



[Senate Bill \(SB\) 612 \(Jackson\)](#), which was signed by the Governor on October 2, 2015, amended the definition of a “tank in an underground area.” This guide is intended to assist both the regulators and the regulated community in understanding the provisions for tanks in underground areas pursuant to SB 612.

A facility is regulated under the Aboveground Petroleum Storage Act (APSA) if it has a total capacity of 1,320 gallons or more of petroleum in aboveground storage tanks, including tanks in underground areas. In addition, if a facility has a total capacity of **less than** 1,320 gallons of petroleum and has one or more tanks in an underground area, then only the tanks in an underground area are subject to APSA.

Each regulated facility must prepare and implement a spill prevention, control, and countermeasure (SPCC) plan applying good engineering practices to prevent petroleum releases using the same format required by the Code of Federal Regulations, Title 40, Part 112 (40CFR 112), conduct periodic inspections of each aboveground storage tank, including tanks in underground areas, and comply with current federal regulations found in 40CFR 112.

In order to be subject to the APSA program, a “tank in an underground area” must meet **all** of the following:

- The storage tank must be located on or above the surface of the floor in a structure at least 10 percent below the ground surface, including, but not limited to, a basement, cellar, shaft, pit, or vault.
- The structure in which the storage tank is located must provide for secondary containment of the contents of the tank<sup>a</sup>, piping, and ancillary equipment, until cleanup occurs.
- The structure in which the storage tank is located must allow for direct viewing<sup>b</sup> of the exterior of the tank except for the part of the tank in contact with the surface of the floor.<sup>a,c</sup>
- The storage tank meets one or more of the following conditions specified in the table below.

Effective Date	Types of Tanks - HSC 25270.2(o)(1)(C)	Piping Specifics <sup>d</sup>
<b>1/1/2016</b>	(i) contains petroleum to be used or previously used as lubricant or coolant in motor engines, transmissions, or oil-filled operational or manufacturing equipment	Comply with APSA per HSC 25270.3 and 25270.4.5 and federal SPCC rule (40CFR 112) to prevent and control releases
<b>Estimated 1/1/2018 (Pending OSFM regulations on piping for tanks in underground areas)</b>	(ii) contains petroleum that is considered a hazardous waste and complies with the hazardous waste tank standards in the California Code of Regulations, Title 22 (22CCR) <sup>e</sup>	Comply with APSA per HSC 25270.3 and 25270.4.5 and federal SPCC rule (40CFR 112) to prevent and control releases  Comply with 22CCR <sup>e</sup>  If there is connected piping that is in direct contact with soil or backfill, must comply with OSFM piping regulations
	(iii) contains petroleum to be used for emergency systems, solely in connection with a fire pump or an emergency system, legally required standby system, or optional standby system as defined in the CA Electrical Code	Comply with APSA per HSC 25270.3 and 25270.4.5 and federal SPCC rule (40CFR 112) to prevent and control releases
	(iv) does not fit into (i), (ii) or (iii) and contains petroleum  <i>This subsection covers all other types of tanks at facilities subject to APSA – gasoline, diesel, petroleum solvent, etc.</i>	Comply with APSA per HSC 25270.3 and 25270.4.5 and federal SPCC rule (40CFR 112) to prevent and control releases  All connected piping, including any portion of a vent line, vapor recovery line, or fill pipe that is beneath the surface of the ground, and all ancillary equipment, can either be visually inspected by direct viewing <sup>b</sup> or has both secondary containment and leak detection that meet the requirements of the OSFM piping regulations to be adopted pursuant to HSC 25270.4.1

<sup>a</sup> For a shop-fabricated double-walled storage tank, a mechanical or electronic device used to detect leaks in the interstitial space meets the requirement for secondary containment of the contents of the tank AND direct viewing<sup>b</sup> of the exterior of the tank is not required if inspections of the interstitial space are performed or if it has a mechanical or electronic device that will detect leaks in the interstitial space.

<sup>b</sup> Direct viewing means, in regard to a storage tank, direct visual inspection of the exterior of the tank, except for the part of the tank in contact with the surface of the floor, and, where applicable, the entire length of all piping and ancillary equipment, including all exterior surfaces, by a person or through the use of visual aids, including, but not limited to, mirrors, cameras, or video equipment.

<sup>c</sup> Direct viewing, as defined in APSA, is not referenced in HSC 25270.2(o)(1)(C)(ii), because similar requirements apply to hazardous waste tanks under 22CCR.

<sup>d</sup> Federal SPCC rule (40CFR 112.7 and 112.8) requires that the facility owner/operator inspect all secondary containment (active and passive, including walls and floor) in accordance with the facility’s SPCC Plan and industry standards or good engineering practice. This includes the general secondary containment of the piping and ancillary equipment.

<sup>e</sup> SB 612 also amended HSC 25281(t) and changed the definition of “storage” in the underground storage tank law for both petroleum and non-petroleum tanks containing hazardous waste.

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