



California Environmental Protection Agency Unified Program

Fact Sheet
December 2007

Aboveground Petroleum Storage Act Scope of CUPA Implementation

SUMMARY

The Unified Program Agencies (UPA's) have the responsibility and authority, to the extent provided by Chapter 6.67 and Sections 25404.1 and 25404.2 of the California Health and Safety Code, to implement and enforce the requirements of Chapter 6.67, the Aboveground Petroleum Storage Act (APSA). (*Health & Saf. Code § 25270.2*)

REQUIREMENTS OF APSA

1. Owner/Operator subject to Chapter shall: (*Health & Saf. Code § 25270.4.5(a)*)
 - A. Prepare a Spill Prevention Control and Countermeasure (SPCC) Plan in Accordance with U.S. Code of Federal Regulations, Title 40, Part 112 (40CFR112) (see Attachment 1 for SPCC plan requirements)
 - B. Conduct periodic inspections to assure compliance with 40CFR112 (Inspections, tests, and records)
 - C. Implement SPCC Plan in compliance with 40CFR112
2. An owner or operator of a tank facility that is exempt pursuant to subdivision 25270.4.5(b) shall take the following actions: (*Health & Saf. Code § 25270.4.5(b)*)
 - A. Conduct a daily visual inspection of any aboveground storage tank storing petroleum.
 - B. Allow the UPA to conduct a periodic inspection of the tank facility.
 - C. If the UPA determines installation of secondary containment is necessary for the protection of the waters of the state, install 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.
3. 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. (*Health & Saf. Code § 25270.5*)
 - A. The purpose of the inspection shall be to determine whether the owner or operator is in compliance with the SPCC Plan requirements of the APSA.
 - B. The UPA may develop an alternative inspection and compliance plan, subject to approval by the Secretary for Environmental Protection (Secretary).

- C. An inspection conducted pursuant to this section does not require the oversight of a professional engineer.
- D. The person conducting the inspection shall meet both of the following requirements:
 - a. Complete an aboveground storage tank training program, which shall be established by the Secretary.
 - b. Satisfactorily pass an examination developed by the Secretary on the SPCC plan provisions and safety requirements for aboveground storage tank inspections.
- 4. On or before January 1, 2009, and on or before January 1 annually thereafter, each owner or operator of a tank facility subject to the APSA shall file with the UPA a tank facility statement. (*Health & Saf. Code § 25270.6(a)*)
 - A. An owner or operator of a tank facility that submits a business plan satisfies the requirement to file a tank facility statement.
- 5. Each year, commencing in calendar year 2010, each owner or operator of a tank facility who is subject to the requirements of subdivision 25270.6(a) shall pay a fee to the UPA, on or before a date specified by the UPA. (*Health & Saf. Code § 25270.6(b)*)
 - A. 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 the APSA, including, but not limited to, inspections, enforcement, and administrative costs.
 - B. 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.
 - C. The UPA may provide a waiver of these fees when a state or local government agency submits a tank facility statement.
- 6. Each owner or operator of a tank facility shall immediately, upon discovery, notify the Governor's Office of Emergency Services and 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. (*Health & Saf. Code § 25270.8*)

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