



BOARD OF SUPERVISORS  
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors  
105 E. Anapamu Street, Suite 407  
Santa Barbara, CA 93101  
(805) 568-2240

Department Name: Fire  
Department No.: 031  
For Agenda Of: May 27, 2008  
Placement: Administrative  
Estimated Tme:  
Continued Item: No  
If Yes, date from:  
Vote Required: Majority

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**TO:** Board of Supervisors

**FROM:** Department John Scherrei, Fire Chief 681-5500  
Director

Contact Info: Chris Hahn, Fire Marshal 681-5500

**SUBJECT:** Aboveground Petroleum Storage Tank Act Grant

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**County Counsel Concurrence**

As to form: Yes

**Auditor-Controller Concurrence**

As to form: Yes

**Recommended Actions:**

Execute an agreement with the California Environmental Protection Agency designating a representative to sign the grant agreement and any amendments thereto for implementation of the Aboveground Petroleum Storage Tank Act. The amount of the grant is \$63,037.87.

**Summary Text:**

On October 13, 2007, Governor Arnold Schwarzenegger signed Assembly Bill 1130 (Stats. 2007, ch. 626), which went into effect January 1, 2008. This bill transfers the responsibility for the implementation, enforcement, and administration of the Aboveground Petroleum Storage Act (APSA) from the State Water Resources Control Board (SWRCB) to the Certified Unified Program Agencies (CUPA's). The bill authorizes the expenditure of a portion of the moneys in the Environmental Protection Trust Fund (EPTF), for the CUPA's to implement the Aboveground Petroleum Storage Act. The bill also makes conforming changes to ensure consistency with the federal Spill Prevention Control and Countermeasure (SPCC) rule provided in the U.S. Code of Federal Regulations, title 40, part 112 (40CFR112).

The Fire Department as the Santa Barbara County CUPA now has the responsibility and authority, to the extent provided by Chapter 6.67 and Sections 25404.1 and 25404.2 of the California Health and Safety Code, to implement and enforce the requirements of Chapter 6.67, the Aboveground Petroleum Storage Act (APSA) (*Health & Safety Code § 25270.2*). This grant will fund the activities necessary for the Fire Department to implement APSA. These activities include; site inspections of tank facilities, Spill Prevention Control and Countermeasure plan reviews, enforcement procedures for non-compliance and all related administrative support functions.

Following are some of the significant elements of the new law. This bill:

1. Transfers the authority and responsibility for administration of the APSA from the SWRCB and RWQCBs to the CUPA's.
2. Requires the owner or operator of a tank facility, with an aggregate storage capacity  $\geq$  1,320 gallons of petroleum, to prepare and implement an SPCC plan in accordance with federal law, 40CFR112.
3. Requires the CUPA's to conduct inspections at tank facilities with an aggregate storage capacity  $\geq$  10,000 gallons of petroleum at least every three years. The purpose of the inspection is to determine whether the owner or operator is in compliance with the SPCC plan requirements of the APSA.
4. Provides that the person conducting the inspection shall complete an aboveground storage tank training program and satisfactorily pass an examination on the SPCC plan provisions and safety requirements for aboveground storage tank inspections. The training program and examination are to be developed by the Secretary.
5. Requires the owner or operator of a tank facility to annually file a tank facility statement with the CUPA. The submission of a business plan satisfies the requirement to submit the tank facility statement.
6. Requires that the governing body of the CUPA establish a fee, as part of the single fee system, at a level sufficient to pay the necessary and reasonable costs incurred by the CUPA in administering the APSA including but not limited to inspections, enforcement and administrative costs.
7. Prevents CUPA's from assessing and collecting an APSA-related fee from tank facilities until January 1, 2010.
8. Requires each owner or operator of a tank facility to immediately report, upon discovery, to the Governor's Office of Emergency Services and the CUPA, the occurrence of a spill or release of 42 gallons or more of petroleum.
9. Requires the California Environmental Protection Agency (Cal/EPA) to expend funds from the EPTF, in consultation with the CUPA's, in the following manner:
  - a. For the purposes of training CUPA personnel in the requirements of the APSA.
  - b. To the CUPA's for the purpose of implementing the APSA.
10. Establishes civil penalties.

**Background:**

Previous law required the State Water Resources Control Board and the Regional Water Quality Control Boards (RWQCB's) to administer the program with regard to a tank facility that is subject to specified federal regulations. CUPA's, during routine compliance inspections conducted at tank facilities pursuant to other Unified Program elements, were required to verify that an SPCC plan has been prepared. If an SPCC plan had not been prepared, the CUPA's were required to submit a referral to the appropriate RWQCB for enforcement.

**Fiscal Analysis:**

<u>Funding Sources</u>	<u>Current FY Cost:</u>	<u>Annualized On-going Cost:</u>	<u>Total One-Time Project Cost</u>
General Fund			
State			\$63,037.87
Federal			
Fees			
Other:			
Total	\$ -	\$ -	\$ 63,037.87

Budgeted: Yes Revenues from this agreement will offset costs associated with implementation of the APSA program.

**Special Instructions:**

Upon Board's approval and execution by the Chair, please send a copy of the completed resolution and a certified copy of the minute order to Santa Barbara County Fire Department, attention Rose Pueschel.

**Attachments:**

- Resolution
- APSA Application
- Agreement (#07-685-550)

**Authored by:**

Chris Hahn, Fire Marshal

**cc:**