Is My Facility Regulated Under APSA?

How do I know if my facility is regulated under the Aboveground Petroleum Storage Act (APSA) and what types of aboveground storage tanks, containers and equipment are regulated under APSA? Revised 8/19/2016

Answer: A facility is regulated under the Aboveground Petroleum Storage Act (APSA) if the facility stores petroleum[1] in aboveground storage tanks (AST), containers or equipment of 55 gallons or more in shell capacity **AND**:

- The facility's total aboveground petroleum storage capacity is 1,320 gallons or more; **OR**
- The facility has one or more petroleum tanks in an underground area.[2] [The term "tank in an underground area" includes stationary aboveground tanks or equipment located in below-grade structures or areas, such as a basement, cellar, shaft, pit or vault. In addition, only certain tanks in an underground area are currently subject to APSA pursuant to California Senate Bill 612 (Jackson, Statutes of 2015, Chapter 452). The full definition of a "tank in an underground area" becomes effective once regulations for tanks in an underground area and connected piping are adopted by the Department of Forestry and Fire Protection (CAL FIRE) – Office of the State Fire Marshal (OSFM) and those regulations become effective. Refer to footnote below for additional information.]

If your facility meets any of the above applicability criteria, then you are considered a tank facility under APSA and the tank facility owner or operator must comply with **ALL** of the following APSA requirements:

1. Prepare and implement a Spill Prevention, Control, and Countermeasure (SPCC) Plan[3] using the same format required by the Code of Federal Regulations (CFR), Title 40, Part 112. A tank facility that meets the conditions of exemptions as specified in the California Health and Safety Code (HSC) §25270.4.5(b) is not required to prepare an SPCC Plan but is required to meet the conditions of exemptions in accordance with HSC §25270.4.5(b).
2. Annually complete and submit a Tank Facility Statement under the APSA section in CERS. In lieu of the Tank Facility Statement, the tank facility owner or operator may annually complete and submit a Business Plan in CERS and select the "Provided

[1] Petroleum" means crude oil or any fraction thereof, which is liquid at 60 degrees Fahrenheit temperature and 14.7 pounds per square inch absolute pressure (HSC §25270.2(h)).
[2] For more information on tanks in underground areas, visit the OSFM APSA website and review the guidance and flowcharts for tanks in underground areas.
[3] SPCC Plans are not required to be submitted into CERS. For more information, visit the CERS Help/FAQ's website for businesses and review the CERS FAQ document under the APSA Program called, "Should I file an SPCC Plan in CERS?"

Elsewhere in CERS" option when completing the APSA submittal, and checking "Hazardous Materials Inventory" to designate where this information is found. The tank facility owner or operator must also check "Yes" on the Aboveground Petroleum Storage question (CERS Field ID8) under the Business Activities portion of the Business Plan.[4]

3. Pay the applicable Unified Program Agency single fee and state surcharge for the APSA Program.
4. Your local Unified Program Agency may have additional requirements. Please contact your local Unified Program Agency for information.

To determine your tank facility's total aboveground petroleum storage capacity, add together the aggregate shell capacities of all ASTs, containers, and equipment, including each tank in an underground area, at the tank facility with a shell capacity equal to or greater than 55 gallons of petroleum. To calculate the capacity of 55-gallon drums on your tank facility, use the **maximum** number of drums that would typically be stored at your tank facility.

DO NOT include the actual volume stored in the AST, container or equipment when calculating your tank facility's total aboveground petroleum storage capacity; use the shell capacity of the AST, container or equipment. In addition, when determining the total aboveground petroleum storage capacity for your tank facility, **DO NOT** include the following ASTs as these tanks, containers or equipment are excluded under APSA (HSC §25270.2(a)(1)-(7)):

1. A pressure vessel or boiler subject to Part 6 of Division 5 of the California Labor Code;
2. A tank containing hazardous waste or extremely hazardous waste, as respectively defined in HSC §Sections 25117 and 25115, if the California Department of Toxic Substances Control (DTSC) has issued the person owning or operating the tank a hazardous waste facilities permit for the storage tank;
3. An aboveground oil production tank subject to Section 3106 of the California Public Resources Code;
4. Oil-filled electrical equipment, including, but not limited to, transformers, circuit breakers, or capacitors, if the oil-filled electrical equipment meets either of the following conditions:
   a. The equipment contains less than 10,000 gallons of dielectric fluid.
   b. The equipment contains 10,000 gallons or more of dielectric fluid with PCB levels less than 50 parts per million, appropriate containment or diversionary structures or equipment are employed to prevent discharged oil from reaching a navigable water course, and the electrical equipment is visually inspected in accordance with the usual routine maintenance procedures of the owner or operator.
5. A tank regulated as an underground storage tank (UST) under Chapter 6.7 of the HSC

[4] For more information on the APSA Tank Facility Statement reporting requirement, visit the CERS Help/FAQ's website for businesses and review the CERS FAQ document under the APSA Program called, "Aboveground Petroleum Tank Reporting."

and Chapter 16 of Division 3 of Title 23 of the California Code of Regulations (CCR) and that does not meet the definition of a tank in an underground area.

