

**Final Secondary Containment Regulations**  
**Department Reference Number: R-98-21**  
**Office of Administrative Law File Number: Z-06-0509-07**

**§66264.191. Assessment of Existing Tank System's Integrity.**

(a) ...

(b) For each existing tank system that does not have secondary containment meeting the requirements of section 66264.193, the owner or operator shall determine that the tank system is not leaking or is unfit for use. Except as provided in subsections (d) and (g) of this section, and in addition to the requirements of subsection (f) of this section, the owner or operator shall obtain and keep on file at the facility a written assessment reviewed and certified by an independent, qualified professional engineer, registered in California, in accordance with section 66270.11(d), that attests to the tank system's integrity, ~~by the dates indicated below:~~

~~(1) January 12, 1988, for tanks containing RCRA hazardous wastes, unless:~~

~~—— (A) the owner or operator is a conditionally exempt small quantity generator as defined in 40 CFR section 261.5, or a 100 to 1000 kg per month generator as defined in 40 CFR section 265.201, or~~

~~—— (B) the owner or operator is not subject to regulation in 40 CFR part 264 pursuant to an exemption in 40 CFR section 264.1;~~

~~—— (2) July 1, 1992, for:~~

~~—— (A) tanks containing only non-RCRA hazardous wastes, and~~

~~—— (B) tanks containing RCRA hazardous wastes, if:~~

~~—— 1. the owner or operator is a conditionally exempt small quantity generator or a 100 to 1000 kg per month generator, or~~

~~—— 2. the owner or operator is not subject to regulation in 40 CFR part 264 pursuant to an exemption in 40 CFR section 264.1, but the owner or operator is subject to the standards of this article.~~

(c) ...

(d) For tank systems that transfer, store or treat materials that become hazardous wastes ~~subsequent to the dates indicated below,~~ this assessment shall be conducted within 12 months after the date that the waste becomes a hazardous waste, except as provided in subsection (g) of this section. ;

- ~~(1) July 14, 1986, for tanks containing RCRA hazardous wastes, unless:~~
- ~~—— (A) the owner or operator is a conditionally exempt small quantity generator as defined in 40 CFR section 261.5, or a 100 to 1000 kg per month generator as defined in 40 CFR section 265.201, or~~
  - ~~—— (B) the owner or operator is not subject to regulation in 40 CFR part 264 pursuant to an exemption in 40 CFR section 264.1;~~
- ~~(2) July 1, 1991, for:~~
- ~~—— (A) tanks containing only non-RCRA hazardous wastes, and~~
  - ~~—— (B) tanks containing RCRA hazardous wastes, if:~~
- ~~—— 1. the owner or operator is a conditionally exempt small quantity generator or a 100 to 1000 kg per month generator, or~~
  - ~~—— 2. the owner or operator is not subject to regulation in 40 CFR part 264 pursuant to an exemption in 40 CFR section 264.1, but the owner or operator is subject to the standards of this article.~~

(e) ...

NOTE: Authority cited: Sections 25150, 25159, 58004 and 58012, Health and Safety Code. Reference: Sections 25159 and 25159.5, Health and Safety Code; 40 CFR Section 264.191.

**§66264.193. Containment and Detection of Releases.**

(a) In order to prevent the release of hazardous waste or hazardous constituents to the environment, secondary containment that meets the requirements of this section shall be provided (except as provided in subsections (f) and (g) of this section):

(1) for all new tank systems or components, prior to the tank system or component being put into service;

(2) for all existing tank systems, which have been used to transfer, store or treat EPA Hazardous Waste Nos. F020, F021, F022, F023, F026 and F027, within two years after the dates indicated below:

~~\_\_\_\_\_ (A) January 12, 1987, for tanks containing RCRA hazardous wastes, unless:~~

~~\_\_\_\_\_ 1. the owner or operator is a conditionally exempt small quantity generator as defined in 40 CFR section 261.5, or a 100 to 1,000 kg per month generator as defined in 40 CFR section 265.201, or~~

~~\_\_\_\_\_ 2. the owner or operator is not subject to regulation in 40 CFR part 264 pursuant to an exemption in 40 CFR section 264.1;~~

~~\_\_\_\_\_ (B) July 1, 1991, for tanks containing RCRA hazardous wastes, if:~~

~~\_\_\_\_\_ 1. the owner or operator is a conditionally exempt small quantity generator or a 100 to 1,000 kg per month generator, or~~

