

# APSA Workshop for Businesses

*County of San Diego CUPA*

*Presented By:*

Erin Thomas, Justin Martinez, and Ryan Yanda

February 5, 2025





# APSA Workshop Outline

*What is in it for me?*

1. Introductions
2. The SPCC Rule and APSA
3. CUPA Facility Inspections
4. New APSA State Regulations
5. Local APSA Program Updates
6. Questions and Answers



# Introductions

*Erin Thomas*

HMD APSA Technical Lead



# Getting to Know Us



**Erin Thomas**, Supervising EHS and Primary APSA Technical Lead  
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# HAZARDOUS MATERIALS DIVISION



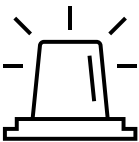
Protect public health & safeguard environmental quality



Education and regulatory compliance



Graduated enforcement program



Chemical, biological, and radiological emergency response



# CERTIFIED UNIFIED PROGRAM AGENCY



**Hazardous  
Materials  
Business Plan  
(HMBP)**



**Hazardous  
Waste**



**California  
Accidental  
Release  
Prevention  
(CalARP)**



**Aboveground  
Petroleum  
Storage Act  
(APSA)**



**Underground  
Storage Tank  
(UST)**





# CERTIFIED UNIFIED PROGRAM AGENCY



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# SPCC Rule *and* APSA

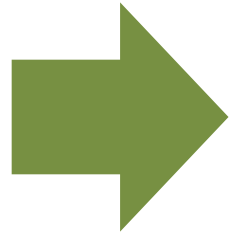
*What's the difference?*



## APSA

California  
HSC §25270  
CCR Title 19 §1600

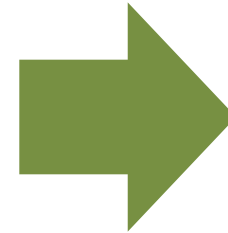
*Petroleum Only*



## Spill Rule

40 CFR  
§112.8(c)(6)

*All Oils*



## Standards

EG: API 653  
STI SP001





# APSA Applicability

*Is my facility regulated?*



# Is My Facility Regulated Under APSA?

APSA regulates facilities subject to the SPCC Rule or those with an:

- Aggregate storage capacity of 1,320 gallons or more of petroleum in aboveground storage containers or tanks with a shell capacity equal to or greater than 55 gallons
- Aggregate storage capacity of less than 1,320 gallons if they have one or more stationary tanks in an underground area (TIUGA) with a shell capacity of 55 gallons or more of petroleum



# Is My Facility Regulated Under APSA?

APSA regulates facilities subject to the SPCC Rule or those with an:

- Aggregate storage capacity of 1,320 gallons or more of **petroleum** in **aboveground** storage **containers** or **tanks** with a shell capacity equal to or greater than 55 gallons
- Aggregate storage capacity of less than 1,320 gallons if they have one or more stationary tanks in an underground area (**TIUGA**) with a shell capacity of 55 gallons or more of **petroleum**



# Petroleum

*What is it?*



# What is Petroleum under APSA?

The term “**petroleum**” is defined in APSA [HSC §25270.2(h)]

- Liquid at normal atmospheric pressure and temperature
- Derived from crude oil or fraction of crude oil





# More about Petroleum in APSA

The term “**petroleum**” does not mean the same thing in the Spill Rule as it does under APSA:

- There is no “sheen rule” in APSA
- There is no *de minimus* amount of petroleum in APSA
- Petroleum excluded by APSA must still be included in the SPCC Plan under the Spill Rule



## PETROLEUM EXAMPLES:

- Motor fuels and lube oils
- Cutting oils
- Fuel and heating oils
- Mineral and insulating oils
- Petroleum spirits
- Recovered oil from oil-water separators

## NOT PETROLEUM:

- Propane, natural gas
- Greases, waxes, hot mix asphalts
- Fuels and oils derived exclusively from biomass, natural gas, or coal
- Diesel Exhaust Fluid (DEF)
- Animal or vegetable oils

# BioDiesel Example (Check the SDS)



1.

SECTION 3 COMPOSITION / INFORMATION ON INGREDIENTS		
Chemical Name	CAS No.	Concentration
Methyl Esters (Soybean Oil)	67784-80-9	0-100%
Methyl Esters (Rapeseed Oil)	73891-99-3	0-100%
Methyl Esters (Tallow)	61788-61-2	0-100%
Methyl Esters. Fatty Acids C12-C18	68937-84-8	0-100%

2.

