

California Environmental Protection Agency Unified Program

Fact Sheet
December 2007

Aboveground Petroleum Storage Act
Assembly Bill 1130 (Laird)
Chaptered October 13, 2007

SUMMARY

This bill transfers the responsibility for the implementation, enforcement, and administration of the Aboveground Petroleum Storage Act (APSA) from the State Water Resources Control Board (SWRCB) to the Certified Unified Program Agencies (CUPA's). The bill authorizes the expenditure of a portion of the moneys in the Environmental Protection Trust Fund (EPTF), upon appropriation by the Legislature, in an amount determined by the Secretary for Environmental Protection (Secretary) in consultation with the CUPA's, to a training account established and maintained by the Secretary to be used for purposes of training CUPA personnel in the requirements of the act. The bill allocates all remaining funds to the CUPA's for expenditure to implement the act, but limits to 80% or less the allocation to a CUPA in advance of actual expenditure by the CUPA. The bill also makes conforming changes to ensure consistency with the federal Spill Prevention Control and Countermeasure (SPCC) rule provided in the U.S. Code of Federal Regulations, title 40, part 112 (40CFR112).

PREVIOUS LAW

Previous law required the SWRCB and the Regional Water Quality Control Boards (RWQCB's) to administer the program with regard to a tank facility that is subject to specified federal regulations. CUPA's, during routine compliance inspections conducted at tank facilities pursuant to other Unified Program elements, were required to verify that an SPCC plan has been prepared. If an SPCC plan had not been prepared, the CUPA's were required to submit a referral to the appropriate RWQCB for enforcement. Previous law also required a tank facility owner or operator to file a storage statement with the SWRCB and pay the fee specified in law to the SWRCB.

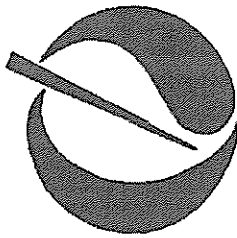
THE BILL

- 1) Is effective on January 1, 2008.
- 2) Establishes the California Aboveground Petroleum Storage Act (APSA).
- 3) Defines key terms, such as: *aboveground storage tank; petroleum; storage capacity; tank facility; etc.*
- 4) Identifies when tank facilities are subject to and exempt from the ASPA.
- 5) Transfers the authority and responsibility for administration of the APSA from the SWRCB and RWQCBs to the CUPA's.
- 6) Requires the owner or operator of a tank facility, with an aggregate storage capacity $\geq 1,320$ gallons of petroleum, to prepare and implement an SPCC plan in accordance with federal law, 40CFR112.

- 7) Requires the CUPA's to conduct inspections at tank facilities with an aggregate storage capacity \geq 10,000 gallons of petroleum at least every three years. The purpose of the inspection is to determine whether the owner or operator is in compliance with the SPCC plan requirements of the APSA.
- 8) Allows the CUPA's to develop an alternative inspection and compliance plan, subject to approval by the Secretary.
- 9) Provides that an inspection conducted by a CUPA does not require the oversight of a professional engineer.
- 10) Provides that the person conducting the inspection shall complete an aboveground storage tank training program and satisfactorily pass an examination on the SPCC plan provisions and safety requirements for aboveground storage tank inspections. The training program and examination are to be developed by the Secretary.
- 11) Requires the owner or operator of a tank facility to annually file a tank facility statement with the CUPA. The submission of a business plan satisfies the requirement to submit the tank facility statement.
- 12) Requires that the governing body of the CUPA establish a fee, as part of the single fee system, at a level sufficient to pay the necessary and reasonable costs incurred by the CUPA in administering the APSA including but not limited to inspections, enforcement and administrative costs.
- 13) Prevents CUPA's from assessing and collecting an APSA-related fee from tank facilities until January 1, 2010.
- 14) Allows a CUPA to waive the APSA related single fee for a state or local government agency that submits a tank facility statement.
- 15) Requires each owner or operator of a tank facility to immediately report, upon discovery, to the Governor's Office of Emergency Services and the CUPA, the occurrence of a spill or release of 42 gallons or more of petroleum.
- 16) Requires the California Environmental Protection Agency (Cal/EPA) to expend funds from the EPTF, in consultation with the CUPA's, in the following manner:
 - a) For the purposes of training CUPA personnel in the requirements of the APSA.
 - b) To the CUPA's for the purpose of implementing the APSA.
- 17) Establishes civil penalties and specifies that any penalties assessed and recovered in a civil action by a city attorney or a district attorney would be shared 50% to the UPA and 50% to the city attorney or district attorney.
- 18) Clarifies that transportation-related tanks regulated by the U.S. Department of Transportation and underground storage tanks are not subject to the APSA.