6. A transportation-related tank facility, subject to the authority and control of the U.S. Department of Transportation (DOT) as defined in the 1971 Memorandum of Understanding in Appendix A to Part 112 of Subchapter D of Chapter I of Title 40 of the Code of Federal Regulations. [**Note:** A "complex" facility[5] that is subject to both U.S. Environmental Protection Agency's (EPA) SPCC rule and US DOT requirements may be subject to APSA if it meets any of the APSA applicability criteria previously mentioned.]
7. A tank or tank facility located on and operated by a farm that is exempt from the federal spill prevention, control, and countermeasure rule requirements pursuant to Part 112 (commencing with Section 112.1) of Subchapter D of Chapter I of Title 40 of the Code of Federal Regulations.[6]

Please refer to the following examples.

If filing the Business Plan in CERS in lieu of the APSA Tank Facility Statement, the answer to the question ("Is the facility regulated under APSA?") in the following examples should be the same as the facility's answer to the Aboveground Petroleum Storage question (CERS Field ID8) under the Business Activities portion.

Facility 1

Petroleum Storage Inventory			
Tank or Container	**Shell Capacity (Total)**	**Contents**	**APSA regulated?**
Transformer (Oil-filled electrical equipment)	4,000 gallons	Insulating Oil (Petroleum based)	No
Circuit Breakers (Oil-filled electrical equipment)	100 gallons	Insulating Oil (Petroleum based)	No
Capacitors (Oil-filled electrical equipment)	55 gallons	Insulating Oil (Petroleum based)	No
55-gallon Drum	55 gallons	Used Oil (Petroleum based)	Yes
Hydraulic System (aboveground)	60 gallons	Hydraulic Oil (Petroleum based)	Yes
		Total APSA Storage Capacity:	115 gallons
		Is the facility regulated under APSA?	No

[5] "Complex" means a facility possessing a combination of transportation-related and non-transportation-related components that is subject to the jurisdiction of more than one federal agency under §311(j) of the Clean Water Act (40CFR §112.2). A complex facility that is subject to both the US EPA's SPCC rule and US DOT requirements may be subject to APSA requirements.

[6] For more information on farms, visit the OSFM APSA website and review the fact sheet, "APSA and SB612 for Farms."

Facility 2

Petroleum Storage Inventory			
Tank or Container	**Shell Capacity (Total)**	**Contents**	**APSA regulated?**
Tank A (UST)	10,000 gallons	Unleaded Gasoline (Petroleum based)	No
Tank B (UST)	5,000 gallons	Diesel (Petroleum based)	No
Tank C (AST)	1,000 gallons	Motor Oil (Petroleum based)	Yes
Tank D (Tank in an underground area)	500 gallons	Used Oil (Petroleum based)	Yes
Ten 55-gallon Drums	550 gallons	Used Oil (Petroleum based)	Yes
		Total APSA Storage Capacity:	2,050 Gallons
		Is the facility regulated under APSA?	Yes

Facility 3

Petroleum Storage Inventory			
Tank or Container	**Shell Capacity (Total)**	**Contents**	**APSA regulated?**
Tank A (AST)	10,000 gallons	Liquefied Petroleum Gas	No
Tank B (AST)	10,000 gallons	Hot Mix Asphalt	No
Tank C (Hazardous waste AST)*	1,000 gallons	Used Oil (Petroleum based)	No
Tank D (Hazardous waste AST)*	500 gallons	Waste Solvent (Petroleum based)	No
Tank E (AST)	500 gallons	Motor Oil (Petroleum based)	Yes
Tank F (AST)	500 gallons	Renewable Diesel (100%) (Non-crude oil based)	No
Tank G (AST)	500 gallons	Unleaded Gasoline	Yes
Tank H (AST)	100 gallons	Hydraulic Oil (Petroleum based)	Yes
Four 55-gallon Drums	220 gallons	Used Oil (Petroleum based)	Yes
Two 30-gallon Drums	60 gallons	Lubricating Oil (Petroleum based)	No
		Total APSA Storage Capacity:	1,320 gallons
		Is the facility regulated under APSA?	Yes

* Tank facility is issued a hazardous waste facilities permit by DTSC. Tanks C and D are included and identified on the tank facility's hazardous waste facilities permit.

Facility 4

Petroleum Storage Inventory			
Tank or Container	**Shell Capacity (Total)**	**Contents**	**APSA regulated?**
Tank A (Oil-production AST)	10,000,000 gallons	Crude Oil	No
Tank B (Oil-production AST)	1,000,000 gallons	Crude Oil	No
Tank C (Breakout tank [transportation-related AST] and bulk storage AST)†	2,000,000 gallons	Petroleum Oil	No
		Total APSA Storage Capacity:	0 Gallons
		Is the facility regulated under APSA?	No

† Facility is not located near navigable waters or adjoining shorelines and, therefore, not subject to the federal SPCC rule. Facility is not a "complex" facility.