



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

P.O. Box 944246
SACRAMENTO, CA 94244-2460
(916) 445-8200
Website: www.fire.ca.gov



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

Draft Meeting Minutes

Meeting Date: July 24, 2014

Meeting Time: 10:00 am – 2:00 pm

Meeting Location: Office 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

Members Present:

Jason Boezter,* Calaveras County Environmental Health Certified Unified Program Agency (CUPA)
Craig Fletcher, Fletcher Consultants
Andrea Fox,* California Farm Bureau Federation
Wayne Geyer,* Steel Tank Institute (STI)
Michele Le, Pacific Gas and Electric (PG&E)
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
Randy Sawyer* (Co-Chair), Contra Costa County Hazardous Materials Division CUPA
Todd Tamura,* Tamura Environmental Inc. (Consultant to Western States Petroleum Association [WSPA])
Nathaniel Wall,* American Petroleum Institute (API)

Guests Present:

Christina Graulau,* Department of the Navy
Nancy Schlotthauer,* San Bernardino County CUPA

* *Via Conference Call*

Members Absent:

Raymond Bizal, National Fire Protection Association (NFPA)
Stephen Crimando, American Petroleum Institute
Armand Delgado, Verizon Wireless
John Denholm, Oil Changer, Inc.
Louis Dinkler, Air Resources Board
Rich Erickson, Donlee Pump Company
Laura Fisher, State Water Resources Control Board (State Water Board)
David Harris, Donlee Pump Company
John Gamper, California Farm Bureau Federation
Philip Gairson, Southern California Fire Prevention Officers
Michael Huber, Department of the Navy
Joyce Jaszarowski, Division of Oil, Gas, and Geothermal Resources (DOGGR)
Peter Reich, U.S. Environmental Protection Agency (US EPA)
Jason Rizzi, Northern California Fire Prevention Officers
Patty Senecal, WSPA
Stuart Strum, Defense Logistics Agency
Mike Vizzier (Co-Chair), San Diego County Environmental Health CUPA
Janice Witul, US EPA
Patrick Wong, PG&E

I. Call to Order

Committee Chair, Jennifer Lorenzo, called the meeting to order at 10:02 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 April 10, 2014, were reviewed. The only minor change was identifying 'PG&E' as Pacific Gas and Electric. No other changes were suggested. Andrea Fox motioned to approve the minutes and Craig Fletcher seconded the motion. All members were in favor and none opposed.

IV. Review of Action Items from April 10, 2014

Completed Action Items

1. The letter describing the process that led to the decision on the Aboveground Petroleum Storage Act (APSA) surcharge was submitted to CalEPA at the end of April. CalEPA also issued a letter regarding the APSA surcharge.

Both letters are available on the CalEPA and the Office of the State Fire Marshal (OSFM) APSA program websites.

2. The 1998 Memorandum of Agreement (MOA) between DOGGR and the Department of Forestry and Fire Protection (CAL FIRE) – OSFM concerning each agency's authority on tanks and pipelines has been updated to incorporate the APSA Program information. The updated MOA was signed by both parties and a copy of the MOA has been sent to committee members on June 13, 2014. CUPAs may contact the district field offices of DOGGR and/or the OSFM Pipeline Safety Division to determine who has the authority on a tank.
3. Polls were sent to members to establish the next advisory committee meeting dates for July and October 2014.

Ongoing Action Items

1. The recycled underground storage tank (UST)-aboveground storage tank (AST) Information Bulletin is still pending by OSFM.
2. The violation library for the APSA program is still pending. No changes on the APSA program violation library were sent to CalEPA. However, the APSA program violation library remains under review and has been forwarded to select CUPA inspectors for further review. After the CUPA's comments are addressed and incorporated, the revised violation library will be forwarded to our legal department.

V. Old Business – Workgroup Updates

A. Surcharge

The notice for final publication for the APSA surcharge in the California Notice of Register was submitted to the Office of Administrative Law (OAL) on June 10, 2014, with the publication and effective date of June 20, 2014. CUPAs are requested to start collecting the new surcharge starting this current fiscal year, which began July 1, 2014. Members in this committee are asked to please distribute the surcharge information to their constituents. OSFM is available to work with the farm bureau or any other parties needing help with education and outreach. The surcharge only applies to APSA regulated tank facilities. The surcharge is per facility, not per tank/container. The APSA surcharge remittance follows the same procedures for remitting the other Unified Program state surcharges.

Sande Pence announced that the San Diego County CUPA developed letters and frequently asked questions (FAQ) for the surcharge. Those letters are available on the San Diego County CUPA's website for use and distribution.

B. Regulations

The Regulations Workgroup last met on July 22, 2014. The workgroup is nearly complete on developing the language of the regulations with only a few items that remain incomplete.

One item is the release reporting requirement that the Regional Water Quality Control Board (Regional Water Board) wanted to propose. Aside from the spill reports from the Governor's Office of Emergency Services (Cal OES), the Regional Water Board has not received much feedback on releases and spills since the APSA program was transferred to the CUPAs. One option to address their request includes a Memorandum of Understanding (MOU) with the CUPAs. A second option is to add items to the APSA violation library as suggested by the Regional Water Board and provide them access to compliance monitoring and enforcement (CME) data in the California Environmental Reporting System (CERS). The CERS Program Manager, Daniel Firth, however, has stated that the Regional Water Board will not have access to the information they want in CERS, but the data warehouse project that is planned to be available in two years will enable certain stakeholders, such as the Regional Water Board, to obtain or view the CME data from CERS.