CONTACT

John Paine
Cal/EPA Unified Program
(916) 327-5092 or jpaine@calepa.ca.gov



California Environmental Protection Agency Unified Program

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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*)

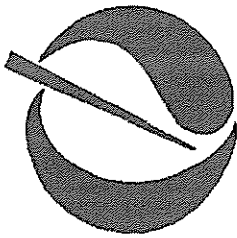
REQUIREMENTS OF APSA

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*)

CONTACT

John Paine
Cal/EPA Unified Program
(916) 327-5092 or jpaine@calepa.ca.gov



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Attachment 1 Spill Prevention Control and Countermeasure Plan Requirements U.S. Code of Federal Regulations, Title 40, Part 112

PREPARE SPCC PLAN

Prepare a Spill Prevention Control and Countermeasure (SPCC) plan in accordance with U.S. Code of Federal Regulations, Title 40, Part 112 (40CFR112).

- i. Prepare an SPCC plan in accordance with good engineering practices. (40 C.F.R. § 112.7)
- ii. The SPCC plan must have the full approval of management at a level of authority to commit the necessary resources to fully implement the SPCC plan. (40 C.F.R. § 112.7)
- iii. You must prepare the SPCC plan in writing. (40 C.F.R. §§ 112.3 and 112.7)
- iv. If you do not follow the sequence specified in this section for the SPCC plan, you must prepare an equivalent SPCC 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. (40 C.F.R. § 112.7)
- v. If the SPCC plan calls for additional facilities or procedures, methods, or equipment not yet fully operational, you must discuss these items in separate paragraphs, and must explain separately the details of installation and operational start-up. (40 C.F.R. § 112.7)
- vi. Include a discussion of your facility's conformance with the requirements listed in this part. (40 C.F.R. § 112.7(a)(1))
- vii. Comply with all applicable requirements listed in this part.
 1. Your SPCC plan may deviate from the requirements in paragraphs (g), (h)(2) and (3), and (i) of this section and the requirements in subparts B and C of this part, except the secondary containment requirements in paragraphs (c) and (h)(1) of this section, and sections 112.8(c)(2), 112.8(c)(11), 112.9(c)(2), 112.10(c), 112.12(c)(2), 112.12(c)(11), 112.13(c)(2), and 112.14(c), where applicable to a specific facility, if you provide equivalent environmental protection by some other means of spill prevention, control, or countermeasure. (40 C.F.R. § 112.7(a)(2))
 2. Where your SPCC plan does not conform to the applicable requirements in paragraphs (g), (h)(2) and (3), and (i) of this section, or the requirements of subparts B and C of this part, except the secondary containment requirements in paragraphs (c) and (h)(1) of this section, and sections 112.8(c)(2), 112.8(c)(11), 112.9(c)(2), 112.10(c), 112.12(c)(2), 112.12(c)(11), 112.13(c)(2), and 112.14(c), you must state the reasons for nonconformance in your SPCC plan and describe in detail alternate methods and how you will achieve equivalent environmental protection. If the Regional Administrator determines that the measures described in your SPCC plan do not provide equivalent environmental protection, he may require that you amend your SPCC plan, following the procedures in sections 112.4(d) and (e). (40 C.F.R. § 112.7(a)(2))
- viii. Describe in your SPCC plan the physical layout of the facility and include a facility diagram, which must mark the location and contents of each container. (40 C.F.R. § 112.7(a)(3))
 1. The facility diagram must include completely buried tanks that are otherwise exempted from the requirements of this part under section 112.1(d)(4). (40 C.F.R. § 112.7(a)(3))
 2. The facility diagram must also include all transfer stations and connecting pipes. (40 C.F.R. § 112.7(a)(3))

