

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1420**

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**Introduced by Assembly Member Salas**

February 27, 2015

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~~An act to amend Section 25290.1 of the Health and Safety Code, relating to the environment. An act to add Section 101042 to the Health and Safety Code, and to add Section 3270.5 to the Public Resources Code, relating to oil and gas.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1420, as amended, Salas. ~~Environment: underground storage tanks.~~ *Oil and gas: pipelines.*

*Existing law requires the Division of Oil, Gas, and Geothermal Resources to prescribe minimum facility maintenance standards for oil and gas production facilities, including pipelines that are not under the jurisdiction of the State Fire Marshal.*

*This bill would require the division to prioritize the identification and testing of those pipelines that are near sensitive areas.*

*Existing law establishes local health departments, under the purview of the local health officer. Existing law prescribes various duties for those local health departments, including supervising remediation when hazardous waste is released and enforcing statutes relating to public health.*

*This bill would require a local health department, if notified of a leak in a pipeline regulated by the division, to take certain actions related to the leak, working collaboratively with the division and the owner or operator of that pipeline. The bill would require the local public health department to notify residents affected by the leak if it determines that*

*the leak poses a serious threat to public health and safety. Because the bill would require a local health department to provide a higher level of service to the public, this bill would impose a state-mandated local program.*

*The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.*

~~Existing law requires every underground storage tank installed on or after July 1, 2004, to meet certain requirements:~~

~~This bill would make nonsubstantive changes to that provision.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.  
State-mandated local program: ~~no~~-yes.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. Section 101042 is added to the Health and Safety
- 2     Code, to read:
- 3     101042. (a) *If the local health department is notified of a leak*
- 4     *in a pipeline that is regulated by the Division of Oil, Gas, and*
- 5     *Geothermal Resources pursuant to Article 4.4 (commencing with*
- 6     *Section 3270) of Chapter 1 of Division 3 of the Public Resources*
- 7     *Code, the local health department shall, working collaboratively*
- 8     *with the division and the owner or operator of the pipeline, do*
- 9     *both of the following:*
- 10    (1) *Test the soil, air, and water in the affected area for*
- 11    *contamination caused by the leak and disclose the results of the*
- 12    *tests to the public.*
- 13    (2) *Make a determination, based on the result of the tests, on*
- 14    *whether the leak poses a serious threat to the public health and*
- 15    *safety of residents affected by the leak, and provide assistance to*
- 16    *those residents if it so determines.*
- 17    (b) *If the local health department determines, based on the*
- 18    *results of the test, that the leak poses a serious threat to public*
- 19    *health and safety, the department shall notify all residents affected*
- 20    *by the leak.*

1 SEC. 2. Section 3270.5 is added to the Public Resources Code,  
2 to read:

3 3270.5. The division shall prioritize the identification and  
4 testing of pipelines regulated pursuant to this article that are near  
5 sensitive areas, such as residential areas and schools.

6 SEC. 3. If the Commission on State Mandates determines that  
7 this act contains costs mandated by the state, reimbursement to  
8 local agencies and school districts for those costs shall be made  
9 pursuant to Part 7 (commencing with Section 17500) of Division  
10 4 of Title 2 of the Government Code.

11 SECTION 1. ~~Section 25290.1 of the Health and Safety Code~~  
12 ~~is amended to read:~~

13 ~~25290.1. (a) Notwithstanding subdivision (c) of Section 25281,~~  
14 ~~for purposes of this section, “product tight” means impervious to~~  
15 ~~the liquid and vapor of the substance that is contained, or is to be~~  
16 ~~contained, so as to prevent the seepage of the substance from the~~  
17 ~~containment.~~

18 ~~(b) Notwithstanding Sections 25290.2 and 25291, every~~  
19 ~~underground storage tank installed on or after July 1, 2004, shall~~  
20 ~~meet the requirements of this section.~~

21 ~~(c) The underground storage tank shall be designed and~~  
22 ~~constructed to provide primary and secondary levels of containment~~  
23 ~~of the hazardous substances stored in it in accordance with the~~  
24 ~~following performance standards:~~

25 ~~(1) Primary containment shall be constructed, operated, and~~  
26 ~~maintained product tight and compatible with the stored product.~~