The workgroup also wanted to propose three data fields for electronic reporting into CERS. The fields will require the approval of the Data Steering Committee first. John Paine stated that changes to the Unified Program data dictionary will have to go through the California Code of Regulations Title 27 rulemaking process. It will be included in next year's revision package.

Additionally, the workgroup needs to strengthen the necessity or justification for the initial statement of reasons (ISOR). OAL has enhanced their requirements for any new regulation; therefore, each section in the APSA regulations will require a strong justification.

A copy of the draft proposed APSA regulations is available upon request to the Committee Chair.

Tanks in Underground Areas

There are no new developments on the draft regulations proposed by this group at this time.

Craig Fletcher provided an update on the Tanks in Underground Areas Group. The group is primarily focusing on buried piping, or piping in contact with soil or soil-like materials. The group is looking at different options and conducting additional research to confirm a good understanding of the typical types of buried piping anticipated to be evaluated or regulated. More research is also being conducted on the basic types of monitoring and leak detection systems before getting into the

details with the regulations. Laura Fisher from the State Water Board does not want the tanks in underground areas regulations to mirror the UST requirements.

Denise Gibson provided clarification on an issue regarding fire code authority to CUPAs. OSFM initially hoped to provide some fire code authority to non-fire CUPAs in areas with no fire prevention for the purposes of overseeing construction, installation, modification, repair, and removal of tanks in underground areas to ensure that the fire code requirements are followed. However, under current statute, fire code authority cannot be delegated to non-fire CUPAs. Areas requiring tank oversight for construction, installation, modification, repair, and removal in an area with no paid fire code official is the responsibility of the OSFM Fire Life and Safety Division. In order for the OSFM Fire and Life Safety Division to recoup the costs for providing services on the oversight of tank construction, installation, modification, repair, or removal in these situations, then regulations will need to be proposed (California Code of Regulations, Title 19, Division 1).

C. Recycled USTs-Farm Tanks

Denise Gibson presented the status of this group. The draft information bulletin on recycled USTs as ASTs has been through several iterations between the advisory committee and management. It should not be very long until it receives final approval. When it is finalized, committee members will receive a copy and it can also be found on the OSFM Information Bulletins website.

D. OSFM Staffing Update

OSFM has filled the vacancy for the Environmental Scientist position. Jenna Yang is the new addition to the OSFM “CUPA” program starting on May 1, 2014.

VI. **New Business**

A. APSA Violation Classification

Select CUPAs have been given the APSA violation library checklist for further review. The checklist also contained the violation classification. An APSA violation classification guidance document was developed a few years ago by the APSA Working Group to supplement the CalEPA Violation Classification Guidance. US EPA documents (USEPA Bulk Storage Expedited Penalties and Civil Penalty Policy) were also referenced during the development of the APSA violation classification document. Violation classification is important for consistency among the CUPAs and for educating the regulated community.

B. APSA FAQ

The APSA FAQ needs to be updated. OSFM is asking that all CUPAs remove their outdated APSA FAQ. OSFM will be updating the APSA FAQ. There is concern whether it is better to release a new FAQ to reflect the new regulations once regulations are finalized or to release an updated FAQ as soon as possible and a final one after regulations have been adopted. OSFM has gone through the current APSA FAQ and removed all items outdated or controversial at the moment.

C. Tier II Qualified Facility Spill Prevention, Control, and Countermeasure (SPCC) Plan Template

US EPA has asked OSFM to update the Tier II Qualified Facility SPCC Plan template to include the provisions for qualified oil-filled operational equipment. Although oil-filled operational equipment may not be subject to APSA, they are subject to the federal SPCC rule. The provisions for qualified oil-filled operational equipment were added and a few other minor items were also updated. US EPA is now reviewing the template. Once their comments and feedback have been received and addressed, the updated template will be posted on the CalCUPA Forum and OSFM websites.

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.

Christina Graulau commented on the need for a fact sheet for oil-filled electrical operational equipment volumes being included for the SPCC plans that are federally driven and excluded for the SPCC plans that are California-only driven. She stated that it is a challenge to explain to individuals, who are not involved in the program or process very often, how to count volumes correctly since SPCC plans that are federally driven contain a higher volume than what California regulates. Some CUPA fees are driven by volume, so the included or excluded volumes can create a substantial difference for facilities with more oil-filled electrical operational equipment.

VIII. Action Items

1. Recycled USTs as ASTs Information Bulletin – OSFM to finalize bulletin and post on website.
2. Committee Chair will send an email to all members and ask if they will attend the upcoming October 27 meeting to determine if there will be a quorum.
3. Violation Library and Classification for the APSA Program – Waiting for comments and feedback from CUPAs. OSFM to submit copy to committee members after legal review.

4. APSA FAQ – OSFM to submit to advisory committee a copy of the APSA FAQ with outdated items removed. OSFM to work on revising the FAQ.
5. Tier II Qualified Facility SPCC Plan Template – After review and approval by US EPA, OSFM to submit revised template to the CalCUPA Forum Board and also post on the OSFM website.

IX. Schedule Next Meeting and Adjourn

The next meeting is scheduled from 10:00 am – 2:00 pm on October 27, 2014. The location has yet to be determined. Committee members were asked to attend the October meeting in person.

The meeting was adjourned by the Committee Chair at 11:03 a.m.

DRAFT