

Aboveground Petroleum Storage Act (APSA) for Tier I/II Facilities Checklist Summary of Violations



This is an inspection element checklist of common types of violations of Federal, State, or local laws and regulations. For specific details about your inspection, refer to your Official Inspection Report.

SCC = Sacramento County Code / CCR = California Code of Regulations

HSC = California Health and Safety Code / CFR = Code of Federal Regulations

US EPA (40 CFR 112.6) CLASSIFICATION:

- o Tier I Qualified Facility (No single AST >5,000 gallons)
- o Tier II Qualified Facility (At least one AST >5,000 gallons)

Violation Code	Authority	Description
4015	SCC 6.35.030	Tier I or II - Failure to obtain a permit for petroleum storage in aboveground tanks.
4010033	HSC 6.67 25270.6(b)	Tier I or II - Failure to pay the APSA Program fee.
4010	19 CCR 11 1614(a)(1-4), (e)	Tier I or II - Failure to adequately complete/submit APSA data within 12 months following December 17, 2024 and annually thereafter in the California Environmental Reporting System (CERS).
4010032	HSC 6.67 25270.6(a)(1), 25270.6(a)(2)	Tier I or II - Failure to submit a tank facility statement on or before January 1 annually unless a current Business Plan has been submitted.
4010001	HSC 6.67 25270.4.5(a)	Tier I or II - Failure to prepare a Spill Prevention, Control, and Countermeasures (SPCC) Plan before operations begin. [(ref. 40 CFR 1 112.3, 112.6)]
4010057	HSC 6.67 25270.4.5(a)	Tier I or II - Failure to prepare an SPCC Plan that meets all applicable requirements. [(ref. 40 CFR 1 112.3, 112.6)]
4030038	HSC 6.67 25270.4.5(a)	Tier I or II - Failure to implement the SPCC Plan. [(ref. 40 CFR 1 112.3)]
4030039	HSC 6.67 25270.4.5(a)	Tier I or II - Failure to implement SPCC Plan amendments within 6 months. [(ref. 40 CFR 1 112.5(a),112.5(b)]
4010008	HSC 6.67 25270.4.5(a)	Tier I or II - Failure to maintain a complete copy of the SPCC Plan at the facility if the facility is normally attended at least four hours per day, or at the nearest field office if the facility is not so attended. [(ref. 40 CFR 1 112.3(e)(1)]
4010009	HSC 6.67 25270.4.5(a)	Tier I or II - Failure to complete a review and evaluation of the SPCC Plan at least once every five years, document the completion of the review, and sign a statement as to whether the SPCC Plan will be amended. [(ref. 40 CFR 1 112.5(b)]
4010010	HSC 6.67 25270.4.5(a)	Tier I or II - Failure to amend the SPCC Plan within 6 months: 1. When the facility has had a change in design, construction, operation, or maintenance which affects the facility's discharge potential. AND/OR 2. To include more effective proven technology at the time of the 5-year SPCC Plan review and evaluation. [(ref. 40 CFR 1 112.5(a), 112.5(b)]
4010035	HSC 6.67 25270.4.5(a)	Tier I or II - Failure to prepare an appropriate SPCC Plan within 6 months when the facility no longer meets the Tier I or Tier II qualified facility criteria. [(ref. 40 CFR 1 112.6(a)(2), 112.6(b)(2)]
4010044	HSC 6.67 25270.4.5(a)	Tier I or II - Failure to complete and maintain at the facility the Substantial Harm Criteria certification form when owner or operator determines that the facility could not be reasonably expected to cause substantial harm to the environment form. [(ref. 40 CFR 1 112.20(e)]
4010047	HSC 6.67 25270.4.5(a)	Tier I or II - Failure to have management or a professional engineer certify the SPCC Plan and comply with certification requirements at a qualified facility. [(ref. 40 CFR 1 112.6(a)(1), 112.6(b)]
4010048	HSC 6.67 25270.4.5(a)	Tier I - Failure of a Tier I qualified facility to certify the SPCC Plan according to 40 CFR 112.6(a)(1) if a technical change has been made to the facility design, construction, operation, or maintenance. [(ref. 40 CFR 1 112.6(a)(2)]
4010054	HSC 6.67 25270.4.5(a)	Tier I - Failure to include in the SPCC Plan a prediction of direction and total quantity of oil potentially discharged from the facility as a result of each type of major equipment failure. [(ref. 40 CFR 1 112.6(a)(3)(i)]
4010055	HSC 6.67 25270.4.5(a)	Tier I - Failure to adequately describe in the SPCC Plan, overfill prevention methods, including a description of the systems or procedures used to prevent overfills for each container. [(ref. 40 CFR 1 112.6(a)(3)(iii)]
4010052	HSC 6.67 25270.4.5(a)	Tier II - Failure to have technical amendment(s) certified by the owner or operator or a professional engineer for a Tier II qualified facility when required. [(ref. 40 CFR 1 112.6(b)(2),112.6(b)(2)(i)]