27 ~~(2) Secondary containment shall be constructed, operated, and~~  
28 ~~maintained product tight. The secondary containment shall also~~  
29 ~~be constructed, operated, and maintained in a manner to prevent~~  
30 ~~structural weakening as a result of contact with any hazardous~~  
31 ~~substances released from the primary containment, and shall be~~  
32 ~~capable of storing the hazardous substances for the maximum~~  
33 ~~anticipated period of time necessary for the recovery of any~~  
34 ~~released hazardous substance.~~

35 ~~(3) Secondary containment shall be constructed, operated, and~~  
36 ~~maintained to prevent any water intrusion into the system by~~  
37 ~~precipitation, infiltration, or surface runoff.~~

38 ~~(4) In the case of an installation with one primary tank, the~~  
39 ~~secondary containment shall be large enough to contain at least~~  
40 ~~100 percent of the volume of the primary tank.~~

1     ~~(5) In the case of multiple primary tanks, the secondary~~  
2     ~~containment shall be large enough to contain 150 percent of the~~  
3     ~~volume of the largest primary tank placed in it, or 10 percent of~~  
4     ~~the aggregate internal volume of all primary tanks, whichever is~~  
5     ~~greater.~~

6     ~~(d) The underground tank system shall be designed and~~  
7     ~~constructed with a continuous monitoring system capable of~~  
8     ~~detecting the entry of the liquid- or vapor-phase of the hazardous~~  
9     ~~substance stored in the primary containment into the secondary~~  
10    ~~containment and capable of detecting water intrusion into the~~  
11    ~~secondary containment.~~

12    ~~(e) The interstitial space of the underground storage tank shall~~  
13    ~~be maintained under constant vacuum or pressure such that a breach~~  
14    ~~in the primary or secondary containment is detected before the~~  
15    ~~liquid or vapor phase of the hazardous substance stored in the~~  
16    ~~underground storage tank is released into the environment. The~~  
17    ~~use of interstitial liquid level measurement methods satisfies the~~  
18    ~~requirements of this subdivision.~~

19    ~~(f) The underground storage tank shall be provided with~~  
20    ~~equipment to prevent spills and overfills from the primary tank.~~

21    ~~(g) If different substances are stored in the same tank and in~~  
22    ~~combination may cause a fire or explosion, or the production of~~  
23    ~~flammable, toxic, or poisonous gas, or the deterioration of a~~  
24    ~~primary or secondary container, those substances shall be separated~~  
25    ~~in both the primary and secondary containment so as to avoid~~  
26    ~~potential intermixing.~~

27    ~~(h) Underground pressurized piping that conveys a hazardous~~  
28    ~~substance shall be equipped with an automatic line leak detector.~~

29    ~~(i) Before the underground storage tank is covered, enclosed,~~  
30    ~~or placed in use, the standard installation testing requirements for~~  
31    ~~underground storage systems specified in Section 2.4 of the~~  
32    ~~Flammable and Combustible Liquids Code, adopted by the~~  
33    ~~National Fire Protection Association (NFPA 30), as amended and~~  
34    ~~published in the respective edition of the Uniform Fire Code, shall~~  
35    ~~be followed.~~

36    ~~(j) Before the underground storage tank is placed in use, the~~  
37    ~~underground storage tank shall be tested after installation using~~  
38    ~~one of the following methods to demonstrate that the tank is~~  
39    ~~product tight:~~

40    ~~(1) Enhanced leak detection.~~

1     ~~(2) An inert gas pressure test that has been certified by a third~~  
2     ~~party and approved by the board.~~

3     ~~(3) A test method deemed equivalent to enhanced leak detection~~  
4     ~~or an inert gas pressure test by the board in regulations adopted~~  
5     ~~pursuant to this chapter. An underground storage tank installed~~  
6     ~~and tested in accordance with this subdivision shall be exempt~~  
7     ~~from the requirements of Section 25292.5.~~

8     ~~(k) Notwithstanding Section 25281.5, for any system installed~~  
9     ~~to meet the requirements of this section, those portions of vent~~  
10    ~~lines, vapor recovery lines, and fill pipes that are beneath the~~  
11    ~~surface of the ground shall be considered “pipe” as that term is~~  
12    ~~defined in subdivision (m) of Section 25281, and therefore part of~~  
13    ~~the underground storage tank system.~~