~~\_\_\_\_\_ 2. the owner or operator is not subject to regulation in 40 CFR part 264 pursuant to an exemption in 40 CFR section 264.1, but the owner or operator is subject to the standards of this article;~~

~~(3) for those existing tank systems of known and documented age, within two years after the dates indicated below or when the tank system has reached 15 years of age whichever comes later:~~

~~\_\_\_\_\_ (A) January 12, 1987, for tanks containing RCRA hazardous wastes, unless:~~

~~\_\_\_\_\_ 1. the owner or operator is a conditionally exempt small quantity generator as defined in 40 CFR section 261.5, or a 100 to 1,000 kg per month generator as defined in 40 CFR section 265.201, or~~

~~\_\_\_\_\_ 2. the owner or operator is not subject to regulation in 40 CFR part 264 pursuant to an exemption in 40 CFR section 264.1;~~

~~\_\_\_\_\_ (B) July 1, 1991, for:~~

~~\_\_\_\_\_ 1. tanks containing only non-RCRA hazardous wastes, and~~

~~\_\_\_\_\_ 2. tanks containing RCRA hazardous wastes, if:~~

~~\_\_\_\_\_ a. the owner or operator is a conditionally exempt small quantity generator or a 100 to 1,000 kg per month generator, or~~

~~\_\_\_\_\_ b. 2. the owner or operator is not subject to regulation in 40 CFR part 264 pursuant to an exemption in 40 CFR section 264.1, but the owner or operator is subject to the standards of this article.~~

~~(4) (A) for those existing tank systems described in subsection (a)(4)(B) of this section for which the age cannot be documented, within 8 years of January 12, 1987; but if the age of the facility is greater than 7 years as of January 12, 1987, secondary containment shall be provided by the time the facility reaches 15 years of age, or within 2 years of January 12, 1987, whichever comes later;~~

~~\_\_\_\_\_ (B) subsection (a)(4)(A) of this section applies to existing tank systems as defined in section 66260.10 containing RCRA hazardous wastes, unless:~~

~~\_\_\_\_\_ 1. the owner or operator is a conditionally exempt small quantity generator or a 100 to 1,000 kg per month generator, or~~

~~\_\_\_\_\_ 2. the owner or operator is not subject to regulation in 40 CFR part 264 pursuant to an exemption in 40 CFR section 264.1.~~

~~\_\_\_\_\_ (5) (A) for those existing tank systems described in subsection (a)(5)(B) of this section for which the age cannot be documented, within 8 years from July 1, 1991; but if the age of the facility is greater than 7 years as of July 1, 1991, secondary containment shall be provided by the time the facility reaches 15 years of age, or within 2 years from July 1, 1991, whichever comes later;~~

~~\_\_\_\_\_ (B) subsection (a)(5)(A) of this section applies to:~~

~~\_\_\_\_\_ 1. existing tank systems containing only non-RCRA hazardous wastes, and~~

~~\_\_\_\_\_ 2. existing tank systems containing RCRA hazardous wastes, if:~~

~~\_\_\_\_\_ a. the owner or operator is a conditionally exempt small quantity generator or a 100 to 1,000 kg per month generator, or~~

~~\_\_\_\_\_ b. the owner or operator is not subject to regulation in 40 CFR part 264 pursuant to an exemption in 40 CFR section 264.1, but the owner or operator is subject to the standards of this article.~~

~~(6) (3) for tank systems that transfer, store or treat materials that subsequently become hazardous wastes subsequent to the dates indicated below, within the time intervals required in subsections (a)(1) through (a)(5) of this section, two years after the materials become hazardous waste except that the date that a material becomes a hazardous waste shall be used in place of the dates indicated below where these dates appear in subsections (a)(1) through (a)(5) of this section unless the owner or operator complies with section 40 CFR 265.201 and is one of the following:~~

~~(A) January 12, 1987, for tanks containing RCRA hazardous wastes, unless:~~

~~\_\_\_\_\_ 1. the owner or operator is a conditionally exempt small quantity generator as defined in 40 CFR section 261.5, or a 100 to 1,000 kg per month generator as defined in 40 CFR section 265.201, or~~