4010050	HSC 6.67 25270.4.5(a)	<p>Tier II - Failure to have a professional engineer review and certify in writing one or more of the following alternative measures for a Tier II qualified facility:</p> <ol style="list-style-type: none"> 1. Alternative method which achieves equivalent environmental protection pursuant to 40 CFR 112.7(a)(2). 2. Impracticability determination and measures in lieu of secondary containment pursuant to 40 CFR 112.7(d). 3. Measures pursuant to 40 CFR 112.9(c)(6) for produced water containers and any associated piping and appurtenances downstream from the container. [(ref. 40 CFR 1 112.6(b)(3),112.6(b)(4)(iii)]
4010051	HSC 6.67 25270.4.5(a)	<p>Tier II - Failure of the owner or operator to ensure a professional engineer makes all required attestations in the SPCC Plan when a professional engineer certification is necessary due to an alternative measure claim at a Tier II qualified facility. [(ref. 40 CFR 1 112.6(b)(4)(i)]</p>
4020	19 CCR 11 1611(a)(7)	<p>Tier I or II - Failure to conduct and/or document and/or maintain training and discharge prevention briefings for 3 years.</p>
4030	19 CCR 11 1611(a)(6)	<p>Tier I or II - Failure of the owner/operator to complete and/or document the periodic inspections and applicable tests in accordance with the frequency specified in the SPCC plan.</p>
4030	19 CCR 11 1607	<p>Tier I or II - Failure of the owner/operator to determine if the aboveground storage tank being used on site was designed and intended for use as an underground storage tank, rail car, tank car, or tank vehicle.</p>
4030	19 CCR 11 1606	<p>Tier I or II - Failure to provide external corrosion protection for all aboveground storage tank piping and supporting components that are susceptible and/or designed to prevent galvanic corrosion.</p>
4030036	HSC 6.67 25270.4.5(a)	<p>Tier I or II - Failure to properly close tanks when making a claim of "permanently closed." [(ref. 40 CFR 1 112.1(b)(3),112.2)]</p>
4030041	HSC 6.67 25270.4.5(a)	<p>Tier I - Failure to provide bulk storage containers with adequate secondary containment large enough to contain the entire capacity of the largest container plus additional capacity to contain precipitation when applicable, and/or failure to position/locate mobile or portable containers to prevent a discharge. [(ref. 40 CFR 1 112.6(a)(3)(ii)]</p>
4030042	HSC 6.67 25270.4.5(a)	<p>Tier I - Failure to provide systems or follow procedures to prevent overfills as described in the SPCC Plan, and/or failure to routinely test to ensure proper operation. [(ref. 40 CFR 1 112.6(a)(3)(iii)]</p>
4030043	HSC 6.67 25270.2(o)(1)(C)(iv)	<p>Tier I or II - Failure to have secondary containment and leak detection if piping connected to a tank in an underground area (TIUGA) cannot be directly viewed for the entire length of the piping that is beneath the surface of the ground.</p> <p>This does not apply to:</p> <ol style="list-style-type: none"> 1. Piping connected to a tank that contains new oil/used oil for lubricant or coolant in a motor engine or transmission, or oil-filled operational/manufacturing equipment. 2. Piping connected to a tank used solely in connection with a fire pump or emergency system, legally required standby system, or optional standby system. 3. Piping connected to a petroleum hazardous waste tank that complies with hazardous waste tank standards (22 CCR Ch. 15, Art. 10) and facility has been issued a unified program facility permit pursuant to HSC Section 25404.2 for generation, treatment, accumulation, or storage of hazardous waste.
4030044	HSC 6.67 25270.2(a)(8)	<p>Tier I or II - Failure of an owner/operator of an excluded tank in an underground area (TIUGA) with less than 55-gallon capacity to have secondary containment, conduct monthly inspections, and/or maintain a log of inspections.</p>
4030045	HSC 6.67 25270.2(o)(1)(C)(i), (iii), (iv)(III), 25270.2(o)(2)	<p>Tier I or II - Failure to meet one of the following criteria for a tank in an underground area (TIUGA):</p> <ol style="list-style-type: none"> 1. The structure in which the tank is located provides enough space for direct viewing of the exterior of the tank except for the part of the tank in contact with the surface of the floor. <p>OR</p> <ol style="list-style-type: none"> 2. Inspections of the interstitial space or containment structure are performed, or the tank has a mechanical or electronic device that will detect leaks in the interstitial space or containment structure and alert the tank operator. <p>Direct viewing does not apply to a tank that stores hazardous waste petroleum and meets the requirements of CCR Title 22.</p>
4040001	HSC 6.67 25270.8	<p>Tier I or II - Failure to report immediately upon discovery spills or other releases of one barrel (42 gallons) or more of petroleum in or on any waters of the State in accordance with Section 13272(a) of the California Water Code to Cal OES and UPA or 911.</p>
4040	19 CCR 11 1611(a)(8)	<p>Tier I or II - Failure to promptly correct visible discharges from aboveground storage tanks and/or promptly remove accumulations of petroleum in diked areas.</p>

