



Aboveground Petroleum Storage Tanks (APSA)

What is the Aboveground Petroleum Storage Act (APSA)?

Any facility with an aggregate storage capacity of 1,320 gallons of petroleum or greater must prepare and implement a Spill Prevention Control and Countermeasure (SPCC) Plan in accordance with federal law, 40 CFR 112. For a full list of exemptions, requirements, and applicability, visit the [Office of the State Fire Marshall website](#) or refer to the “Legal” column.

Which Plan Do I Need to Implement?

The APSA program divides its facilities into qualified and non-qualified facilities. The qualified facilities are able to be broken down into one of two tiers and are able to self-certify a plan based off of templates provided by US EPA. Non-qualified facilities are required to have an SPCC plan certified by a professional engineer and re-certified every five years.

Tier I SPCC Plan:

- 10,000 US gallons or less aggregate above-ground petroleum storage capacity; and
- Within any 12-month period, three years prior to the Plan certification date, or since becoming subject to the SPCC rule if in operation for less than three years, there cannot have been:
 - A single discharge of oil to navigable waters or adjoining shorelines exceeding 1,000 US gallons; or
 - Two discharges of oil to navigable waters or adjoining shorelines each exceeding 42 US gallons within any 12-month period
- No individual above-ground petroleum container greater than 5,000 US gallons

Tier II SPCC Plan:

- 10,000 US gallons or less aggregate aboveground petroleum storage capacity; and
- Within any 12-month period, three years prior to the Plan certification date, or since becoming subject to the SPCC rule if in operation for less than three years, there cannot have been:
 - A single discharge of oil to navigable waters or adjoining shorelines exceeding 1,000 US gallons; or
 - Two discharges of oil to navigable waters or adjoining shorelines each exceeding 42 US gallons within any 12-month period
- Has individual aboveground petroleum container(s) greater than 5,000 US gallons; or
- Owner or operator eligible for Tier I qualified facility status but decides not to take the option or chooses to develop a “hybrid” plan



Non-qualified Facilities:

- More than 10,000 US gallons aggregate aboveground petroleum storage capacity; or
- Within any 12-month period, three years prior to the Plan certification date, or since becoming subject to the SPCC rule if in operation for less than three years, there cannot have been:
 - A single discharge of oil to navigable waters or adjoining shorelines exceeding 1,000 US gallons; or
 - Two discharges of oil to navigable waters or adjoining shorelines each exceeding 42 US gallons within any 12-month period

CONDITIONALLY EXEMPT FROM APSA REQUIREMENTS*

FARMS, DAIRIES, NURSERIES, LOGGING SITES, CONSTRUCTION SITES

- No AST Exceeds 20,000 Gallons and the cumulative storage capacity of the tank facility does not exceed 100,000 Gallons
- Failure to comply with the following will result in loss of Exempt status
 - Conduct daily visual inspections of any storage tank storing a petroleum product
 - Allow the CUPA to conduct a periodic inspection of the tank facility
 - Install a secondary containment for each tank or group of tanks (if required by the CUPA)

* While farms, nurseries, logging sites, or construction sites are conditionally exempt from the requirements to prepare an SPCC Plan under APSA, these facilities are not exempt from federal SPCC requirements enforced by US EPA.

OIL PRODUCTION FACILITIES

If a tank or other facility is used for a purpose other than oil and gas production, such as a diesel tank in a maintenance yard to service trucks that are used on the lease, then it is generally not a facility attendant to oil and gas production and therefore is not under the California Department of Conservation, Division of Oil, Gas, and Geothermal Resources' (DOGGR) jurisdiction.