- ix. You must also address in your SPCC plan:
1. The type of oil in each container and its storage capacity; (40 C.F.R. § 112.7(a)(3)(i))
 2. Discharge prevention measures including procedures for routine handling of products (loading, unloading, and facility transfers, etc.); (40 C.F.R. § 112.7(a)(3)(i))
 3. Discharge or drainage controls such as secondary containment around containers and other structures, equipment, and procedures for the control of a discharge; (40 C.F.R. § 112.7(a)(3)(ii))
 4. Countermeasures for discharge discovery, response, and cleanup (both the facility's capability and those that might be required of a contractor); (40 C.F.R. § 112.7(a)(3)(iii))
 5. Methods of disposal of recovered materials in accordance with applicable legal requirements; and (40 C.F.R. § 112.7(a)(3)(iv))
 6. Contact list and phone numbers for the facility response coordinator, National Response Center, cleanup contractors with whom you have an agreement for response, and all appropriate federal, state, and local agencies who must be contacted in case of a discharge as described in section 112.1(b). (40 C.F.R. § 112.7(a)(3)(v))
- x. Provide information and procedures in your SPCC plan to enable a person reporting a discharge as described in section 112.1(b) to relate information on the exact address or location and phone number of the facility; the date and time of the discharge, the type of material discharged; estimates of the total quantity discharged; estimates of the quantity discharged as described in section 112.1(b); the source of the discharge; a description of all affected media; the cause of the discharge; any damages or injuries caused by the discharge; actions being used to stop, remove, and mitigate the effects of the discharge; whether an evacuation may be needed; and, the names of individuals and/or organizations who have also been contacted. (40 C.F.R. § 112.7(a)(4))
- xi. Organize portions of the SPCC plan describing procedures you will use when a discharge occurs in a way that will make them readily usable in an emergency, and include appropriate supporting material as appendices. (40 C.F.R. § 112.7(a)(5))
- xii. 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 a discharge), include in your SPCC plan a prediction of the direction, rate of flow, and total quantity of oil which could be discharged from the facility as a result of each type of major equipment failure. (40 C.F.R. § 112.7(b))
- xiii. Provide appropriate containment and/or diversionary structures or equipment to prevent a discharge as described in section 112.1(b). (40 C.F.R. § 112.7(b))
1. The entire containment system, including walls and floor, must be capable of containing oil and must be constructed so that any discharge from a primary containment system, such as a tank or pipe, will not escape the containment system before cleanup occurs. (40 C.F.R. § 112.7(c))
 2. At a minimum, you must use one of the following prevention systems or its equivalent:
 - a. For onshore facilities:
 - i.) Dikes, berms, or retaining walls sufficiently impervious to contain oil; (40 C.F.R. § 112.7(c)(1)(i))
 - ii.) Curbing; (40 C.F.R. § 112.7(c)(1)(ii))
 - iii.) Culverting, gutters, or other drainage systems; (40 C.F.R. § 112.7(c)(1)(iii))
 - iv.) Weirs, booms, or other barriers; (40 C.F.R. § 112.7(c)(1)(iv))
 - v.) Spill diversion ponds; (40 C.F.R. § 112.7(c)(1)(v))
 - vi.) Retention ponds; or (40 C.F.R. § 112.7(c)(1)(vi))
 - vii.) Sorbent materials. (40 C.F.R. § 112.7(c)(1)(vii))

- b. For offshore facilities:
 - i.) Curbing or drip pans; or (40 C.F.R. § 112.7(c)(2)(i))
 - ii.) Sumps and collection systems. (40 C.F.R. § 112.7(c)(2)(ii))
- xiv. If you determine that the installation of any of the structures or pieces of equipment listed in paragraphs (c) and (h)(1) of this section, and sections 112.8(c)(2), 112.8(c)(11), 112.9(c)(2), 112.10(c), 112.12(c)(2), 112.12(c)(11), 112.13(c)(2), and 112.14(c) to prevent a discharge as described in section 112.1(b) from any onshore or offshore facility is not practicable, you must clearly explain in your SPCC plan why such measures are not practicable; (40 C.F.R. § 112.7(d))
 - 1. For bulk storage containers, conduct both periodic integrity testing of the containers and periodic integrity and leak testing of the valves and piping; and, unless you have submitted a response plan under section 112.20, provide in your SPCC plan the following:
 - a. An oil spill contingency plan following the provisions of part 109 of this chapter. (40 C.F.R. § 112.7(d)(1))
 - b. A written commitment of man power, equipment, and materials required to expeditiously control and remove any quantity of oil discharged that may be harmful. (40 C.F.R. § 112.7(d)(2))