RETURN TO COMPLIANCE STATEMENT

This Return To Compliance Statement must be returned to EMD within 19 days of your facility's inspection for Priority Corrective Action violations and within 35 days for all other violations (unless otherwise noted on the Official Inspection Report.) Also include copies of any proof of compliance documents (e.g. photos, copies of manifests/disposal records or receipts, or other original paperwork.)

Compliance Certification

1. I certify that the violations noted on the Official Inspection Report (and accompanying inspection checklists) have been corrected in the manner indicated below.
2. I have personally examined any attached documentation submitted as proof of compliance and I believe the information to be true, accurate and complete.
3. I am aware that there are significant penalties for submitting false information and/or for non-compliance with violations noted.
4. I declare under penalty of perjury that the foregoing certification is true and correct.

Executed at:	, California	Date:
Facility Name:	Facility ID# (FA):	
Signature:	Printed Name:	
Position/Title:		

SUMMARY OF VIOLATION COMPLIANCE ACTION

Violation Code	Check Type of Evidence Submitted			Violation Code	Check Type of Evidence Submitted			Violation Code	Check Type of Evidence Submitted		
	Photo	Paperwork	Statement		Photo	Paperwork	Statement		Photo	Paperwork	Statement
4015	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	4010035	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	4030036	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4010033	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	4010044	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	4030038	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4010	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	4010047	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	4030039	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4010032	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	4010048	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	4030041	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4010001	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	4010054	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	4030042	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4010057	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	4010055	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	4030043	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4010008	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	4010052	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	4030044	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4010009	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	4010050	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	4030045	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4010010	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	4010051	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	4040001	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Corrective Action Statements:
