



## California Aboveground Petroleum Storage Act Scope of CUPA Implementation

This fact sheet summarizes the Unified Program Agencies' (UPA) responsibilities 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).

### **REQUIREMENTS OF APSA**

1. An owner or operator of a storage tank at a tank facility subject to Chapter 6.67 shall (*Health & Saf. Code § 25270.4.5(a)*):
    - A. Prepare a Spill Prevention, Control, and Countermeasure (SPCC) Plan applying good engineering practices to prevent petroleum releases using the same format required by the Code of Federal Regulations, Title 40, Part 112 (40CFR112)
    - B. Conduct periodic inspections to ensure compliance with 40CFR112 (Inspections, tests, and records)
    - C. Implement SPCC Plan in compliance with the latest version of the regulations contained in 40CFR112
  
  2. An owner or operator of a tank facility that is exempt pursuant to Section 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. "Daily" means every day that contents are added to or withdrawn from the tank, but no less than five days per week. The number of days may be reduced by the number of state or federal holidays that occur during the week if there is no addition to, or withdrawal from, the tank on the holiday. The UPA may reduce the frequency of inspections to not less than once every three days at a tank facility that is exempt if the tank facility is not staffed on a regular basis, provided that the inspection is performed every day the facility is staffed.
    - 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 APSA.
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- B. The UPA may develop an alternative inspection and compliance plan, subject to approval by the Secretary for Environmental Protection and the Office of the State Fire Marshal.
  - 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 and pass an aboveground storage tank inspector training program.
    - b. The curriculum of the aboveground storage tank inspector training program shall focus on the SPCC Plan provisions and safety requirements for aboveground storage tank inspections.
4. On or before January 1, annually, each owner or operator of a tank facility subject to APSA shall file with the statewide information management system, 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, each owner or operator of a tank facility who is subject to the requirements of section 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 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.
6. Each owner or operator of a tank facility shall immediately, upon discovery, notify the Governor's Office of Emergency Services and the UPA using the appropriate 24-hour emergency number 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**

Questions or additional information regarding this fact sheet should be directed to CAL FIRE – OSFM staff by email to [cupa@fire.ca.gov](mailto:cupa@fire.ca.gov).