

The Board of Supervisors

County Administration Building
651 Pine Street, Room 107
Martinez, California 94553-1293

John M. Gioia, 1st District
Candace Andersen, 2nd District
Diane Burgis, 3rd District
Karen Mitchoff, 4th District
Federal D. Glover, 5th District

Contra Costa County



David J. Twa
Clerk of the Board
and
County Administrator
(925) 335-1900

May 22, 2018

The Honorable Bill Quirk, Chair
State Assembly
Capitol Office, Room 2163
P.O. Box 942849
Sacramento, CA 94249-0020

SUBJECT: AB 1980 ESTM Committee
POSITION: SUPPORT

Dear Assemblymember Quirk:

Contra Costa County supports the passage of AB 1980. Chapter 6.67 of Division 20 of the Health and Safety Code, the "Aboveground Petroleum Storage Act" ("APSA") includes requirements to prevent petroleum products from impacting the water of the state. This includes the integrity of the state's drinking water, lakes, bays, rivers and the coastal waters.

Currently, Code of Civil Procedure §338.1 sets a five-year statute of limitation for commencing civil enforcement actions involving certain environmental hazardous waste or substance violations. These include violations of Chapter 6.5 (Hazardous Waste Control Law, commencing with section 25100); Chapter 6.7 (Underground Storage of Hazardous Substances, commencing with section 25280); Chapter 6.8 (Hazardous Substance Account Act, commencing with section 25300); or Chapter 6.95 (Hazardous Materials Release Response Plans and Inventory "HMBP", commencing with section 25500) of Division 20 of the Health and Safety Code.

Currently, Chapter 6.67 of Division 20 of the Health and Safety Code, the "Aboveground Petroleum Storage Act" ("APSA"), commencing with section 25270, is not included in CCP §338.1's list of important environmental protection laws, nor does it expressly fall into any of the other special categories of cases commencing with section 335 of the Code of Civil Procedure. Therefore, any civil enforcement action for violations of APSA must be filed within one (1) year pursuant to CCP §340, instead of the five years provided to the other environmental laws. APSA is equally important as the environmental protection laws currently included in CCP §338.1. The main concern for the environment is when there is a release or spill of petroleum from these aboveground storage tanks. Petroleum spills can have adverse effects on the environment, including drinking water and other natural resources. It can also endanger the public.

The APSA was first adopted in 1989 in response to a failure of a petroleum tank at the Shell Martinez Refinery impacting the surrounding wetlands and polluting the Suisan Bay, Carquinez Straits, San Pablo Bay and the San Francisco Bay.

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The Contra Costa County Health Services Hazardous Materials Programs is the Certified Unified Program Agency (CUPA) for all of Contra County. As the CUPA the Hazardous Materials Programs regulates businesses that are subject to the APSA, the Hazardous Waste Control Law, the Underground Storage of Hazardous Substances, the California Accidental Release Prevention and the HMBP programs.

Please contact Randy Sawyer, Chief Environmental Health and Hazardous Materials Officer for Contra Costa County at (925) 335-3210 or randy.sawyer@hsd.cccounty.us if you or your staff have any questions regarding our position.

Sincerely,

Karen Mitchoff
Chair, Contra Costa County Board of Supervisors

cc: Randy Sawyer