



# Aboveground Petroleum Storage Tank – Fact Sheet

In 1989, the California Legislature found that in order to protect the state's people and natural resources from aboveground petroleum storage tank spills, an inspection program was necessary. The Aboveground Petroleum Storage Act (Act) became effective January 1, 1990. In general, the Act requires owners or operators of aboveground petroleum storage tanks to file a storage statement, pay a fee, and implement measures to prevent spills.

As of January 1, 2008 Orange County Certified Unified Program Agency (CUPA) will be responsible for the administration of the aboveground petroleum storage tank (APST) program. Assembly Bill 1130 (AB 1130) passed through the California Legislature in 2007, and moved the responsibility of the Aboveground Storage Tank Program from the State and Regional Water Quality Control Boards to the Certified Unified Program Agencies beginning January 1, 2008.

## Who Is Subject to the Aboveground Petroleum Storage Tank Program?

The Act defines "storage tank" as any aboveground tank or container used for the storage of petroleum, 55 gallons or greater. An operator with total aboveground storage tank capacity equal to or greater than 1,320 gallons will be required to prepare a Spill Prevention Control and Countermeasure (SPCC) Plan. A tank facility is subject to this chapter, if the tank facility is subject to the Oil Pollution Prevention regulations in Part 112 of Subchapter D of Chapter I of Title 40 CFR, or the facility has a storage capacity of 1,320 gallons or more of *petroleum*.

Tank Size	Requirements
Equal to or greater than or 1,320 gallons	SPCC, tank facility statement, inspection, fee
Farms, nurseries, etc., equal to or greater than 20,000 gallons per tank or 100,000 gallons total storage	SPCC, tank facility statement, inspection, fee
Farms, nurseries, etc., less than 20,000 gallons per tank or 100,000 gallons total storage	Conduct daily visual inspection, tank facility statement, inspection, secondary containment as needed, pay fee. SPCC not required.

EXEMPT from APST program: pressure vessels, Department of Toxic Substance Control (DTSC) regulated tanks, oil production tanks, oil filled electrical equipment (within certain requirements), tanks captured by Underground Storage Tank (UST) regulations, transportation-related tank facility (Department of Transportation).

## What is the Definition of Petroleum?

"Petroleum" means crude oil or any fraction which is liquid at 60 degrees Fahrenheit at normal atmospheric pressure. This includes petroleum-based substances comprised of a complex blend of hydrocarbons, such as gasoline, diesel, jet fuels, residual fuel oils, lubricants, some petroleum solvents, and used oils.

## What is Required?

Here is a brief summary of what is required under the APST program:

- Each owner or operator of a storage tank at a tank facility subject to this chapter shall prepare a spill prevention control and countermeasure (SPCC) plan prepared in accordance with Part 112 of Subchapter D of Chapter I of Title 40 CFR.
- Each owner or operator of a storage tank at a tank facility shall conduct periodic inspections of the storage tank to assure compliance with the regulations stated above.
- On or before January 1, 2009 and each January 1 of each year thereafter, each owner or operator of a qualifying tank facility shall submit a [Tank Facility Statement](#) to the CUPA. The tank facility may use a previous statement if no *significant modifications* have been made. Significant modification is defined as “altering existing storage tanks or changing spill prevention or containment methods.”
- On or before January 1, 2010 and each January 1 of each year thereafter, each owner or operator of an APST who is required to submit a Tank Facility Statement shall pay a fee to the CUPA. The fee is established by the CUPA, sufficient to support costs incurred to administer the program.
- The CUPA will inspect every year each storage tank within its jurisdiction that has a storage capacity of 10,000 gallons or more of petroleum. Storage tanks between 1,320 and 9,999 gallons of petroleum will be inspected periodically by the CUPA.
- Spill reporting will go to an established hotline or reporting line with Office of Emergency Services (800-852-7550) and the CUPA (714-433-6000). A spill or unauthorized release of 42 gallons or more of petroleum is required to be reported by the tank facility. The State and the Regional Board are required to oversee the cleanup or abatement efforts, or to initiate cleanup or abatement efforts when there is a release from a storage tank at a tank facility.