SECTION 3 COMPOSITION / INFORMATION ON INGREDIENTS		
Chemical Name	CAS No.	Concentration
Soybean Oil Methyl Esters	67784-80-9	0-100%
Rapeseed Oil Methyl Esters	73891-99-3	0-100%
Tallow Methyl Esters	61788-61-2	0-100%
Canola Derived Biodiesel	129828-16-6	0-100%
Fatty Acid Methyl Esters	68937-84-8	0-100%
ULSD (Ultra Low Sulfur Diesel)	68476-30-2	< 0.1%

# BioDiesel Example (Check the SDS)



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Fatty Acid Methyl Esters	68937-84-8	0-100%
<b>ULSD (Ultra Low Sulfur Diesel)</b>	<b>68476-30-2</b>	<b>&lt; 0.1%</b>

PETROLEUM

# Aboveground Storage Tank

*What does that mean?*



# What does “aboveground storage tank” (AST) mean?



The term “**aboveground storage tank**” is defined in APSA [HSC §25270.2(a)] and means:

- A tank or container
- Capacity of 55 gallons or more
- Substantially or totally above the ground
- Includes TIUGAs  
(*Tank In an Underground Area*)

# Tank In an Underground Area (TIUGA)

## TIUGA:

- Stationary
- On or above the surface of the floor in a below-grade structure
- Is in one of four categories:
  1. Lubricant/coolant tank
  2. Hazardous waste tank
  3. Emergency system tank
  4. Other petroleum tank

## STRUCTURE:

- At least 10% below grade,
- Provides secondary containment,
- Allows for direct viewing.



# Tanks most recently subject to APSA:



- Tank in an Underground Area (TIUGA)
- Subject to APSA as of Jan 1, 2018
- Require an SPCC Plan
- New regulations require HMD to begin inspecting TIUGAs at sites with less than 1,320 gal of petroleum



# More tanks excluded from APSA:



- Permitted underground storage tanks
- Certain permitted hazardous waste tanks
- Oil production tanks
- Pressure vessels and boilers
- Some oil-filled electrical equipment
- Transportation-related tanks
- Farm tanks exempt from SPCC Rule



# Spill Prevention Control and Countermeasure Plans

*What kind of plan do I need?*





# APSA Facility and SPCC Plan Types

TOTAL VOLUME	≤ 10,000 gal		> 10,000 gal
FACILITY TIER	Qualified* Tier I	Qualified* Tier II	“standard”
LARGEST TANK	≤ 5,000 gal	> 5,000 gal	no limit
SPCC PLAN	Self-Certified or PE-Certified	Self-Certified or PE-Certified	PE-Certified

*\*Qualified means no single discharge of > 1,000 gallons or two discharges > 42 gallons in any twelve-month period for three years prior to the SPCC Plan certification date.*

# SPCC Plan Content 1-6



- Facility information / certification by management
- Technical amendments if applicable
- Petroleum storage vessel descriptions
- Potential release analysis for each vessel, including piping, valves, product transfer areas, etc.
- Description of APSA vessel inspections
- Description of APSA trainings / briefings

# SPCC Plan Content 7-12



- Security measures
- Description of emergency procedures / notifications for reportable petroleum spills
- Emergency / agency notification contacts
- Discharge prevention and containment procedures:
  - Facility drainage; Bulk storage containers; Facility transfer operations: pumping, facility processes
- Substantial harm criteria form
- Facility diagram



# SPCC Plan Templates for Qualified Facilities

## EPA Tier I SPCC Plan Template



### U.S. ENVIRONMENTAL PROTECTION AGENCY TIER I QUALIFIED FACILITY SPCC PLAN TEMPLATE

#### Instructions to Complete this Template

This template is intended to help the owner or operator of a Tier I qualified facility develop a self-certified Spill Prevention, Control, and Countermeasure (SPCC) Plan. To use this template, your facility must meet all of the applicability criteria of a Tier I qualified facility listed under §112.3(g)(1) of the SPCC rule. This template provides every SPCC rule requirement necessary for a Tier I qualified facility, which you must address and implement.