~~\_\_\_\_\_ 2. the owner or operator is not subject to regulation in 40 CFR part 264 pursuant to an exemption in 40 CFR section 264.1;~~

~~\_\_\_\_\_ (B) July 1, 1991, for:~~

~~\_\_\_\_\_ 1. tanks containing only non-RCRA hazardous wastes, and~~

~~\_\_\_\_\_ 2. tanks containing RCRA hazardous wastes, if:~~

~~a. (A) the owner or operator is a conditionally exempt small quantity generator or a 100 to 1,000 kg per month generator, or~~

~~b. (B) the owner or operator is not subject to regulation in 40 CFR part 264 pursuant to an exemption in 40 CFR section 264.1, but the owner or operator is subject to the standards of this article.~~

(b) ...

NOTE: Authority cited: Sections 25150, ~~and~~ 25159, and 58012 Health and Safety Code. Reference: Sections 25143, 25159 and 25159.5, Health and Safety Code; 40 CFR Section 264.193.

## Article 10. Tank Systems

### §66265.191. Assessment of Existing Tank System's Integrity.

(a) For each existing tank system that does not have secondary containment meeting the requirements of section 66265.193, the owner or operator shall determine that the tank system is not leaking or is unfit for use. Except as provided in subsections (c) and (e) of this section, the owner or operator shall obtain and keep on file at the facility a written assessment reviewed and certified by an independent, qualified, professional engineer, registered in California, in accordance with section 66270.11(d), that attests to the tank system's integrity, ~~by the dates indicated below:~~

~~(1) January 12, 1988, for tanks containing RCRA hazardous wastes, unless:~~

~~—— (A) the owner or operator is a conditionally exempt small quantity generator as defined in 40 CFR section 261.5, or a 100 to 1000 kg per month generator as defined in 40 CFR section 265.201, or~~

~~—— (B) the owner or operator is not subject to regulation in 40 CFR part 265 pursuant to an exemption in 40 CFR section 265.1;~~

~~—— (2) July 1, 1991, for:~~

~~—— (A) tanks containing only non-RCRA hazardous wastes, and~~

~~—— (B) tanks containing RCRA hazardous wastes, if:~~

~~—— 1. the owner or operator is a conditionally exempt small quantity generator or a 100 to 1000 kg per month generator, or~~

~~—— 2. the owner or operator is not subject to regulation in 40 CFR part 265 pursuant to an exemption in 40 CFR section 265.1, but the owner or operator is subject to the standards of this article.~~

(b) ...

(c) For tank systems that transfer, store or treat materials that become hazardous wastes ~~subsequent to the dates indicated below~~, this assessment shall be conducted within 12 months after the date that the waste becomes a hazardous waste, except as provided in subsection (g) of this section.:

~~(1) July 14, 1986, for tanks containing RCRA hazardous wastes, unless:~~

~~—— (A) the owner or operator is a conditionally exempt small quantity generator as defined in 40 CFR section 261.5, or a 100 to 1000 kg per month generator as defined in 40 CFR section 265.201, or~~

~~—— (B) the owner or operator is not subject to regulation in 40 CFR part 265 pursuant to an exemption in 40 CFR section 265.1;~~

~~—— (2) July 1, 1991, for:~~

~~—— (A) tanks containing non-RCRA hazardous wastes only, and~~

~~—— (B) tanks containing RCRA hazardous wastes, if:~~

~~—— 1. the owner or operator is a conditionally exempt small quantity generator or a 100 to 1000 kg per month generator, or~~

~~—— 2. the owner or operator is not subject to regulation in 40 CFR part 265 pursuant to an exemption in 40 CFR section 265.1, but the owner or operator is subject to the standards of this article.~~

...

NOTE: Authority cited: Sections 25150, and 25159, and 58012, Health and Safety Code. Reference: Sections 25159 and 25159.5, Health and Safety Code; 40 CFR Section 265.191.