CONDUCT PERIODIC INSPECTIONS

Conduct periodic inspections to assure compliance with 40CFR112 (inspections, tests, and records).

- i. Conduct inspections and tests required by this part in accordance with written procedures that you or the certifying engineer develop for the facility. (40 C.F.R. § 112.7(e))
 - 1. You must keep these written procedures and a record of the inspections and tests, signed by the appropriate supervisor or inspector, with the SPCC plan for a period of three years. (40 C.F.R. § 112.7(e))
 - 2. Records of inspections and tests kept under usual and customary business practices will suffice for purposes of this paragraph. (40 C.F.R. § 112.7(e))

IMPLEMENT SPCC PLAN

Implement SPCC plan in compliance with 40CFR112.

- i. *Personnel, training, and discharge prevention procedures.*
 - 1. At a minimum, train your oil-handling personnel in the operation and maintenance of equipment to prevent discharges; discharge procedure protocols; applicable pollution control laws, rules, and regulations; general facility operations; and, the contents of the facility SPCC plan. (40 C.F.R. § 112.7(f)(1))
 - 2. Designate a person at each applicable facility who is accountable for discharge prevention and who reports to facility management. (40 C.F.R. § 112.7(f)(2))
 - 3. Schedule and conduct discharge prevention briefings for your oil-handling personnel at least once a year to assure adequate understanding of the SPCC plan for that facility. Such briefings must highlight and describe known discharges as described in section 112.1(b) or failures, malfunctioning components, and any recently developed precautionary measures. (40 C.F.R. § 112.7(f)(3))

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Attachment 1 – SPCC Plan Requirements

ii. *Security (excluding oil production facilities).*

1. Fully fence each facility handling, processing, or storing oil, and lock and/or guard entrance gates when the facility is not in production or is unattended. (40 C.F.R. § 112.7(g)(1))
2. Ensure that the master flow and drain valves and any other valves permitting direct outward flow of the container's contents to the surface have adequate security measures so that they remain in the closed position when in non-operating or non-standby status. (40 C.F.R. § 112.7(g)(2))
3. Lock the starter control on each oil pump in the "off" position and locate it at a site accessible only to authorized personnel when the pump is in a non-operating or non-standby status. (40 C.F.R. § 112.7(g)(3))
4. Securely cap or blank-flange the loading/unloading connections of oil pipelines or facility piping when not in service or when in standby service for an extended time. This security practice also applies to piping that is emptied of liquid content either by draining or by inert gas pressure. (40 C.F.R. § 112.7(g)(4))
5. Provide facility lighting commensurate with the type and location of the facility that will assist in the:
 - a. Discovery of discharges occurring during hours of darkness, both by operating personnel, if present, and by non-operating personnel (the general public, local police, etc.); and (40 C.F.R. § 112.7(g)(5)(i))
 - b. Prevention of discharges occurring through acts of vandalism. (40 C.F.R. § 112.7(g)(5)(ii))

iii. *Facility tank car and tank truck loading/unloading rack (excluding offshore facilities).* (40 C.F.R. § 112.7(h)(1))

1. Where loading/un-loading area drainage does not flow into a catchment basin or treatment facility designed to handle discharges, use a quick drainage system for tank car or tank truck loading and unloading areas. (40 C.F.R. § 112.7(h)(1))
2. You must design any containment system to hold at least the maximum capacity of any single compartment of a tank car or tank truck loaded or unloaded at the facility. (40 C.F.R. § 112.7(h)(1))
3. Provide an interlocked warning light or physical barrier system, warning signs, wheel chocks, or vehicle break interlock system in loading/un-loading areas to prevent vehicles from departing before complete disconnection of flexible or fixed oil transfer lines. (40 C.F.R. § 112.7(h)(2))
4. Prior to filling and departure of any tank car or tank truck, closely inspect for discharges the lowermost drain and all outlets of such vehicles, and if necessary, ensure that they are tightened, adjusted, or replaced to prevent liquid discharge while in transit. (40 C.F.R. § 112.7(h)(3))

