DEPARTMENT OF FORESTRY AND FIRE PROTECTION
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Office of the State Fire Marshal
Aboveground Petroleum Storage Act Advisory Committee

DRAFT

Meeting Date: October 2, 2013
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
Kenneth Knoblock, Environmental Scientist

Members Present:
Rich Erickson,* Donlee Pump Company
Craig Fletcher,* Fletcher Consultants
Adrea Fox,* California Farm Bureau Federation
Philip Gairson,* Southern California Fire Prevention Officers
Wayne Geyer, Steel Tank Institute (STI)
David Harris,* Donlee Pump Company
John Paine,* California Environmental Protection Agency (Cal/EPA)
Sande Pence,* San Diego County Environmental Health
Jason Rizzi,* Northern California Fire Prevention Officers
Randy Sawyer* (Co-Chair), Contra Costa County Hazardous Materials Division
Todd Tamura,* Tamura Environmental Inc. (Consultant to Western States Petroleum Association [WSPA])
Mike Vizzier* (Co-Chair), San Diego County Environmental Health

Members Absent:
Raymond Bizal, National Fire Protection Association (NFPA)
John Boetzer, Calaveras County Environmental Health
Stephen Crimaudo, American Petroleum Institute
Armand Delgado, Verizon Wireless
John Denholm, Oil Changer, Inc.
Louis Dinkler, Air Resources Board

Members Absent (continued):
Laura Fisher, State Water Resources Control Board
John Gamper, California Farm Bureau Federation
Michael Huber, Department of the Navy
Joyce Jaszarowski, Division of Oil, Gas, and Geothermal Resources (DOGGR)
Michelle Le, Pacific Gas and Electric (PG&E)
Jay McKeeman, California Independent Oil Marketers Association
Vince Mendes, Fresno County Environmental Health
Peter Reich, U.S. Environmental Protection Agency (US EPA)
Patty Senecal, WSPA
Stuart Strum, Defense Logistics Agency
Janice Witul, (US EPA)

Guests Present:
Melinda Mochel* (Cal/EPA)
Patrick Wong, PG&E

** Via Conference Call*

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

Kenneth Knoblock conducted the roll call. Attendees and guests introduced themselves. It was determined that a quorum was not present.

III. Approval of Minutes

Due to the lack of a quorum of members the approval of the minutes from the July 11, 2013, meeting was deferred to the next meeting.

IV. Review of Action Items from July 11, 2013

A. Violations Checklist
   1. Mike Vizzier provided a link to the Aboveground Petroleum Storage Act (APSA) program violation checklist that is included in the Unified Program data dictionary and the California Environmental Reporting Systems (CERS).
   2. The Committee Chair provided a link to the CalCUPA Forum list of CUPA's inspection checklists on the APSA program.

B. DOGGR Reply Letter and OSFM-DOGGR Memorandum of Agreement (MOA)
   1. The Committee Chair provided copies of both the DOGGR reply letter (dated May 14, 2013) and the 1998 MOA.
   2. The Committee Chair has not yet contacted OSFM Pipeline Safety Division about the MOA.

V. Old Business – Workgroup Updates

A. Surcharge

The surcharge amount of $26.00 has previously been voted on and approved. Justification for the APSA program surcharge is in the process of being developed, which will require management approval and be made available to the Surcharge Workgroup members before the final document is sent to Cal/EPA. Upon Cal/EPA's approval, the justification for the APSA program surcharge will go through the rulemaking process. The current California Code of Regulations Title 27 rulemaking package contains the APSA program surcharge language. The effective date of this rulemaking package may be delayed to January 2014.

B. Regulations

The Regulations Workgroup last met on September 17, 2013. The workgroup members received a list of topics for potential inclusion in the APSA regulations. The list of topics was organized into a form that allowed each member to indicate which ideas should be discussed for potential inclusion in the APSA regulations. Twelve responses have been received from approximately 40 workgroup members.

Four subgroups have been formed to develop the actual language for the regulations based on the following topics: (1) Subgroup A will include Articles 1 through 3 and cover administration, definition and applicability; (2) Subgroup B will include Articles 4 through 5 and cover general and specific provisions/requirements; (3) Subgroup C will include Articles 6 through 11 and cover inspection, enforcement, reporting, CUPA training, cleanup and abatement, etc.; and (4) Subgroup D is the Recycled Underground Storage Tanks (USTs)-Farm Tanks Workgroup. Subgroup A will be chaired by Carolyn Brown and Jeremy Gates of Riverside County Environmental Health; Subgroup B will be chaired by Sande Pence of San Diego County Environmental Health; and Subgroup C will be chaired by Michelle Le of PG&E. The fourth group addresses the problem of USTs being recycled into ASTs and is chaired by Denise Gibson.

After consultation with OSFM counsel, the Laird letter will not be used verbatim. Members were requested to begin developing actual language of the regulations on paper. Mike Vizzier reiterated that efforts to get specific language on paper should be made.

