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September 11, 2007

Mr. Dotson Wilson  
Chief Clerk  
California Assembly  
Room 3196  
State Capitol  
Sacramento, California 95814

Dear Mr. Wilson:

I would appreciate it if this letter would be printed in the Journal.

The purpose of this letter is to clarify the nature of the program that is being transferred from the state to local agencies by my bill AB 1130.

AB 1130 transfers implementation of the Above-ground Petroleum Storage Act (Health and Safety Code Chapter 6.67, (the Act)) from the State Water Resources Control Board to the Unified Program Agencies (UPAs), which are local agencies that currently inspect underground storage tanks, facilities that have hazardous materials, and facilities that handle hazardous wastes.

Implementation of the Act includes review of annual tank facility statements, review of Spill Prevention Control and Countermeasure (SPCC) plans prepared by the tank owner/operator, and inspections of aboveground storage tanks at tank facilities covered by the Act to determine whether the SPCC plan was prepared and is being implemented in compliance with federal law. There is no state or federal approval of SPCC plans. In many cases, a civil engineer is required to certify the plan and its recommendations. It is then up to the planholder to implement and update the plan as necessary.

More specifically, a UPA's review of an SPCC plan includes, but is not limited to, the following elements:

- Determination whether a facility is required to have an SPCC plan under applicable federal and state law;

<http://www.assembly.ca.gov/demweb/members/a27/>

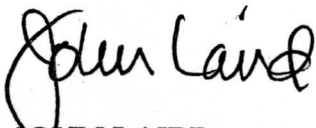


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- Determination whether a plan was prepared and is being implemented in compliance with regulations, guidance and legal interpretations issued by the federal Environmental Protection Agency;
- Determination that a plan has been updated to reflect changes to the facility or operations over time.

Current law and AB 1130 specify that the purpose of an aboveground storage tank inspection is to determine whether the owner or operator is in compliance with the SPCC plan requirements in Chapter 6.67. They do not specifically provide authority for independent evaluation of the recommendations or provisions in SPCC plans, but require review to ensure that an SPCC plan complies with federal regulations and is implemented in compliance with federal regulations. UPAs, however, may have the ability to make independent judgments on facilities or operations under other legal or regulatory authorities.

Sincerely,



JOHN LAIRD  
Assemblymember, 27th District