You may use this template to comply with the SPCC regulation or use it as a model and modify it as necessary to meet your facility-specific needs. If you modify the template, your Plan must include a section cross-referencing the location of each applicable requirement of the SPCC rule and you must ensure that your Plan is an equivalent Plan that meets all applicable rule requirements of 40 CFR 112.6(a)(3).

You may complete this template either electronically or by hand on a printed copy. This document is a reformatted version of the template found in Appendix G of 40 CFR part 112.<sup>5</sup> No substantive changes have been made. Please note that a "Not Applicable" ("N/A") column has been added to both Table G-10 (General Rule Requirements for Onshore Facilities) and Table G-11 (General Rule Requirements for Onshore Oil Production Facilities). The "N/A" column should help you complete your self-certification when a required rule element does not apply to your facility. Use of the "N/A" column is optional and is not required by rule.

All Tier I qualified facility self-certifiers must complete Sections I, II, and III. Additionally, the owner or operator of an:

- Onshore facility (excluding production) must complete Section A.
- Onshore oil production facility (excluding drilling and workover facilities) must complete Section B.
- Onshore oil drilling and workover facility must complete Section C.

Complete and include with your Plan the appropriate attachments. You should consider printing copies of the attachments for use in implementing the SPCC Plan (e.g. Attachment 3.1 - Inspection Log & Schedule; Attachment 4 - Discharge Notification Form).

To complete the template, check the box next to the requirement to indicate that it has been adequately addressed. Either write "N/A" in the column or check the box under the "N/A" column to indicate those requirements that are not applicable to the facility. Where a section requires a description or listing, write in the spaces provided (or attach additional descriptions if more space is needed).

Below is a key for the colors used in the section headers:

Sections I, II, and III: Required for all Tier I qualified facilities
Section A: Onshore facilities (excluding production)
Section B: Onshore oil production facilities (excluding drilling and workover facilities)
Section C: Onshore oil drilling and workover facilities
Attachments: 1 - Five Year Review and Technical Amendment Logs 2 - Oil Spill Contingency Plan and Checklist 3 - Inspections, Dike Drainage and Personnel Training Logs 4 - Discharge Notification Form

## OSFM Tier II SPCC Plan Template



### Department of Forestry & Fire Protection Office of the State Fire Marshal GUIDANCE FOR TIER II QUALIFIED FACILITY SPCC PLAN TEMPLATE

#### Disclaimer

This Spill Prevention, Control, and Countermeasure (SPCC) Plan template for Tier II qualified facilities has been prepared by the Department of Forestry & Fire Protection (CAL FIRE) – Office of the State Fire Marshal. It is intended to serve as guidance to assist in preparing an SPCC Plan (Plan) for Tier II qualified facilities meeting the applicability criteria of Title 40 Code of Federal Regulations (40 CFR) §112.3(g)(2). This template guidance document (template) is based on the Tier II Qualified Facility SPCC Plan template originally developed by the CalCUPA Forum Board's Aboveground Petroleum Storage Act (APSA) Working Group. The template is modeled after the United States Environmental Protection Agency (US EPA) Tier I Qualified Facility SPCC Plan template found in 40 CFR Part 112 Appendix G, but has been modified to incorporate the 40 CFR §112.6(b) requirements for Tier II qualified facilities.

The use of this template guidance document is optional. This template as a whole or any specific element of this template does not replace or substitute for any statutory or regulatory provision, nor is the template a regulation itself. In the event of a conflict between this template or any element and any statute or regulation, this template would not be controlling. Furthermore, nothing in this template guidance document should be considered legal advice nor be considered a substitute for seeking legal guidance with regards to the compliance for any statutory or regulatory provision. Thus, it does not impose legally binding requirements on the State, Unified Program Agencies, or the regulated community, and might not apply to a particular facility or situation based upon certain circumstances. If your SPCC Plan deviates from this template, you will need to ensure that it meets all of the required 40 CFR Part 112 elements and requirements applicable to a Tier II qualified facility.

Proper completion of this template is only one element of a tank facility's compliance with 40 CFR Part 112 and the Aboveground Petroleum Storage Act (California Health and Safety Code [HSC] Chapter 6.67). Facilities are reminded that, in addition to preparing the written SPCC Plan, the applicable requirements of the 40 CFR Part 112 SPCC rule and HSC Chapter 6.67 must be implemented at the facility, including implementation of the written Plan.

