



**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: October 27, 2014
Meeting Time: 10:00 am – 2:00 pm
Meeting Location: Pacific Gas and Electric, Conference Room 1004-1007, 1st Floor
850 Stillwater Road
West Sacramento, California 95605

Staff Present:

Jennifer Lorenzo, Senior Environmental Scientist, Committee Chair
Denise Gibson, Senior Environmental Scientist
Jenna Yang, Environmental Scientist

Members Present:

Armand Delgado, Verizon Wireless
Rich Erickson, Donlee Pump Company
Craig Fletcher, Fletcher Consultants
Andrea Fox, California Farm Bureau Federation
Philip Gairson,* Southern California Fire Prevention Officers
Wayne Geyer, Steel Tank Institute (STI)
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
John Paine, California Environmental Protection Agency (CalEPA)
Sande Pence, San Diego County Environmental Health Certified Unified Program Agency (CUPA)
Peter Reich, U.S. Environmental Protection Agency (US EPA)
Jason Rizzi, Northern California Fire Prevention Officers
Randy Sawyer (Co-Chair), Contra Costa County Hazardous Materials Division CUPA
Stuart Strum, Defense Logistics Agency
Todd Tamura, Tamura Environmental Inc. (Consultant to Western States Petroleum Association [WSPA])
Nathaniel Wall,* American Petroleum Institute (API)
Janice Witul, US EPA
Patrick Wong, PG&E

CONSERVATION IS WISE-KEEP CALIFORNIA GREEN AND GOLDEN

PLEASE REMEMBER TO CONSERVE ENERGY. FOR TIPS AND INFORMATION, VISIT "FLEX YOUR POWER" AT WWW.CA.GOV.

Guests Present:

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

* *Via Conference Call*

Members Absent:

Jason Boezter, Calaveras County Environmental Health CUPA
Raymond Bizal, National Fire Protection Association (NFPA)
Stephen Crimaudo, American Petroleum Institute
Louis Dinkler, Air Resources Board
Laura Fisher, State Water Resources Control Board (State Water Board)
John Gamper, California Farm Bureau Federation
David Harris, Donlee Pump Company
Vince Mendes, Fresno County Environmental Health CUPA
Patty Senecal, WSPA
Mike Vizzier (Co-Chair), San Diego County Environmental Health CUPA

I. Call to Order

Committee Chair, Jennifer Lorenzo, called the meeting to order at 10:09 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 July 24, 2014, were reviewed. No other changes were suggested. Todd Tamura motioned to approve the minutes and Randy Sawyer seconded the motion. All members were in favor and none opposed.

IV. Review of Action Items from July 24, 2014

Completed Action Items

1. The Information Bulletin for recycled underground storage tank (UST)-aboveground storage tank (AST) was finalized and posted on July 25, 2014, on the Office of the State Fire Marshal (OSFM) website.

Ongoing Action Items

1. Violation Library and Classification for the Aboveground Petroleum Storage

- Act (APSA) Program
- 2. APSA Frequently Asked Questions (FAQ) Document
- 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 at least five times since the last committee meeting. In August, the proposed regulations were reviewed by the OSFM Code Development and Analysis Division and comments and feedback were provided with regard to the Office of Administrative Law requirements and terms for rulemaking. The OSFM Code Development and Analysis Division staff reviewed each comment or proposed revision with the Regulations Workgroup. Sande Pence and Michelle Le are the new Co-Chairs for this workgroup.

Sande Pence provided an update on the Regulations Workgroup. At the last meeting, the workgroup members each took a section of the proposed regulations and revised them, taking into account the suggestions from OSFM Code Development and Analysis Division. The workgroup is hoping to present the final draft before the holidays.

OSFM is still waiting for the legal answer on the State's authority on federal facilities in regards to the protection of navigable waters of the U.S. and federal facilities with no threat to navigable waters.

Tanks in Underground Areas

The Tanks in Underground Areas Subgroup has met once a month. It is important to have participation from the State Water Board in order to move forward with the group. New members have been added to this group.

Craig Fletcher provided an update on this group. Three important working documents were created:

- a. An equivalency comparison of APSA to the UST regulations
- b. An inventory document that takes a look at a variety of tanks in underground areas
- c. A risk analysis document for piping systems associated with tanks in underground areas

These documents will be shared with the committee.

Jay McKeeman asked the group to consider looking at inspection requirements and not retrofitting.

The group is reviewing the requirements for secondary containment and leak

detection in regards to the hazardous waste requirements and the fire code in order to avoid duplication. Proposed regulations from this group would only apply to tanks that are regulated under APSA. Currently, facilities with tanks in underground areas and less than 1,320 gallons of petroleum are not regulated under APSA. Regulation of tank facilities with less than 1,320 gallons of petroleum would require a statutory change. If retroactive requirements are necessary, both the UST and AST laws will need to be amended. The California Fire Code will also need to be amended with regards to buried piping. Changes to the fire code will affect other tanks in underground areas, not just those regulated under APSA. Also, local fire officials do not have fire code authority on federal facilities.

B. Recycled USTs-Farm Tanks

Denise Gibson provided feedback on the issue of recycled USTs. The information bulletin for recycled tanks was finalized and posted on July 25, 2014. The farm community has concerns about the bulletin, and a meeting has been set up to address those concerns on November 14, 2014. There is further coordination with Andrea Fox to create an outreach factsheet or flyer to explain the bulletin to the farmers. The completion date for the flyer/factsheet will be established after the meeting with the farm bureau on November 14.