- iv. If a field-constructed aboveground container undergoes a repair, alteration, reconstruction, or a change in service that might affect the risk of a discharge or failure due to brittle fracture or other catastrophe, or has discharged oil or failed due to brittle fracture failure or other catastrophe, then evaluate the container for risk of discharge or failure due to brittle fracture or other catastrophe, and as necessary, take appropriate action. (40 C.F.R. § 112.7(i))
- v. In addition to the minimal prevention standards listed under this section, include in your SPCC plan a complete discussion of conformance with the applicable requirements and other effective discharge prevention and containment procedures listed in this part or any applicable more stringent State rules, regulations, and guidelines. (40 C.F.R. § 112.7(j))

FOR MORE INFORMATION

For additional information, visit U.S. Environmental Protection Agency's Web site at <http://www.epa.gov/oilspill/spcc.htm>.

**ABOVEGROUND PETROLEUM STORAGE ACT (APSA) PROGRAM
GRANT APPLICATION**

1. Entity Information:

Name of Grantee:
Name of Project Director:
Address:
City, Zip:
Phone:
Fax:
E-Mail:
Name of Grant Contact (if applicable):
Address:
City, Zip:
Phone:
Fax:
E-Mail:

2. Grant Amount:

3. Work plan: (Scope of Work)

The CUPA shall develop a work plan as part of this grant application. The work plan will describe the CUPA's implementation activities and tasks and a timeline (spreadsheet) that delineates critical and completion dates of the activities and tasks.

The work plan shall include a brief narrative summary for each activity and task that clearly describes the activity or task and depicts the steps that will be taken or the methods to be used for completion. The descriptions should include as much detail as necessary to depict the CUPA's overall implementation efforts through the period of the grant. The narrative summaries shall also include a discussion of the expected completion dates of each activity and task. The list of activities and tasks provided below should be used as a reference to ensure that all applicable implementation activities are addressed.

A timeline (simple spreadsheet format) shall be developed to depict the critical milestones and expected completion dates for each activity and task identified in the work plan.

**ABOVEGROUND PETROLEUM STORAGE ACT (APSA) PROGRAM
GRANT APPLICATION**

4. Projected Budget:

Direct Program Costs:

*Personnel Services	\$
Operating Expenses (prorated for project)	\$
Travel Expenses	
Supplies/Materials (less than \$5,000 per item)	
Equipment (\$5,000 or more per item)	\$
Professional/Consultant Services	\$
Indirect Cost (%) (Rate applied to Personnel Services only)	\$
TOTAL	\$

*Salary is based on hourly rate and includes fringe benefits.

5. CERTIFICATION

I certify under penalty of perjury that the information I have entered on this application is true and complete to the best of my knowledge and that I am an employee of the applicant authorized to submit the application on behalf of the applicant. I further understand that any false, incomplete, or incorrect statements may result in the disqualification of this application. By signing this application, I waive any and all rights to privacy and confidentiality of the proposal on behalf of the applicant, to the extent provided in this program.

Applicant Signature

Date

Printed Name of Applicant

**ABOVEGROUND PETROLEUM STORAGE ACT (APSA) PROGRAM
SAMPLE GRANT APPLICATION**

1. Entity Information:

Name of Grantee: Lorenzo County
Name of Project Director: John Painey
Address: 1001 I Street
City, Zip: Lorenzo, 95818
Phone: (918) 555-1234
Fax: (918) 555-4321
E-Mail: jpainey@lorenzo.ca.gov
Name of Grant Contact (if applicable): Jennifer Lorraine
Address: Same as above
City, Zip: " " "
Phone: (918) 555-1698
Fax: (918) 555-8558
E-Mail: jlorraine@lorenzo.ca.gov

2. Grant Amount: \$58,500

3. Work plan: (Scope of Work)

The CUPA shall develop a work plan as part of this grant application. The work plan will describe the CUPA's implementation activities and tasks and a timeline (spreadsheet) that delineates critical and completion dates of the activities and tasks.

