



**DEPARTMENT OF FORESTRY AND FIRE PROTECTION
OFFICE OF THE STATE FIRE MARSHAL**

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**Office of the State Fire Marshal
Aboveground Petroleum Storage Act Advisory Committee**

Draft Meeting Minutes

Meeting Date: April 29, 2015
Meeting Time: 10:00 am – 12:00 pm
Meeting Location: Office of the State Fire Marshal, Training Conference Room
1131 S Street
Sacramento, California 95811

Staff Present:

Jennifer Lorenzo, Senior Environmental Scientist, Committee Chair
Denise Gibson, Senior Environmental Scientist
Jenna Yang, Environmental Scientist
Diane Arend,* Deputy State Fire Marshal

Members Present:

Ryan Bailey, Sacramento County Environmental Compliance Division Certified Unified Program Agency (CUPA)
Jason Boetzer,* Calaveras County Environmental Health CUPA
Rich Erickson,* Donlee Pump Company
Craig Fletcher,* Fletcher Consultants, Inc.
Andrea Fox, California Farm Bureau Federation
Philip Gairson,* Southern California Fire Prevention Officers (FPO)
David Harris,* Donlee Pump Company
Michael Huber,* U.S. Department of the Navy
Jay McKeeman,* California Independent Oil Marketers Association
Vince Mendes,* Fresno County Environmental Health CUPA
John Paine,* California Environmental Protection Agency (CalEPA)
Sande Pence,* San Diego County Environmental Health CUPA
Jason Rizzi,* Northern California FPO
Randy Sawyer,* (Co-Chair), Contra Costa County Hazardous Materials Division CUPA
Nancy Schlotthauer,* San Bernardino County Fire District CUPA
Stuart Strum,* Defense Logistics Agency
Todd Tamura,* Tamura Environmental, Inc. (Consultant to Western States Petroleum Association [WSPA])
Janice Witul,* U.S. Environmental Protection Agency (US EPA)
Patrick Wong,* Pacific Gas and Electric (PG&E)

Guests Present:

Dana Schmidt,* Steel Tank Institute

* *Via Conference Call*

Members Absent:

Kevin Buchan, WSPA

Armand Delgado, Verizon Wireless

John Gamper, California Farm Bureau Federation

Wayne Geyer, Steel Tank Institute (STI)

Ernie Medina, Bakersfield Fire Department CUPA

Peter Reich, US EPA

Jim Whittle, Shasta County Environmental Health Division CUPA

I. Call to Order

Committee Chair, Jennifer Lorenzo, called the meeting to order at 10:03 a.m. and welcomed everyone to the meeting.

II. Roll Call and Introductions

Jenna Yang conducted the roll call and it was determined that a quorum was present. Attendees and guests introduced themselves.

III. Approval of Minutes

Minutes from the meeting on January 20, 2015, were reviewed. No other changes were suggested. Phil Gairson motioned to approve the minutes and Rich Erickson seconded the motion. All members were in favor and none opposed.

IV. Review of Action Items from January 20, 2015

Completed Action Items

1. An addendum to the Information Bulletin in regards to underground storage tanks (USTs) recycled as aboveground storage tanks (ASTs) was issued in February 2015.

Ongoing Action Items

1. Violation Library and Classification for the Aboveground Petroleum Storage Act (APSA) Program
2. APSA Frequently Asked Questions (FAQ)
3. Tier II Qualified Facility Spill Prevention, Control, and Countermeasure (SPCC) Plan Template

V. Old Business – Workgroup Updates

A. Regulations

The Regulations Workgroup has met once since the last committee meeting. Members were requested to submit comments or feedback in regards to the regulations.

Sande Pence briefly provided details on the workgroup. Most comments received were minor and have been incorporated. The draft language is almost finalized. Ms. Pence will submit the product with all the incorporated comments to the workgroup members for final review and approval. After the review, Ms. Pence will then forward all documents to the Department of Forestry and Fire Protection (CAL FIRE)-Office of the State Fire Marshal (OSFM) as recommendation for submittal to the Office of Administrative Law (OAL).

OSFM conducted a survey on the regulated community in regards to the fiscal and economic impact on the proposed addition of three California Environmental Reporting System (CERS) data fields. OSFM received responses from about one-third of those who received the survey.

Members of the committee asked if the committee would be able to review the full package prior to the submission to OAL. Diane Arend suggested that it is best for the committee to do a review before it is submitted to the OSFM Code Development and Analysis Division and the State Fire Marshal.

Tanks in Underground Areas

The Tanks in Underground Areas Workgroup met once a month since the last committee meeting. The group continues to work on proposing the language for tanks in underground areas for inclusion in the California Code of Regulations, Title 24. One of the greatest concerns from the State Water Resources Control Board (State Water Board) is on buried piping, which is the focus of the group. OSFM still needs the statutory authority to adopt regulations for these tanks.

Jason Rizzi, Craig Fletcher, and Mike Huber all provided some feedback on the progress of the workgroup. The language is being written to be reasonable and easily understandable. The workgroup's proposed language and statutory changes with Senate Bill 612 (Jackson) will provide some useful clarity to the regulations while remaining environmentally protective.

Jay McKeeman suggested that the committee should be able to see the language in order to give feedback. The Committee Chair will ask for permission from the State Water Board to disclose the language to the committee.