## What is a "Tank Facility Statement"?

A "[Tank Facility Statement](#)" is to be submitted annually and must include the following information about your facility:

- Name and address of the tank facility
- A contact person for the tank facility
- The total storage capacity of the tank facility
- Location, size, age and contents of each storage tank that exceeds 10,000 gallons in capacity and that holds a substance containing at least five percent petroleum.



Note: Total gallons of petroleum products may be tabulated individually or cumulatively; container size could be an aboveground tank, 55-gallon drum, or tank and drums. For example, a facility may have petroleum products stored only in 55-gallon drums, but if there are 24 drums then the total is 1,320 gallons and the facility would qualify as a tank facility. Or, a facility may have three, 240-gallon aboveground tanks containing petroleum products and 11, 55-gallon drums of petroleum products and still qualify as a tank facility.

## **What is a Spill Prevention Control and Countermeasure (SPCC) Plan?**

An SPCC plan is a carefully thought-out plan, prepared in accordance with the guidelines contained in the United States Environmental Protection Agency's regulation on oil pollution prevention. This plan discusses procedures, methods, and equipment in place at the facility to prevent discharges of petroleum from reaching navigable waters. An SPCC plan is certified by a licensed Professional Engineer and a complete copy is maintained on site. For more information on SPCC plans, please visit the Cal-EPA website at: [www.calepa.ca.gov/CUPA/Aboveground/FactSheetSPCC.pdf](http://www.calepa.ca.gov/CUPA/Aboveground/FactSheetSPCC.pdf).

## **Who is Required to Prepare and Implement an SPCC Plan?**

All facilities subject to the Act must prepare an SPCC plan **except** farms, nurseries, logging, or construction sites if these businesses have a total storage capacity of less than 100,000 gallons and if their individual storage tanks are less than 20,000 gallons. Farms, nurseries, logging or construction sites with the above stated storage capacities must conduct a daily visual inspection of any storage tank storing petroleum, allow the CUPA to conduct a periodic inspection of the tank facility, install secondary containment if determined necessary by the CUPA, and pay the annual fee.

## **Who Conducts AST Facility Inspections?**

The Orange County Certified Unified Program Agency (CUPA) will conduct inspections and verify whether an SPCC Plan is in place at your facility. The CUPA will also receive and review tank facility statements. Plan check review and tank installation will continue to be managed by the fire department; please refer to the following list for your fire department contact:

Anaheim Fire Department	714-765-4055
Brea Fire Department	714-990-7644
Costa Mesa Fire Department	714-327-7402
Fountain Valley Fire Department	714-593-4430
Fullerton Fire Department	714-738-3119
Garden Grove Fire Department	714-741-5600
Huntington Beach Fire Department	714-536-5469
La Habra (LA County Fire Department)	323-890-4113
Newport Beach Fire Department	949-644-3361
Orange Fire Department	714-288-2541
Santa Ana Fire Department	714-647-5761
For all other cities and unincorporated areas of the county: Orange County Fire Authority	714-573-6252

## **What is the Fee?**

The CUPA is to establish a fee, as part of the single fee system, at a level sufficient to cover all incurred costs to administer this program, including but not limited to, inspections, enforcement, and administrative costs. Along with this fee will be an annual state surcharge to cover the costs of the state agency to carry out their responsibilities under the program. Fees will be assessed beginning January 1, 2010.

## **Penalties**

Any owner or operator of a tank facility who fails to: a) prepare an SPCC; b) file a tank facility statement; c) submit the required fee; d) report spills; or e) comply with the requirements of this program, is subject to civil penalty of not more than \$5,000 for each day the violation continues. If the owner or operator commits a second or subsequent violation, a civil penalty of not more than \$10,000 for each day the violation continues may be imposed. Civil penalties may be assessed and recovered in a civil action brought by the district attorney.

## **For Specific Questions About Your Facility...**

For questions about the APST Program at your facility contact your inspector at 714-433-6000 or visit our office Monday through Friday from 8:00 a.m. to 5:00 p.m.:

Orange County Health Care Agency  
Public Health Services  
Environmental Health Division  
1241 E. Dyer Road, Suite 120  
Santa Ana, CA 92705

Or visit us at: [www.OCCUPAINFO.com](http://www.OCCUPAINFO.com)