The work plan shall include a brief narrative summary for each activity and task that clearly describes the activity or task and depicts the steps that will be taken or the methods to be used for completion. The descriptions should include as much detail as necessary to depict the CUPA's overall implementation efforts through the period of the grant. The narrative summaries shall also include a discussion of the expected completion dates of each activity and task. The list of activities and tasks provided below should be used as a reference to ensure that all applicable implementation activities are addressed.

A timeline (simple spreadsheet format) shall be developed to depict the critical milestones and expected completion dates for each activity and task identified in the work plan.

**ABOVEGROUND PETROLEUM STORAGE ACT (APSA) PROGRAM
SAMPLE GRANT APPLICATION**

Lorenzo County AST Implementation Plan

The Lorenzo County CUPA will incorporate the implementation of the Aboveground Petroleum Storage Act (APSA) Program into the existing Unified Program structure established for Lorenzo County. The current activities of verifying preparation of an SPCC and referrals to the Regional Water Quality Control Board will be replaced with full implementation and administration of the APSA, beginning on January 1, 2008. The following work plan, and associated timelines for completion, address all aspects related to Lorenzo County's planned APSA implementation activities from of the January 1, 2008, through December 31, 2009.

A. Work Plan

I. Fee Accountability Program

The Lorenzo County CUPA will incorporate the APSA Program into the existing Unified Program (UP) Fee Accountability system, accounting for the fee schedule, the actual amount billed, and the revenue collected. The fee accountability program is designed to encourage more efficient and cost-effective operation of the program for which the single fee is assessed. For the APSA Program, the fee accountability program will be instituted before incorporating it into the single fee system. The Lorenzo County CUPA's fee accountability program includes the following elements:

- Accounting for: the fee schedule, the actual amount billed, and the revenue collected;
- Discrete billable services, categorized as general;
- Staff work hours required to implement the APSA program;
- Direct program expenses (including durable and disposable equipment);
- Indirect program expenses (including overhead for facilities and administrative functions);
- The number of businesses regulated under the APSA Program in Lorenzo County; and,
- The Quantity and range of services provided, including frequency of inspection.

The incorporation of the APSA Program into the Unified Program Fee Accountability System and Program will be accomplished by June 30, 2008.

II. Unified Program Single Fee System

Prior to January 1, 2010, the Lorenzo County Board of Supervisors will adopt the APSA program fee as part of the UP Single Fee system in Lorenzo County CUPA. The APSA Program fee will be established at a level sufficient to pay the necessary and reasonable costs incurred by the CUPA in administering the APSA Program, including, but not limited to, inspections, enforcement, and administrative costs. As part of the single fee system, the Lorenzo County CUPA will provide for a waiver of the APSA Program fees when a state or local government agency submits a tank facility statement.

**ABOVEGROUND PETROLEUM STORAGE ACT (APSA) PROGRAM
SAMPLE GRANT APPLICATION**

By January 1, 2010, the Lorenzo County CUPA's "UP Single Fee Invoice" will be amended to include a line item for the APSA Program fee. Fees for non-recurring APSA Program activities of the CUPA such as, but not limited to, the fee for an initial permit or special inspection, may be billed separately from the "UP Single Fee Invoice." Beginning in January 2010, each regulated business will be assessed the APSA Program fee as part of the single fee invoice.

The Lorenzo County CUPA UP fee schedules will be available to interested parties on the county Web Site or upon request to the CUPA.

The Lorenzo County CUPA's dispute resolution procedures will be amended to incorporate the APSA Program, which will guide the resolution of fee disputes that arise between the businesses regulated under the APSA Program element.

