of discharge), include in the SPCC Plan a prediction of the direction and total quantity of petroleum which could be discharged from the tank facility as a result of each type of major equipment failure associated with a TIUGA. |  |
| **Section 112.6 (a)(3)(ii)**  **Plan Template and Applicability Requirements**  **Secondary Containment, in lieu of the requirements** | Modified to change mobile or portable oil storage containers to tank, because TIUGAs are all stationary storage tanks.  This section is removed per committee meeting on June 4, 2024. Statute pre-empts this section. TIUGA is already in an underground structure, such as a pit, that could serve as containment. Definition of TIUGA includes secondary containment. | ~~(ii)~~ **~~TIUGA secondary containment, in lieu of the requirements in~~** ~~Section~~**~~s~~** ~~112.8(c)(2)~~ **~~and~~** ~~(c)(11)~~ **~~and~~** ~~112.12(c)(2)~~ **~~and~~** ~~(c)(11)~~**~~.~~** ~~Construct all TIUGAs, so that you provide a secondary means of containment for the entire capacity of the largest single storage tank plus additional capacity to contain precipitation.~~ ~~Dikes, containment curbs, and pits are commonly employed for this purpose~~. ~~You may also use an alternative system consisting of a drainage trench enclosure that must be arranged so that any discharge will terminate and be safely confined in a catchment basin or holding pond.~~ | The committee provided feedback. THIS IS NOT APPLICABLE.  BUT: This is a table in the DRAFT template that will be needed.  The table in the draft template is described sufficiently by the Health and Safety Code, without needing additional detail in these regulations. Statute says there has to be secondary containment. |
| **Section 112(a)(3)(iii)**  **Plan Template and Applicability Requirements**  **Overfill prevention, in lieu of the requirements** | Modified to change container to TIUGA. | (iii) **Overfill prevention, in lieu of the requirements in** Section 112.8(c)(8) **and** 112.12(c)(8)**.** Ensure that each TIUGA is provided with a system or documented procedure to prevent overfills of the TIUGA, describe the system or procedure in the SPCC Plan and regularly test to ensure proper operation or efficacy. |  |

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

## § 112.6 Qualified Facilities Plan Requirements.

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

(a) **Tier I Qualified Facilities** —

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

(i) You are familiar with the applicable requirements of 40 CFR part 112;

(ii) You have visited and examined the facility;

(iii) You prepared the Plan in accordance with accepted and sound industry practices and standards;

(iv) You have established procedures for required inspections and testing in accordance with industry inspection and testing standards or recommended practices;

(v) You will fully implement the Plan;

(vi) The facility meets the qualification criteria in § 112.3(g)(1);

(vii) The Plan does not deviate from any requirement of this part as allowed by § 112.7(a)(2) and 112.7(d) or include measures pursuant to § 112.9(c)(6) for produced water containers and any associated piping; and

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

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

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

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

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

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

(ii) **Bulk storage container secondary containment, in lieu of the requirements in §§ 112.8(c)(2) and (c)(11) and 112.12(c)(2) and (c)(11).** Construct all bulk storage container installations (except mobile refuelers and other non-transportation-related tank trucks), including mobile or portable oil storage containers, so that you provide a secondary means of containment for the entire capacity of the largest single container plus additional capacity to contain precipitation. Dikes, containment curbs, and pits are commonly employed for this purpose. You may also use an alternative system consisting of a drainage trench enclosure that must be arranged so that any discharge will terminate and be safely confined in a catchment basin or holding pond. Position or locate mobile or portable oil storage containers to prevent a discharge as described in § 112.1(b).

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