On June 19, 2009 the U.S. Environmental Protection Agency (EPA) finalized the compliance date when facilities are required to prepare, amend, and implement their SPCC Plans. Facilities that are regulated under California’s Aboveground Petroleum Storage Act (APSA) shall comply with the same compliance date. The new date is November 10, 2010.

**SPCC Rule Amendments and APSA Applicability**

This new compliance date is for the December 2002, 2006, and 2008 amendments to the SPCC rule. The December 2002 and 2006 amendments came into effect on July 1, 2009. The December 2002 amendments require facilities with 1,320 gallons or greater of aggregate aboveground storage to submit a Spill Prevention Control and Countermeasure, or SPCC Plan. The December 2006 amendments created a new subset of facilities, qualified facilities, which do not carry more than 10,000 gallons of aboveground storage.

Effective January 14, 2010, the December 2008 amendments further defined these qualified facilities into Tier I and Tier II facilities. Both Tier I and Tier II facilities store no more than 10,000 gallons of aboveground storage and can submit self-certified SPCC Plans instead of obtaining certification from a Professional Engineer (P.E.). The main difference between Tier I and Tier II facilities is that Tier I facilities, at this time, can use a boilerplate SPCC Plan template. This template can now be found in Appendix G of...
PUBLIC COMMENT ON FEES

Notices will be mailed out to businesses inviting them to a public forum in which to comment on the Contra Costa Hazardous Materials Programs’ fees. To develop a more equitable fee structure for the regulated community, we highly encourage businesses to attend this forum, to be part of the process, and provide valuable input on our fees. If you are unable to do so but would like to give feedback, please contact our Program Director Randy Sawyer at (925) 335-3200.

LEADED WHEEL WEIGHTS BANNED

California enacted a new law effective January 1, 2010 (Health and Safety Code 25215.6), which prohibits the manufacture, sale, or installation of wheel weights that contain more than 0.1 ppm of lead. According to a U.S. EPA estimate, leaded weights that fall off wheels contribute to 1.6 million pounds of abandoned lead on U.S. roadways. Lead contamination from these weights can be potential sources of water pollution when washed into storm drains, as well as, air pollution due to the dust from abraded weights. Lead is highly toxic to humans and aquatic life.

NEW OIL SPILL RESPONSE EQUIPMENT FOR HAZ MAT

After a week of stormy weather, it was all sunny skies for County Health HAZ MAT at the Martinez Marina. Under the instruction of Kyle Watson of Global Diving & Salvage, Inc., HAZ MAT deployed oil spill response equipment and conducted several booming strategies used to protect the environment from the deleterious impacts of an oil spill.

California’s Department of Fish and Game, Office of Spill Prevention and Response (OSPR) established a grant program in which marinas and response agencies can apply to receive oil spill response equipment. HAZ MAT was one of over 30 agencies in the state that was granted an equipment trailer. The East Bay Regional Park District will provide HAZ MAT with a boat when necessary and assist in the maintenance of the equipment trailer. HAZ MAT recently deployed the response equipment to contain leakage from a burned down vessel at a Bay Point marina.

During the field training, HAZ MAT deployed 300 feet of boom and demonstrated exclusion and diversion booming techniques at the Martinez Marina.

So, how do federal SPCC requirements link up with APSA? According to California Health and Safety Code (H&SC) Chapter 6.67, section 25270.4.5, a facility “shall prepare a spill prevention control and countermeasure plan in accordance with Part 112 of Subchapter D of Chapter I of Title 40 of the Code of Federal Regulations.” In other words, SPCC Plans under APSA are held to the same standards established by federal regulations. It is important to reiterate that unlike the federal SPCC Rule under the Federal Oil Spill Prevention Program administered by U.S. EPA, the State’s APSA applies to owners/operations of storage tanks or tank facilities of petroleum-based products only.

**APSA Outreach – Classes?**

The December 2006 and 2008 amendments intend to make easier the SPCC requirements for Tier I and Tier II facilities. In this County, these smaller facilities have only been confusion over the new SPCC requirements. In fact there are certain industries unfamiliar with SPCC Plans or they only realize they are regulated under the APSA program and required to develop SPCC Plans when we show up for inspections.

We have a higher number of smaller qualified facilities/Tier facilities that store less than 10,000 gallons of petroleum products. We think it is important that our office conducts outreach to these facilities and industries. Like the CUPA Packet and Hazardous Waste Management classes offered yearly, we can hold classes or workshops to clarify APSA regulations, particularly in the area of SPCC Plan development since they are central to APSA inspections.

If you are a business that is or may be regulated under the APSA program and interested in attending such classes or workshops, or you have APSA questions, please contact our APSA Program Lead Adam Springer at (925) 335-3216.

**The SPCC compliance date again?**

<table>
<thead>
<tr>
<th>A facility starting operation...</th>
<th>Must...</th>
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<tbody>
<tr>
<td>On or before August 16, 2002</td>
<td>Continue to maintain existing SPCC Plan in accordance with the SPCC rule. Amend and implement that Plan no later than November 10, 2010.</td>
</tr>
<tr>
<td>After November 10, 2010</td>
<td>Prepare and implement SPCC Plan before beginning operations.</td>
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**Where can Tier I facilities get the SPCC Plan Template?**

Tier I facilities can download PDFs of the template at the U.S. EPA website. However, Contra Costa County is working to consolidate the template pages into a single PDF document and make it accessible to the regulated community either on paper or electronically. Please contact our office if you would like a copy.

**APSA vs. Federal Oil Spill Prevention Program**

The Federal Oil Spill Prevention Program regulates aboveground tank facilities that store both petroleum and non-petroleum oils. APSA regulates facilities that only store petroleum-based products, but requires that these facilities prepare and implement SPCC Plans to the standards set by the federal SPCC Rule. However, APSA cannot implement and enforce the federal SPCC Rule. Not all federally regulated aboveground storage facilities in California are subject to APSA; nevertheless, all APSA regulated facilities are subject to the federal program.

**Who is regulated under APSA? Is agriculture regulated?**

Any facility that stores at least a total of 1,320 gallons of petroleum aboveground. As such, APSA-regulated facilities must submit SPCC Plans. Farms are conditionally exempt from the APSA SPCC Plan requirement but are still required by federal law to prepare and implement SPCC Plans.

APSA refers to a “tank facility.” I have 55 gallon drums of petroleum at my location. Does that mean I am exempt from regulation? No. A “tank facility” under APSA includes tanks and containers. This means that any container 55 gallons or more counts toward the total aboveground petroleum storage at a single location.
editor's note

Back to the regularly scheduled programming....

The Recorder has been M.I.A. for the past two quarters. I apologize for being remiss of my duties as editor. It’s time to get back on track. I hope to unveil some physical and content changes to The Recorder this new year in order to keep the newsletter informative and fresh. I am always open to feedback and suggestions from the readers. Don’t hesitate to give me a ring or send e-mail.

And if you don’t already know, County HAZ MAT has moved down the street to 4585 Pacheco Blvd., Ste. 100. Our new 24-hour emergency number is (925) 335-3232, so please update your facility contingency plans accordingly.

We hope that this new office and new year will bring a fresh start for County HAZ MAT.

-- Trisha Asuncion