III. Staffing Plan

Staff resources for the initial implementation phase (January 1, 2008 – December 31, 2009) of the APSA Program will involve the hiring of a retired annuitant or consultant and redirection of existing CUPA staff. As part of the CUPA's staffing plan and adoption of the single fee for the APSA Program, the adequacy of proposed staffing resources will include an analysis of:

1. The number and type of regulated tank facilities within the jurisdiction;
2. An estimate of the annual number of compliance and complaint inspections, considering cost of the following activities:
 - (i) Inspections and the related travel, research, analysis of findings, and documentation;
 - (ii) Inspection and enforcement activities including warnings, notices, meetings, hearings, legal proceedings, and documentation;
 - (iii) Permit activities including application reviews, modifications and revisions, and facility evaluations;
 - (iv) Training including field, meetings, seminars, workshops, courses and literature reviews; and
 - (v) Management including day-to-day operation scheduling and supervision.

By February 29, 2008, the CUPA will secure a contract for either a retired annuitant or consultant to assist with the start up activities associated with implementing the APSA Program in Lorenzo County. Existing CUPA staff will be temporarily redirected to assist with the start up activities. Once a solid funding mechanism is in place (after January 1, 2010), the CUPA will initiate the process of hiring permanent APSA Program staff.

IV. Identification of Regulatory Universe

The Lorenzo County CUPA will use the AST Tank Facility list provided by Cal/EPA as the starting point for the identification of the regulated tank facilities in Lorenzo County.

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The list will be compared with the existing facility data to determine those facilities already regulated under one or more Unified Program elements that handle petroleum materials in amounts that are equal to or in excess of 1,320 gallons. The list will then be segregated based on the following categories:

1. Exempted tank facilities with total tank storage capacity of less than 20,000 gallons
2. Tank facilities w/ storage capacity $\geq 1,320$ and $< 10,000$ gallons
3. Tank facilities w/ storage capacity $\geq 10,000$ and $< 100,000$ gallons
4. Tank facilities w/ storage capacity $\geq 100,001$ and $< 1,000,000$ gallons
5. Tank facilities w/ storage capacity $\geq 1,000,001$ and $< 10,000,000$ gallons
6. Tank facilities w/ storage capacity $\geq 10,000,001$ and $< 100,000,000$ gallons
7. Tank facilities w/ storage capacity $\geq 100,000,001$ gallons

The Lorenzo County CUPA will submit the complete list of regulated tank facilities to Cal/EPA by December 1, 2008.

V. Staff Training Plan

Both the consultant and redirected CUPA staff will be attending the AST Training Program developed by Cal/EPA, which is scheduled to be delivered in July, August, and September of 2008. When permanent APSA Program staff is hired, they will go through the AST Training Program's computer-based training course, including successful completion of the examination for inspectors. The APSA Program standards will be incorporated into the CUPA's ongoing training program and provided to program staff on a regular basis.

VI. Inspection and Compliance Plan

As part of the Lorenzo County CUPA's Unified Inspection and Enforcement Program, the CUPA will ensure all regulated businesses subject to the APSA Program are in compliance with all the program requirements, including SPCC Plan preparation and implementation, annual submission of their facility statement, and spill notifications. Exempted tank facilities will be periodically reviewed to verify that their total tank capacity is less than 20,000 gallons and to ensure they are performing and documenting their daily tank inspections. Tank facilities with storage capacity of $\geq 1,320$ and $< 10,000$ gallons will be periodically reviewed to verify that their total tank capacity is less than 10,000 gallons and to ensure that they have prepared and are implementing an SPCC Plan, are submitting their annual facility statements, and are paying the APSA Program fee. Tank facilities with storage capacity of $\geq 10,000$ gallons will be inspected at least once every three years to ensure that they have prepared and are implementing an SPCC Plan in compliance with U.S. Code of Federal Regulations, Title 40, Part 112. The inspection will also include a visual inspection of a representative sample of the tanks at the tank facility. The inspection and all violations discovered during the inspections will be documented on an inspection report form. Minor violations will be clearly identified and required to be corrected within 30 days. The owner/operator of the tank facility will be required to certify that all minor violations have been corrected. For more

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significant or serious violations, the CUPA will either initiate an administrative enforcement action or refer the case to the Lorenzo County District Attorney for civil enforcement.

VII. UP Administrative Procedures

The Lorenzo County CUPA's administrative policy and procedures will be reviewed and updated, as necessary to incorporate all relevant aspects of the APSA Program. All revisions will be completed by December 31, 2008.

