

## Aboveground Petroleum Storage Act

### Guide to Understanding Tanks in Underground Areas in the APSA Program (HSC Chapter 6.67, Section 25270.2(o))

<b>Facility's Total Capacity of Petroleum</b>	<ul style="list-style-type: none"> <li>If a facility has a total capacity of 1,320 gallons or more of petroleum, then all aboveground storage tanks, including tanks in underground areas, are subject to the Aboveground Petroleum Storage Act (APSA).</li> <li>If a facility has a total capacity of less than 1,320 gallons of petroleum and has one or more tanks in an underground area, then only the tanks in an underground area are subject to APSA.</li> </ul>	
<b>Requirements for Tanks in Underground Areas</b>	<ul style="list-style-type: none"> <li>Facility must prepare and implement a spill prevention, control, and countermeasure (SPCC) plan applying good engineering practices to prevent petroleum releases using the same format required by 40CFR 112, conduct periodic inspections of each storage tank, and comply with current federal regulations found in 40CFR 112.</li> <li>The storage tank is located on or above the surface of the floor in a structure at least 10 percent below the ground surface, including, but not limited to, a basement, cellar, shaft, pit, or vault.</li> <li>The structure in which the tank is located provides for secondary containment of the contents of the tank<sup>a</sup>, piping, and ancillary equipment, until cleanup occurs.</li> <li>The structure in which the tank is located allows for direct viewing<sup>b</sup> of the exterior of the tank except for the part of the tank in contact with the surface of the floor<sup>a,c</sup>.</li> </ul>	
<b>Effective Date</b>	<b>Types of Tanks - HSC 25270.2(o)(1)(C)</b>	<b>Piping Specifics<sup>d</sup></b>
<b>1/1/2016- Exclusion from UST definition not hinged on effective date of OSFM piping regulations</b>	(i) contains petroleum to be used or previously used as lubricant or coolant in motor engines, transmissions, or oil-filled operational or manufacturing equipment	Comply with APSA per HSC 25270.3 and 25270.4.5 and federal SPCC rule (40CFR 112) to prevent and control releases
<b>Possibly 1/1/2018 OSFM Piping regulations must become effective before these tanks can qualify for exclusion from UST definition</b>	(ii) contains petroleum that is considered a hazardous waste and complies with the hazardous waste tank standards in 22CCR <sup>e</sup>	<p>Comply with APSA per HSC 25270.3 and 25270.4.5 and federal SPCC rule (40CFR 112) to prevent and control releases</p> <p>Comply with 22CCR<sup>e</sup></p> <p>If there is connected piping that is in direct contact with soil or backfill, must comply with OSFM piping regulations.</p>
	(iii) contains petroleum to be used for emergency systems, solely in connection with a fire pump or an emergency system, legally required standby system, or optional standby system as defined in the CA Electrical Code	Comply with APSA per HSC 25270.3 and 25270.4.5 and federal SPCC rule (40CFR 112) to prevent and control releases
	<p>(iv) does not fit into (i), (ii) or (iii) and contains petroleum</p> <p><i>This subsection covers all other types of tanks at facilities subject to APSA-- gasoline, diesel, petroleum solvent, etc.</i></p>	<p>Comply with APSA per HSC 25270.3 and 25270.4.5 and federal SPCC rule (40CFR 112) to prevent and control releases</p> <p>All connected piping, 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, can either be visually inspected by direct viewing<sup>b</sup> or has both secondary containment and leak detection that meet the requirements of the OSFM piping regulations to be adopted pursuant to HSC 25270.4.1.</p>

<sup>a</sup> For a shop-fabricated double-walled storage tank, 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 AND direct viewing<sup>b</sup> of the exterior of the tank is not required if inspections of the interstitial space are performed or if it has a mechanical or electronic device that will detect leaks in the interstitial space.

<sup>b</sup> 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.

<sup>c</sup> "Direct viewing," as defined in APSA, is not referenced in HSC 25270.2(o)(1)(C)(ii), because similar requirements apply to hazardous waste tanks under 22CCR.

<sup>d</sup> Federal SPCC rule (40 CFR 112.7 and 112.8) requires that the facility owner/operator inspect all secondary containment (active and passive, including walls and floor) in accordance with the facility's SPCC Plan and industry standards or good engineering practice. This includes the general secondary containment of the piping and ancillary equipment.

<sup>e</sup> SB612 also amended HSC 25281(t) and changed the definition of "storage" in UST law for both petroleum and non-petroleum tanks containing hazardous waste.