



**Los Angeles County Certified Unified Program Agency
Health Hazardous Materials Division**



ABOVEGROUND PETROLEUM STORAGE ACT

FACT SHEET 01-10 APSA

January 2010

This fact sheet summarizes the applicability and exemptions, annual reporting requirements, and the Spill Prevention Control and Countermeasure Plan (SPCC) for owners and operators of tank facilities that are subject to the Aboveground Petroleum Storage Act (APSA).

INTRODUCTION

Assembly Bill 1130 created the Health and Safety Code (H&SC), Chapter 6.67, Sections 25270 through 25270.13, giving Unified Program Agencies (UPA) the authority on January 1, 2008 to administer the APSA program in their jurisdictions.

APPLICABILITY

APSA applies to facilities that are subject to the oil pollution prevention regulations specified in Part 112.1 of Subchapter D of Chapter I of Title 40 of the Code of Federal Regulations or that have a storage capacity of 1,320 gallons or more of petroleum in tanks and containers that are substantially above the ground. The total storage capacity of petroleum at a facility is obtained by adding the rated design capacity of each container that can store 55 gallons or more of petroleum. Examples of petroleum includes crude oil, sludge, mineral oil, petroleum solvents, gas turbine fuel oils, lubricating oils, waste oil, kerosene, soluble cutting and metalworking fluid containing petroleum, inks and coatings containing petroleum, diesel, gasoline, lubricating oils, heating oil, and biodiesel (if it is not 100% biodiesel).

EXEMPTIONS

The following containers are exempted: boilers and pressure vessels; tanks storing hazardous waste permitted by the Department of Toxic Substances Control, crude oil production tanks, underground storage tanks, most oil-filled electrical equipment, transportation-related tank facilities, and permanently closed containers.

Farms, nurseries, logging sites, and construction sites are exempted if no tank has a storage capacity that exceeds 20,000 gallons, the total storage capacity does not exceed 100,000 gallons, and if the owner or operator conducts a daily visual inspection, allows the UPA to inspect all aboveground storage tanks and containers, and provides secondary containment,.

REPORTING REQUIREMENTS

On or before January 1 of each year, the owner or operator of a tank facility subject to APSA shall submit either a tank facility statement or a business plan that identifies the name and address of the tank facility, the contact person, the total storage capacity, the location, size, age, and contents of each aboveground storage tank that exceeds 10,000 gallons in storage capacity.

SPILL PREVENTION CONTROL AND COUNTERMEASURE PLAN

Each owner or operator of a tank facility that is subject to APSA shall prepare and implement a SPCC plan.

TYPES OF SPCC

1. The standard SPCC plan is certified by a professional engineer and designed in accordance with 40 CFR 112.7 and subparts B and C for the following tank facilities:
 - a) The storage capacity of petroleum and non-petroleum oils is 10,000 gallons or more; or
 - b) Within any twelve-month period during a three year period before the SPCC certification date, or since becoming subject to the SPCC rule if in operation for less than three years,
 - 1) A single discharge exceeding 1,000 gallons of oil went to navigable waters; or
 - 2) Two discharges exceeding 42 gallons of oil went to navigable waters.
2. There are two types of self-certified SPCC plans by owners or operators of Qualified Facilities:
 - a) Tier I SPCC can be developed on a template found at 40 CFR 112, Appendix G if no individual aboveground storage tank is greater than 5,000 gallons of oil.
 - b) Tier II SPCC is a self-certified plan designed in accordance with 40 CFR 112.7 and subparts B and C for tank facilities that have an individual aboveground storage tank greater than 5,000 gallons of oil.

QUALIFIED FACILITY

1. The storage capacity of petroleum and non-petroleum oils is less than 10,000 gallons.
2. Within any twelve-month period, three years prior to the SPCC certification date, or since becoming subject to the SPCC rule if in operation for less than three years, the tank facility did not have a single discharge exceeding 1,000 gallons of oil to navigable waters or any two discharges exceeding 42 gallons of oil to navigable waters.

COMPLIANCE DATES FOR SPCC

Compliance Dates for All Facilities with	
A facility starting operation...	Must...
On or before August 16, 2002	Maintain its existing SPCC Plan Amend and implement the SPCC Plan no later than November 10, 2010.
August 16, 2002 through November 10, 2010	Prepare and implement the SPCC Plan no later than November 10, 2010.
After November 10, 2010	Prepare and implement a SPCC Plan before beginning operations (owners or operators of new oil production facilities must prepare and implement a SPCC Plan within six months after the start of operations.

ADDITIONAL REQUIREMENTS

1. Tank facilities are not required to submit an SPCC to the unified program agency.
2. Tank facilities are required to make the SPCC available during an inspection by maintaining the Plan on site if the site is attended by an owner or operator or by maintaining the Plan at the nearest field office if the site is unattended by an owner or operator.
3. Tank facilities shall review and, if necessary, update the SPCC every five years.

References

- California Health and Safety Code Sections 25270 through 25270.13.
- Part 112 of Title 40 of the Code of Federal Regulations.
- US EPA, Office of Emergency Management, "SPCC Rule Amendments." *74 Federal Register* 58784. 13 November 2009.
- California CUPA Forum, "Aboveground Petroleum Storage Act Frequently Asked Questions," 23 November 2009.