C. Recycled USTs-Farm Tanks

Denise Gibson presented the topic of USTs being recycled as ASTs. The workgroup has met three times to date. The next meeting will be held on October 15, 2013. Currently, Denise Gibson is gathering information and discussing options to resolve this issue. Information from an AST program in Missouri is being reviewed. Photos of recycled tanks from Missouri and Merced County were presented to this workgroup.

Concerns about professional engineering certifications on the recycled tanks were raised and discussed. The cost of purchasing recycled USTs and retrofitting costs to bring the recycled tanks into compliance with the fire code and other standards were also discussed. Initial purchase cost was noted to be $25,000.0 to $50,000.00 for many of the recycled USTs.

Wayne Geyer commented that the Missouri AST program required extensive retrofitting on many of the recycled tanks that were left in use.

Craig Fletcher asked if the sale of recycled USTs is a continuing practice. The development of an outreach program was discussed. Ms. Gibson noted that Hank Moore of Merced County Fire Department has initiated an outreach program and has developed a flyer that may be available.

Mr. Geyer commented that this subject would be a good addition to the STI workshop on AST integrity and inspections at the upcoming CUPA conference. Mr. Geyer also noted that Mr. John Albert who manages the AST program in Missouri will be a guest speaker at their STI workshop for next year's CUPA conference.

Rich Erickson commented that Hank Moore has been proactively working on the problem of recycled USTs in his jurisdiction and conducting extensive outreach. Mr. Erickson also commented that he has seen an advertisement of a tank manufacturer that recycled USTs into ASTs. An earlier advertisement of this tank manufacturer showed that they had tanks for diesel fuel storage, but a later advertisement showed that their tanks could be used for liquid storage.
Mr. Erickson stated that education and outreach are important because many farmers are installing the recycled USTs under the impression that they are legal and compliant aboveground tanks.

Andrea Fox commented that many of the farmers who purchase the recycled USTs rely on the representation of the sellers that the tanks are legal for fuel storage; farmers do not know that the tanks are non-compliant until they are notified by the

local authorities. Ms. Fox commented that the California Farm Bureau Federation has a weekly newsletter that goes out to all members and that the newsletter would be an excellent method of informing farmers of the problem. The various county farm bureaus could disseminate information as well. Ms. Fox noted that she would need information to submit to the newsletter and to the farm bureaus. Ms. Gibson volunteered her assistance to do presentations to any groups that would be interested in the issue. Ms. Fox also noted that there is a special section in her newsletter for articles on special subjects.

John Paine commented that an article could be submitted to the Unified Program monthly newsletter as well. Other members pointed out that getting information to county agricultural commissioners would be of great value.

Craig Fletcher noted that if any tanks are to be retrofitted that it should be done only by qualified individuals. Farmers should be aware that only qualified individuals should be doing any retrofitting. Mr. Fletcher also commented that he has been involved in numerous underground tank removals and every owner received a manifest that the tank was disposed of as hazardous waste or a certificate of destruction if the tank was sent to a recycling company. More recently, companies have been certifying tanks as nonhazardous and then they are sent to a scrap yard; the tank owner is then provided with a certificate that the tank has been formally scrapped. Mr. Fletcher was wondering if the USTs that are sold and recycled for use as ASTs are coming out of jurisdictions that do not follow these types of protocols.

VI. New Business

Ms. Lorenzo introduced the newest member of the OSFM “CUPA” Program staff, Kenneth Knoblock.

With the OSFM “CUPA” Program fully staffed, other program issues that have been set aside will be handled. This includes the online APSA inspector training program, which has been implemented by the San Diego County CUPA. OSFM will go through the bidding process to purchase the necessary software for the online training. Cal/EPA will eventually transfer the issuance of certificates to OSFM; in the meantime, pending or current certificates will be completed by Cal/EPA. Many training modules will need to be updated to include the changes in recent legislation. Ms. Gibson stated that she will be working on the service level agreement (between OSFM and San Diego County CUPA) and the paperwork for the bidding process. Ms. Gibson requested that Mr. Vizzier forward the course information including training modules.

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. No one had any additional item, issue or concern to discuss.

VIII. Action Items

A. The Committee Chair will follow up with OSFM Pipeline Safety Division concerning the 1998 MOA with DOGGR.

B. The link to US EPA inspection protocol will be provided by the Committee Chair.

C. Denise Gibson will follow up with individual members of the committee and Recycled USTs-Farm Tanks Workgroup in order to compile and provide information on recycled tanks to committee and workgroup members.

D. Rich Erickson will provide Ms. Gibson with the advertisement of a company that sells recycled tanks.

E. The presentation on recycled USTs will be made available.

F. The APSA Regulations Workgroup summary spreadsheet of topics for potential inclusion in the regulations will be made available.

G. APSA regulations feedback forms that were completed will be provided.

IX. Schedule Next Meeting and Adjourn

The Committee Chair suggested that the next meeting be scheduled for January 2014. A “doodle poll” will be sent to members to establish a firm date and time for the next meeting.

The meeting was adjourned at 11:06 a.m.