



Contra
Costa
County

To: Board of Supervisors
From: Anna Roth, Health Services Director
Date: June 26, 2018

Subject: Support Position on AB 2902 – Technical Changes to the Aboveground Petroleum Storage Act and the Underground Storage Tank Programs

RECOMMENDATION(S):

ADOPT a "Support" position on Assembly Bill 2902 (Committee on Environmental Safety and Toxic Materials). This bill will provide a clear understanding of the requirements of tanks that are in underground areas and for issuing permits for underground storage tanks.

FISCAL IMPACT:

No impact.

BACKGROUND:

Contra Costa County is the Certified Unified Program Agency (CUPA) for all of Contra Costa County and the requirements of the CUPA are administered by the Health Services Hazardous Materials Program. AB 2902 as written will make the following changes to the existing law:

(1) The Aboveground Petroleum Storage Act generally regulates aboveground storage tanks that contain petroleum and that meet certain requirements. The act defines an "aboveground storage tank" as a tank that has the capacity to store 55 gallons or more of petroleum and that is substantially or totally above the surface of the ground or is a tank in an underground

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY

☐ RECOMMENDATION OF BOARD

ADMINISTRATOR

COMMITTEE

Action of Board On: **06/26/2018** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Diane Burgis, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: June 26, 2018

David Twa, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: Randy Sawyer,
925-335-3210

area, as defined, except for certain types of tanks

BACKGROUND: (CONT'D)

and vessels. A tank containing hazardous waste or extremely hazardous waste is not regulated pursuant to the act if the Department of Toxic Substances Control has issued a hazardous waste facilities permit for the tank to the person owning or operating the tank. The act defines “tank in an underground area” to mean a storage tank that meets certain specifications and requirements, including that the storage tank is located in a structure that is at least 10% below the ground surface, as specified.

This bill would revise the definition of “aboveground storage tank” to include a container that meets those same specifications, and would additionally exempt from that definition a tank containing hazardous waste or extremely hazardous waste if the owner or operator of the storage tank has a permit by rule authorization for the tank from the unified program agency. The bill would revise the definition of “tank in an underground area” to mean a stationary storage tank that meets those same specifications and requirements, and would make other revisions to that definition.

The act provides that a tank facility is subject to the act if the tank facility meets one of 3 descriptions, including if it has a storage capacity of less than 1,320 gallons of petroleum and has one or more tanks in an underground area meeting specified conditions. The act requires the owner or operator of a storage tank at a tank facility subject to the act to prepare a spill prevention control and countermeasure plan and to implement the plan in compliance with a specified federal law.

This bill 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. The bill 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.

(2) Existing law defines the term “underground storage tank” for purposes of the provisions regulating the storage of hazardous substances in underground storage tanks, and excludes certain tanks from that definition. Existing law exempts from the requirements imposed upon underground storage tanks a tank located in a below-grade structure that is connected to an emergency generator tank system and meets specified conditions. Existing law defines the term “emergency generator tank system” for purposes of these provisions to mean an underground storage tank system that provides power supply in the event of a commercial power failure, stores diesel fuel, and is used solely in connection with an emergency system, legally required standby system, or optional standby system.

This bill 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.

Existing law authorizes a local agency, upon the discovery of a significant violation of any provision regulating the storage of hazardous substances in underground storage tanks that poses an imminent threat to human health or safety or the environment, to affix a red tag, in plain view, to the fill pipe of the noncompliant underground storage tank system to provide notice that delivery of petroleum into the system is prohibited. Existing law prohibits a local agency from issuing or renewing a permit to operate an underground storage tank if the local agency inspects the tank and determines that the tank does not comply with the laws regulating the storage of hazardous substances in underground storage tanks.

This bill 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.

ATTACHMENTS

Letter of Support