

COMPLIANCE ASSISTANCE BULLETIN

ABOVEGROUND PETROLEUM STORAGE ACT COMPLIANCE WITH TANKS IN AN UNDERGROUND AREA (TIUGA)

Purpose

To help owners and operators of Tanks in Underground Areas (TIUGAs) comply with Aboveground Petroleum Storage Act (APSA) Program requirements, answer frequently asked questions, and provide additional resources.

What is a tank in an underground area or TIUGA?

- The storage tank is stationary or fixed. A portable tank/container is not considered a TIUGA.
- The storage tank is 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 secondary containment of the contents of the tank, piping, and ancillary equipment, until cleanup occurs.
- The structure in which the storage tank is located must allow for **direct viewing** of the exterior of the tank.
- The storage tank meets one or more of the following categories:
 - Lubricant/coolant tank – Contains petroleum (new or used oil) used as lubricant or coolant in motor engines, transmissions, or oil-filled operational or manufacturing equipment.
 - Hazardous waste tank – Contains petroleum that is considered a hazardous waste and complies with the standards outlined in the California Code of Regulations (CCR), Title 22, Division 4.5, Chapter 15, Article 10.
 - Emergency system tank – Contains petroleum to be used strictly for emergency systems (fire pump, emergency system, legally required standby system, or optional standby system as defined in the California Electrical Code.
 - Other tank – Does not fit into any of the above three categories and contains petroleum.

What is direct viewing?

Under APSA, “direct viewing” in regard to a storage tank means direct visual inspection of all exterior surfaces of the tank (except for the part of the tank in contact with the surface of the floor) and the entire length of all piping and ancillary equipment (where applicable) by a person or through the use of visual aids, including, but not limited to, mirrors, cameras, or video equipment. For a double walled storage tank, direct viewing 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.

What are the requirements under APSA?

For a tank facility with one or more TIUGAs, the owner or operator is now required to do the following:

- Prepare and implement a Spill Prevention, Control, and Countermeasure (SPCC) Plan or amend an existing SPCC Plan and implement the amendment (If facility has less than 1,320 gallons a SPCC plan is still required to be prepared/implemented).
- Conduct periodic inspections of each TIUGA (per the facility’s SPCC Plan).
- Comply with current Federal SPCC regulations found in the Code of Federal Regulations (CFR), Title 40, Part 112.
- Mark the APSA question on the Business Activities section of the Hazardous Materials Business Plan (HMBP) as “Yes” and make a submittal into the California Environmental Reporting System (CERS).
- Submit an annual tank facility statement or HMBP in CERS. Complete additional APSA data fields in CERS, if applicable.
- Pay the applicable fee(s) to the EMD, including a state surcharge for the APSA program.

Are facilities with less than 1,320 gallons of petroleum subject to APSA if they have a TIUGA?

Yes, under CA Health and Safety Code (HSC) § 25270.3(c): A tank facility is subject to this chapter if any of the following apply: (1) The tank facility has a storage capacity of less than 1,320 gallons of petroleum and has one or more tanks in an underground area meeting the conditions specified in paragraph (1) of subdivision (o) of § 25270.2. (2) If this subdivision is applicable, only tanks

meeting the conditions specified in paragraph (1) of subdivision (o) of § 25270.2 shall be included as storage tanks and subject to this chapter. (3) The following TIUGAs are excluded: (A) Storing hydraulic fluid for elevators or lifts, (B) Heating oil tank, (C) Sump, separator, clarifier, catch basin, or storm drain. If facility has 1,320 gallons or more then TIUGA in (A) is regulated under APSA.

What if my existing below grade petroleum tank does not meet the definition of a TIUGA as described in APSA?

An existing petroleum storage tank located substantially beneath the surface of the ground that does not meet the definition of a TIUGA as described in APSA is an underground storage tank (UST) system. UST systems are required to comply with the requirements of the HSC, Division 20, Chapter 6.7 and CCR, Title 23, Division 3, Chapter 16.

If an existing petroleum storage tank meets the definition of a TIUGA, then it is now subject to APSA. Existing TIUGAs cannot continue to be regulated under UST requirements as long as they meet the definition of a TIUGA per HSC, § 25270.2(o). The requirements under APSA were applicable to TIUGAs **beginning July 1, 2018**. A tank facility with one or more **other** TIUGAs (see first question on page 1) must also comply with the piping requirements under APSA and the fire code **beginning July 1, 2018** (see question below).

What are the piping requirements for TIUGAs under APSA and the fire code?

Under APSA, all piping connected to **other** TIUGAs, 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, must either be visually inspected by direct viewing **or** has both secondary containment *and* leak detection that meet the requirements of the regulations adopted by the Office of the State Fire Marshal (OSFM). The following fire code requirements for TIUGAs and their associated piping systems are found in CCR, Title 24, Part 9 (California Fire Code [CFC]):

- All TIUGAs and associated piping systems shall be provided with spill control and secondary containment that are designed and constructed as outlined in § 5004.2, except as modified by § 5703.6.2.2 (2016 CFC, § 5703.1).
- Below-grade or underground piping systems connected to **other** TIUGAs shall have secondary containment. The building, room, or area where the tank and piping are located may be used as secondary containment if it meets the containment and drainage methods described in § 5004.2.2.1 (2016 CFC, § 5703.6.2.2).
- All portions of below-grade and underground piping systems connected to **other** TIUGAs shall be monitored for leaks by one of the following methods: (2016 CFC, § 5703.6.2.2)
 - A listed or approved leak detection system that either activates an audible and visual alarm or stops the flow of product when a leak is detected.
 - Direct visual inspection conducted monthly by designated personnel.
 - Indirect visual inspection conducted monthly through the use of, but not limited to, mirrors, cameras or video equipment.
 - If the above methods cannot be met, an alternative means shall be provided in accordance with § 1.11.2.4.

The fire code requirements for piping systems connected to TIUGAs that became effective July 1, 2018, are not retroactive. The requirements are only for **new** installations and construction.

TIUGA piping systems installed and constructed before July 1, 2018 must follow the applicable piping requirements for UST systems found in HSC Chapter 6.7 and CCR, Title 23.

All tank systems will be required to meet additional applicable fire code requirements. Contact the authority having jurisdiction, typically a fire code official, for additional and/or more stringent fire code requirements.

For More Information

If you have any questions please contact our department, which is the Certified Unified Program Agency (CUPA) for the APSA Program:

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<http://www.emd.saccounty.net>

For more information on APSA and TIUGAs, visit the OSFM APSA website:

<http://osfm.fire.ca.gov/cupa/apsa> or by email: cupa@fire.ca.gov

For more information on UST and TIUGAs, visit the CA State Water Resources Control Board website:

https://www.waterboards.ca.gov/water_issues/programs/ust/

For more information on the SPCC Rule, visit the US Environmental Protection Agency website:

<https://www.epa.gov/oil-spills-prevention-and-preparedness-regulations>

For reviewing the CA Fire Code, please visit the CA Building Standards Commission website:

<http://www.bsc.ca.gov/Codes.aspx>