More information about SPCC requirements can be found at: <http://www.epa.gov/emergencies/content/spcc/>. If you have any concerns about meeting the requirements of a Tier II Qualified Facility SPCC Plan, contact your Unified Program Agency for assistance or clarification.

#### Instructions to Complete this Template

This guidance is intended to help the owner or operator of a Tier II qualified facility develop a self-certified SPCC Plan using this template.<sup>1</sup> This template also allows for a professional engineer (PE) to review and certify certain sections, if applicable, such as alternative measures of environmental equivalence, impracticability determinations of secondary containment and alternative measures, or alternative procedures, for produced water containers. To use this template, your facility must meet all of the applicability criteria of a Tier II qualified facility listed under 40 CFR §112.3(g)(2) of the SPCC rule.

A Tier II qualified facility is one that has had no single discharge as described in 40 CFR §112.1(b) exceeding 1,000 U.S. gallons or ten times the quantity as described in §112.1(b) each exceeding 40 U.S. gallons within any twelve-month period in

## [Tier I Qualified SPCC Plan Example \(Automotive Shop\)](#)

# CUPA Inspections

*What can I expect?*





# HMD APSA Inspections



## Triennial and unannounced

Typically follow this flow:

1. SPCC Plan review
2. Facility walkthrough
3. Document review other CUPA scopes
4. Review/issue inspection report
5. Follow-up for any “return to compliance” items

# APSA Inspection Process



## SPCC Plan Review

- Appropriate plan type
- Certified / reviewed
- All required content included
- All APSA storage accounted for
- Training / periodic inspections
- STI certified integrity inspections

## Walk-through

- Each APSA storage area or sample
- SPCC plan implementation
- Periodic inspection verification
- Spill history

# APSA Rulemaking

*What has changed?*





# APSA Regulations Update

CCR Title 19 rulemaking establishes APSA Regulations.

- Office of Administrative Law (OAL) Approved the rulemaking package on December 17, 2024 and made the regulations effective upon approval.
- The new regulations reside in California Code of Regulations (CCR) Title 19, Division 1, Chapter 11, Article 1.
- [Final Text of APSA Regulations - Express Terms](#)



# APSA Regulations Update

The new regulations mandate CUPAS to inspect all APSA facilities every three years (or establish another frequency approved by OSFM).

- HMD already performs APSA compliance inspections at facilities with 1,320 gallons or more. There is no change for this group.
- HMD conducts triennial HMBP inspections at “TIUGA-Only” facilities, but now we must also inspect for compliance with APSA.
- Since 2018, we have been providing guidance to “TIUGA-Only” facilities that they must be compliant with APSA and prepare and implement an SPCC Plan.



# APSA Regulations Update

- HMD will perform APSA scope inspections at “TIUGA-Only” facilities during their next scheduled Routine
  - Approximately 53 facilities in San Diego County.
- New regulations create State mandate for facilities to complete the APSA section in CERS annually.
- CUPAs must inspect Conditionally Exempt facilities every three years to ensure they still meet requirements of the exemption.



# HMD APSA Inspections

FACILITY TYPE	Small APSA	Large APSA
TOTAL VOLUME	< 10,000 gal*	≥ 10,000 gal
INSPECTION TYPE	Abbreviated	Comprehensive
INSPECTED BY	EHS	Lead EHS

*\*New regulations mandate CUPAs to inspect **all** facilities with less than 10,000 gallons of petroleum.*

# APSA Fees

*How are fees determined?*



# CUPA Program Fee Calculation Basics

- HMD programs are funded by permit fees for cost recovery.
- Our fees are approved by the County Board of Supervisors and are listed in ordinance.
- We are also mandated to assess and remit state surcharges for each CUPA program.



# Current APSA Program Fees FY 2024/2025



FEE LEVEL	APSA GALLONS	NUMBER OF FACILITIES	CUPA FEE	STATE SURCHARGE	TOTAL
Level I	1,320 - 9,999	734	\$317	\$26	\$343
Level II	10,000 - 100,000	167	\$385	\$26	\$411
Level III	100,001 – 1,000,000	11	\$502	\$26	\$528
Level IV	1,000,001 – 10,000,000	8	\$1,706	\$26	\$1,732
Level V	> 10,000,000	2	\$2,073	\$26	\$2,099

*County of San Diego Code of Regulatory Ordinances 65.107(k)(18)*

# Proposed APSA Fee Structure



FEE LEVEL	APSA GALLONS	NUMBER OF FACILITIES	PROPOSED CHANGE
Small APSA	Less than 10,000	787	Remove the 1,320-gallon floor to allow for cost recovery of inspections at TIGUA-Only facilities.
Large APSA	10,000 and greater	188	Collapse Level II through V



# APSA Tips



# Top Five APSA Tips since 2022



1

Keep up to date the APSA Program element in CERS.