C. APSA Violation Classification

The APSA violation classification/library is a document created for CUPA inspectors to use as a unified and consolidated checklist when they are out conducting compliance inspections in the field. Regulated facilities can also use this as a tool for their own self audit. Feedback from two CUPAs and one state agency were received and incorporated into the document. The CUPA feedback was based on conformance to the federal SPCC rule and the basis for the degrees of violation is based on the 2006 Violation Classification Guidance document developed by CalEPA in coordination with the CalCUPA Forum Board. Comments from the San Francisco Bay Area Regional Quality Control Water Board in regards to a release reporting violation may or may not be included in the final document. This violation classification will be reviewed by select CUPAs and the APSA Technical Advisory Group (TAG) before it is sent to the OSFM's legal office.

Members were concerned that some violations listed may be challenging the engineer specifications for the facility. It was explained that the violations are based on visual observations, not engineering. Other concerns included the phrase, "waters of the State." It was explained that the phrase is used because it is referenced in statute.

The violation library changes are expected to be sent to CalEPA in the next calendar year.

This document will be sent to the committee.

D. APSA FAQ

The APSA FAQ is still under revision. When the APSA TAG is established, this document will be sent to this group and to anyone else interested in revising the FAQ. The goal is to have an updated version out soon, so that the regulated community, stakeholders, and CUPAs may have a usable tool for the time being. Once the APSA regulations are adopted, amendments can be inserted as necessary.

Members immediately noted items that needed updating. Other changes included removing the item on the professional engineer and most questions on tanks in underground areas, addressing waste water treatment systems, adding the new APSA surcharge, and incorporating the federal HR 3080. Committee members wanted to see the *US EPA SPCC Guidance for Regional Inspectors* referenced more in the document. Items that were not included in the proposed APSA regulations will be incorporated in the FAQ. If changes are made to the statute or are included in the regulations, those items will be removed from the FAQ or edited.

This document will be sent to the committee.

E. Tier II Qualified Facility SPCC Plan Template

The Tier II Qualified Facility SPCC Plan template has been revised and updated. It now includes the qualified oil-filled operational equipment provisions that were requested by US EPA. Members wanted OSFM to also include their logo on the document. This template is currently under review by US EPA.

Janice Witul from US EPA explained that US EPA will not develop a Tier II Qualified Facility SPCC Plan template but instead have a sample SPCC Plan. In the *SPCC Guidance for Regional Inspectors*, Appendix D contains a sample SPCC Plan for a facility that will be available in Word and PDF for easy modification and have a section for certification for Tier II qualified facilities. Ms. Witul continued on to say that US EPA will review the Tier II Qualified Facility SPCC Plan template provided by OSFM and provide feedback or comments, but does not think they will formally approve or disapprove it.

VI. New Business

A. APSA Track for CUPA Conference

Mark Howard from US EPA will be presenting at the 2015 CUPA Conference, including a session on the *SPCC Guidance for Regional Inspectors*. The class is open to regulators and the regulated industry. Steve Lichten will provide the

Monday APSA refresher for inspectors; this class is specific for regulators. Other sessions include, how to prepare an SPCC plan, stump the APSA and SPCC experts, tank workshops, tank mishaps (recycled tanks used as ASTs), fire code requirements for ASTs, a virtual inspector training for APSA, overview of APSA regulations, a presentation of what to expect when you're being inspected, experiences from CUPA inspectors, and secondary containment. Attendance to these sessions is highly recommended. The APSA Working Group (or APSA TAG, if established by then) may also have a meeting. Ideas for classes for the next conference are welcomed.

B. New APSA Advisory Committee Member

The committee member from the oil changing business has withdrawn from the committee. Contact information for someone from an oil changing business who may be interested in joining the committee can be sent to the Committee Chair.

C. Proposed amendments to the APSA statute

Sande Pence discussed items that will be proposed by the CalCUPA Forum Board as amendments to the APSA statute. These amendments are planned to be proposed by the next legislative session in February. The items proposed for statutory amendments are as follows:

1. Modification of "daily inspections" for conditionally exempt sites
2. Incorporating the federal exemptions from HR 3080
3. Definition of aboveground tank to include bulk storage containers
4. Definitions of tanks in underground areas, storage capacity, the words "storage" or "store" to be more clear
5. Clarify tank facilities located on a farm
6. Address emergency tanks/fire pumps in underground areas

Jay McKeeman suggested that draft language or amendment to the statute should be circulated to the regulated community before it goes to the legislation.

D. Alternative Fuels

Other alternative fuels that are now common, such as ethanol, biodiesel, and renewable diesel, were briefly discussed.

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 additional items to discuss.

VIII. Action Items

1. Submit electronic copies of all documents discussed today to the members.

2. Members who are interested in the meeting with the farm bureau on November 14th can be sent invitations.
3. Violation Library and Classification for the APSA Program – Still need further review and input.
4. APSA FAQ – Still need further review and input.
5. Tier II Qualified Facility SPCC Plan Template – Still waiting for feedback from US EPA.

IX. Schedule Next Meeting and Adjourn

The next meeting will be scheduled for January 2015. The Committee Chair will send out a Doodle poll to the members to find the best date available.

The meeting was adjourned by the Committee Chair at 1:49 p.m.

DRAFT