VIII. Regulated Business Outreach Activities

The Lorenzo County CUPA will develop educational and guidance materials for those businesses regulated under the APSA Program. The educational and guidance materials will include fact sheets and guidance documents to assist regulated businesses in complying with all requirements of the APSA Program. These materials will be developed prior to September 2008. In addition to these educational and guidance materials, the Lorenzo County CUPA will hold two Compliance Assistance Workshops in October 2008. The workshops will be held in the evening and afford the regulated businesses the opportunity to learn about the APSA Program requirements and ask questions concerning specific requirements or appropriate methods of compliance.

IX. Other Implementation Activities

The Lorenzo County CUPA is the only Unified Program Agency within the jurisdictional boundaries of the county.

B. Implementation Timeline

Activity	2008				2009				2010
	Jan – Mar	Apr – Jun	Jul – Sept	Oct – Dec	Jan – Mar	Apr – Jun	Jul – Sept	Oct – Dec	Jan – Mar
Fee Accountability		X							
Single Fee								X	X
Staffing	X								
Regulated Businesses				X					
Training			X						
Procedures				X					
Outreach				X					
Inspections									X

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4. Projected Budget:

Direct Program Costs:

*Personnel Services	\$ 10,000
Operating Expenses (prorated for project)	\$ 8,500
Travel Expenses	
Supplies/Materials (less than \$5,000 per item)	
Equipment (\$5,000 or more per item)	\$ 2,500
Professional/Consultant Services	\$ 34,000
Indirect Cost (%) (Rate applied to Personnel Services only)	\$ 3,500
TOTAL	\$ 58,500

*Salary is based on hourly rate and includes fringe benefits.

5. CERTIFICATION

I certify under penalty of perjury that the information I have entered on this application is true and complete to the best of my knowledge and that I am an employee of the applicant authorized to submit the application on behalf of the applicant. I further understand that any false, incomplete, or incorrect statements may result in the disqualification of this application. By signing this application, I waive any and all rights to privacy and confidentiality of the proposal on behalf of the applicant, to the extent provided in this program.

<i>John Painey</i>	1/31/08
Applicant Signature	Date

John Painey
Printed Name of Applicant

LORENZO COUNTY
Resolution No. 07-012

A RESOLUTION AUTHORIZING ENTERING INTO AN AGREEMENT WITH THE STATE
OF CALIFORNIA AND DESIGNATING A REPRESENTATIVE TO SIGN THE
AGREEMENT AND ANY AMENDMENTS THERETO FOR IMPLEMENTATION OF THE
ABOVEGROUND PETROLEUM STORAGE TANK ACT

WHEREAS:

1. The **Lorenzo County CUPA** shall use these grant funds made available pursuant to California Health and Safety Code, section 25270.11 and per the grant **agreement**, and **any amendment**, with the **California Environmental Protection Agency** to implement the requirements of the Aboveground Petroleum Storage Tank Act.

THEREFORE BE IT RESOLVED THAT:

The Lorenzo County has authorized the Environmental Health Director or designee, to execute and amend the grant agreements with the California Environmental Protection Agency, verifies invoices are accurate and certifies the Lorenzo County is in compliance with all applicable laws and regulations.

CERTIFICATION

I hereby certify that the foregoing Resolution No. 07-012 was duly and regularly adopted by the Board of Supervisors of the Lorenzo County at the meeting thereof held on the 21st of November, 2007, motion made by Jennifer Coen and seconded by Steven Blank, motion passed by the following roll call vote:

AYE: Coen, Blank, Bullrings, Frank, Chessman, Novak

NO:

ABSENT:

ABSTAIN:



Jessie James
County Clerk

NOTE:

This is only a sample resolution. The CUPA is strongly encouraged to follow this format, but each CUPA may use their County's or City's own format, if desired. However, the language in **bold** must be included in the resolution.

- Include agreement and amendment in the title;
- The name of the CUPA;
- The title of the authorized CUPA representative to sign for the agreement and any amendment(s); and
- The grantor (California Environmental Protection Agency).

If not using the sample format provided, please coordinate with John Paine of Cal/EPA at (916) 327-5092 or jpaine@calepa.ca.gov to ensure that the resolution meets the minimum language required.