

# 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 2902. 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 waters of the state. Chapter 6.7 of Division 20 of the Health and Safety Code, the "Underground Storage Tank" program includes requirements to prevent hazardous materials from impacting the waters of the state. This includes the integrity of the state's drinking water, lakes, bays, rivers and the coastal waters.

This bill includes language that will make technical changes as described below:

- For the APSA program, would authorize the owner or operator of a tank in an underground area that meets that description to use the format adopted by the Office of the State Fire Marshal to prepare the spill prevention control and countermeasure plan.
- For the APSA program, would provide that a tank in an underground area that would otherwise be subject to the act because it meets that description is not subject to the act if it holds hydraulic fluid for a closed loop mechanical system that uses compressed air or hydraulic fluid to operate lifts, elevators, or other similar devices, or if it is a heating oil tank.
- For the underground storage tank program, would expand the term "emergency generator tank system" to additionally include an underground storage tank system that provides power supply in the event of a commercial power failure, stores kerosene, and is used solely in connection with those specified systems.
- For the underground storage tank program, would revise the prohibition on issuing or renewing permits to instead prohibit a local agency from issuing a permit to operate an underground storage tank to, or renewing such a permit of, a person operating an underground storage tank to which a red tag is currently affixed.

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

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Francisco Bay. Underground storage tanks regulations are in place to prevent a release and to detect a release if one occurs to protect the ground waters from being polluted.

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 Hazardous Materials Release Response Plans and Inventory 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](mailto: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