B. Recycled Underground Storage Tanks (USTs)-Farm Tanks

Andrea Fox provided feedback on the recycled USTs to ASTs. The farm bureau concluded that the best way to reach out to the farm community is by using a local level approach and go through each county's farm bureau. There are 53 county farm bureaus in California. A memo will be personalized to each county to inform them of the problem of USTs being sold as ASTs.

Janice Witul also inquired about updating the information bulletin to include other tanks such as propane tanks that are also being recycled as motor fuel ASTs. Propane tanks are beyond the scope of APSA, but it is something that can be included in the farm bureau's memo. The California FPOs will also mention the recycled propane tanks at their next meeting.

C. APSA Violation Classification

The APSA violation library in CERS is an ongoing project. A survey was sent to CUPAs early this year to request their feedback to improve the library. Of the 28 replies, 25 CUPAs used the violation library because they are Envision Connect users or have accepted the library and cross-referenced the violation codes to their inspection checklist. A few CUPAs commented that some violation descriptions were too similar and seemed repetitive.

The Violation Library Workgroup under CalEPA will start up again in May.

D. APSA FAQ

The APSA FAQ was sent to the OSFM legal department and feedback has been received. Comments from committee members have also been incorporated. All answers regarding the Federal SPCC rule will be removed and replaced with a reference to the corresponding section of the US EPA SPCC Guidance for Regional Inspectors. OSFM will work with US EPA to include any California specific examples.

The question on the Professional Engineer (PE) will be reinserted and referenced to the California Board of Professional Engineers, Land Surveyors, and Geologists (BPELSG). The BPELSG developed a consumer guidance which answers questions about when a PE needs to be licensed in California or who can use what titles to practice engineering.

E. Tier II Qualified Facility SPCC Plan Template

Comments to the Tier II Qualified Facility SPCC Plan template have been received from Mark Howard of US EPA headquarters. He requested a PE certification page in the plan so that it may also be utilized as a "hybrid" plan, allowing for self-certification and PE certification of certain components.

US EPA's review of the template does not mean it is US EPA approved nor will it be adopted by US EPA.

VI. New Business

A. New Members

New members to the APSA Advisory Committee are suggested to review the Committee Charter on the OSFM website. The APSA surcharge is a goal that has been completed, but all other objectives are still being worked on. OSFM's policy for Advisory Committees allows for 15 voting members appointed by the State Fire Marshal. Every member has a two-year term or until there is a new State Fire Marshal, whichever comes first. The committee will continue to work towards achieving the charter goals and objectives.

B. Participation from the Oil Changing Industry

The APSA Advisory Committee is still looking for a representative from the oil changing industry that may be interested in becoming a member and participating in this committee.

C. Unified Program Administrative and Advisory Group (UPAAG)

In the UPAAG meeting in March 2015, UPAAG requested that the APSA Advisory Committee come up with a process for CUPAs or the State to challenge inappropriate PE approvals on SPCC plans. Many CUPAs have reviewed SPCC plans certified by a PE that are negligent or contain errors.

The committee agrees that there is no authority for the committee to create such a process. However, BPELSG has the authority and already has a complaint process in place, which is included in their consumer guidance on their website. The CUPAs and tank facility owners/operators are encouraged to follow the BPELSG's complaint process if they had any complaints or problems regarding engineering services. OSFM will provide resource links on the OSFM APSA website.

D. APSA Training

OSFM has been providing training on APSA history and recycled USTs to ASTs. Eventually, San Diego County CUPA will no longer be able to host the APSA inspector online training. A training workgroup is in the initial stages of being formed to revisit the initial training for APSA inspectors and incorporate new items for when APSA regulations are adopted. Anyone interested in joining the group or have questions should contact Denise Gibson.

E. Federal Water Resources Reform and Development Act (WRRDA)

WRRDA was signed into law by the President in June 2014 and changed certain provisions of the SPCC rule in regards to farms. Janice Witul discussed the WRRDA fact sheet that was published by US EPA. The U.S. Department of Agriculture and US EPA are still working on a study that is expected to be completed in June 2015. US EPA will later amend the Code of Federal Regulations, Title 40, Part 112 based on the results of the study.

VII. Open Forum and Public Comments

The Committee Chair asked the members and guests to discuss additional items, issues or concerns, if they had any. Dana Schmidt mentioned that she will be working with Denise Gibson in regards to the recycled USTs to ASTs. No one else had additional items to discuss.

VIII. Action Items

1. Violation Library and Classification for the APSA Program – On hold pending workgroup startup.
2. APSA FAQ – Continue to work with US EPA and post completed sections on OSFM APSA website.
3. Tier II Qualified Facility SPCC Plan Template – Finish incorporating comments from US EPA and post on OSFM APSA website.
4. UPAAG Request – Inform CUPAs and owner/operators of the BPELSG complaint process. Post link to BPELSG complaint process on OSFM APSA webpage.
5. OSFM to coordinate with the State Water Board on releasing the proposed regulations for tanks in underground areas to the committee members.

IX. Schedule Next Meeting and Adjourn

The next meeting will be scheduled for July. The Committee Chair will send out a “Doodle” poll to the members to find the best available date.

The meeting was adjourned by the Committee Chair at 11:40 a.m.