2

Prepare and implement an SPCC Plan.

3

Conduct an annual Spill Prevention Briefing.

4

Perform and document a five-year review of the SPCC Plan.



5


Keep a record of inspections and integrity tests.



# APSA Resources

## OSFM APSA Website

Emergency? Call 911TranslateSettings


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[Home](#) › [What We Do](#) › [Pipeline Safety & CUPA](#) › [Certified Unified Program Agency \(CUPA\)](#) › [Aboveground Petroleum Storage Act](#)

## Aboveground Petroleum Storage Act

CAL FIRE-Office of the State Fire Marshal (OSFM) is responsible for ensuring the implementation of the Aboveground Petroleum Storage Act (APSA) program element of the Unified Program.

The original aboveground storage of petroleum statute was adopted in 1989 (Statutes of 1989, chapter 1383, section 1). Under the 1989 law, the State Water Resources Control Board (State Water Board) and Regional Water Quality Control Boards (Regional Water Boards) were responsible for the administration of the law and the Regional Water Boards were responsible for inspection of the regulated facilities and enforcement of the law. The Unified Program Agencies' (UPA) role under the original law and during the course of conducting Unified Program inspections was to determine whether a tank facility had prepared a Spill, Prevention, Control and Countermeasure (SPCC) Plan and to refer noncompliance to the Regional Water Boards. As a result of the fiscal year 2002-2003 fiscal crisis, the State Water Board's resources for this program were eliminated as a cost saving measure and all inspection and enforcement activities were halted.



Effective January 1, 2008, [Assembly Bill \(AB\) 1130 \(Laird\)](#) transferred the responsibility for the implementation, enforcement and administration of APSA with the UPAs. [Assembly member John Laird's letter, dated September 11, 2007](#), provided clarification on the nature of the program being transferred from the state to the UPAs. On September 25, 2012, [AB 1566 \(Wieckowski\)](#) authorized the CAL FIRE-Office of the State Fire Marshal the oversight responsibility of APSA effective January 1, 2013.

APSA regulates tank facilities that are subject to the federal SPCC rule or tank facilities with an aggregate storage capacity of 1,320 gallons or

## HMD APSA Website

### Aboveground Petroleum Storage Act Forms

*Complete and implement the appropriate form:*

[Tier I Facility Spill Prevention Control and Countermeasure \(SPCC\) Plan](#)

[Tier II Facility Spill Prevention Control and Countermeasure \(SPCC\) Plan](#)

[Certification of the Applicability of the Substantial Harm Criteria \(Required at all APSA facilities\)](#)

For guidance on selecting the correct SPCC Plan for your facility and for more information about APSA, please visit our [Aboveground Petroleum Storage Program](#) page.

**Submit a completed Tank Facility Statement to the Aboveground Petroleum Storage Act Documentation link in the APSA section in CERS:**

[Tank Facility Statement \(APSA\)](#)

*(This form is optional if you rely on a submitted Hazardous Materials Business Plan (HMBP) in CERS to meet the annual Tank Facility Statement requirement.)*

### APSA Checklists

[STI SP001 AST Record](#)

[STI SP001 Monthly AST Inspection Checklist](#)

[STI SP001 Annual AST Inspection Checklist](#)

[Monthly Visual \(OSFM\) Inspection Checklist for TIUGAs at Facilities with Less than 1,320 gallons](#)

[Sample Monthly Aboveground Tank/Container Inspection Form](#)

Monthly Checklist for TIUGA Facility with Less than 1,320 Gallons of Petroleum ( [Word](#) | [PDF](#) )



# HMD Technical Leads



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UST	Cecilia Lewallen	<a href="mailto:Cecilia.Lewallen@sdcounty.ca.gov">Cecilia.Lewallen@sdcounty.ca.gov</a>	(619) 454-9915

# Questions

*and answers.*





THANK YOU

