December 20, 2012

To: Interested Parties

REVISED SUMMARY FLOWCHART OF UNDERGROUND STORAGE TANK PROVISIONS OF ASSEMBLY BILL 1566 (STATS. 2012, CH. 532)

Assembly Bill 1566 (AB 1566) authored by Assembly Member Wieckowski becomes effective on January 1, 2013. AB 1566 makes changes to the underground storage tank (UST) regulatory program regarding criteria for regulating tanks located in subsurface or below grade structures. These changes are reflected in Health and Safety Code sections 25270.2, 25281, and 25281.6.

The enclosed flowchart summarizes the main provisions of AB 1566 that apply to USTs. For the complete text of this bill, visit legislative counsel’s website at www.leginfo.ca.gov.

If you have questions regarding the implementation of the UST provisions of AB 1566 please contact me at (916) 341-5870 or lfisher@waterboards.ca.gov or Cory Hootman at (916) 341-5668 or chootman@waterboards.ca.gov.

Sincerely,

Laura S. Fisher, Chief
UST Leak Prevention Unit and
Office of Tank Tester Licensing Unit

Enclosure

cc: Julie M. Osborn, Attorney III
Office of Chief Counsel
State Water Resources Control Board
Motor Fuel\textsuperscript{1} Tanks Located in Structures At Least 10 Percent Below the Ground Surface\textsuperscript{2}

- Is the tank situated above the surface of the floor?
  - NO
  - YES

- Does the structure provide secondary containment\textsuperscript{3} for the contents of the tank, piping, and ancillary equipment?
  - NO
  - YES

- Does the structure in which the tank is located provide enough space for a physical inspection of the exterior of the tank, all connected piping including any portion of vent line, vapor recovery line, or fill pipe below ground surface, and all ancillary equipment?
  - NO
  - YES

- Does the tank facility, including the tank being evaluated, have an aboveground petroleum storage capacity\textsuperscript{4} of 1,320 gallons or more?
  - NO
  - YES

Pursuant to Chapter 6.7 and Chapter 6.67 of the California Health and Safety Code this tank is an AST subject to California Health and Safety Code 25270-25270.13 as applicable.

Petroleum Lubricant Tanks Located in Structures At Least 10 Percent Below the Ground Surface\textsuperscript{2}

- Does the structure provide secondary containment\textsuperscript{3} for the contents of the tank, piping, and ancillary equipment?
  - NO
  - YES

- Does the structure in which the tank is located provide enough space for a physical inspection of the exterior of the tank except for any part of the tank in contact with the floor?
  - NO
  - YES

- Does the tank facility, including the tank being evaluated, have an aboveground petroleum storage capacity\textsuperscript{4} of 1,320 gallons or more?
  - NO
  - YES

Pursuant to Chapter 6.7 and Chapter 6.67 of the California Health and Safety Code this tank is a UST\textsuperscript{5}\textsuperscript{6} subject to California Health and Safety Code 25280-25299.8 as applicable.

\textsuperscript{1}As defined in Section 280.12 of Title 40 of the Code of Federal Regulations.
\textsuperscript{2}Including, but not limited to, a basement, cellar, shaft, pit, or vault.
\textsuperscript{3}Until cleanup occurs.
\textsuperscript{4}Storage capacity is the aggregate capacity of all aboveground petroleum storage containers of 55 gallons or more at a tank facility.
\textsuperscript{5}This tank system may be eligible for an exemption from chapter 6.7 of the California Health & Safety Code under the existing section 25283.5.
\textsuperscript{6}Systems as defined by California Health & Safety Code 25281.5(c) may be eligible for an exemption from chapter 6.7 of the California Health & Safety Code under the existing section 25281.6.