**§66265.193. Containment and Detection of Releases.**

(a) In order to prevent the release of hazardous waste or hazardous constituents to the environment, secondary containment that meets the requirements of this section shall be provided (except as provided in subsections (f) and (g) of this section):

(1) for all new tank systems or components, prior to the tank system or component being put into service;

(2) for all existing tank systems, ~~unless: which have been used to transfer, store or treat EPA Hazardous Waste Nos. F020, F021, F022, F023, F026, and F027, within two years after the dates indicated below:~~

~~(A) January 12, 1987, for tanks containing RCRA hazardous wastes, unless:~~

~~1. (A) the owner or operator is a conditionally exempt small quantity generator as defined in 40 CFR section 261.5, or a 100 to 1000 kg per month generator as defined in 40 CFR section 265.201, or~~

~~2. (B) the owner or operator is not subject to regulation in 40 CFR part 265 pursuant to an exemption in 40 CFR section 265.1;~~

~~———(B) July 1, 1991, for tanks containing RCRA hazardous wastes, if:~~

~~———1. the owner or operator is a conditionally exempt small quantity generator or a 100 to 1000 kg per month generator, or~~

~~———2. the owner or operator is not subject to regulation in 40 CFR part 265 pursuant to an exemption in 40 CFR section 265.1, but the owner or operator is subject to the standards of this article.~~

~~(3) for those existing tank systems of known and documentable age, within two years after the dates indicated below, or when the tank systems have reached 15 years of age whichever comes later:~~

~~(A) January 12, 1987, for tanks containing RCRA hazardous wastes, unless:~~

~~———1. the owner or operator is a conditionally exempt small quantity generator as defined in 40 CFR section 261.5, or a 100 to 1000 kg per month generator as defined in 40 CFR section 265.201, or~~

~~\_\_\_\_\_ 2. the owner or operator is not subject to regulation in 40 CFR part 265 pursuant to an exemption in 40 CFR section 265.1;~~

~~\_\_\_\_\_ (B) July 1, 1991, for:~~

~~\_\_\_\_\_ 1. tanks containing only non-RCRA hazardous wastes, and~~

~~\_\_\_\_\_ 2. tanks containing RCRA hazardous wastes, if:~~

~~\_\_\_\_\_ a. the owner or operator is a conditionally exempt small quantity generator or a 100 to 1000 kg per month generator, or~~

~~\_\_\_\_\_ b. 2. the owner or operator is not subject to regulation in 40 CFR part 265 pursuant to an exemption in 40 CFR section 265.1, but the owner or operator is subject to the standards of this article.~~

~~(4) (A) for those existing tank systems described in subsection (a)(4)(B) of this section for which the age cannot be documented, within eight years of January 12, 1987; but if the age of the facility is greater than seven years as of January 12, 1987, secondary containment shall be provided by the time the facility reaches 15 years of age, or within two years of January 12, 1987, whichever comes later;~~

~~\_\_\_\_\_ (B) subsection (a)(4)(A) of this section applies to existing tank systems containing RCRA hazardous wastes, unless:~~

~~\_\_\_\_\_ 1. the owner or operator is a conditionally exempt small quantity generator or a 100 to 1000 kg per month generator, or~~

~~\_\_\_\_\_ 2. the owner or operator is not subject to regulation in 40 CFR part 265 pursuant to an exemption in 40 CFR section 265.1.~~

~~\_\_\_\_\_ (5) (A) for those existing tank systems described in subsection (a)(5)(B) of this section for which the age cannot be documented, within eight years from July 1, 1991; but if the age of the facility is greater than seven years as of July 1, 1991, secondary containment shall be provided by the time the facility reaches 15 years of age, or within two years from July 1, 1991, whichever comes later;~~

~~\_\_\_\_\_ (B) subsection (a)(5)(A) of this section applies to:~~

~~\_\_\_\_\_ 1. existing tank systems containing only non-RCRA hazardous wastes, and~~

~~\_\_\_\_\_ 2. existing tank systems containing RCRA hazardous wastes, if:~~

~~\_\_\_\_\_ a. the owner or operator is a conditionally exempt small quantity generator or a 100 to 1000 kg per month generator, or~~

~~\_\_\_\_\_ b. the owner or operator is not subject to regulation in 40 CFR part 265 pursuant to an exemption in 40 CFR section 265.1, but the owner or operator is subject to the standards of this article.~~

~~(6) (3) for tank systems that transfer, store or treat materials that subsequently become hazardous wastes subsequent to the dates indicated below, within the time intervals required in subsections (a)(1) through (a)(5) of this section, two years after the materials become hazardous waste except that the date that a material becomes a hazardous waste shall be used in place of the dates indicated below where these dates appear in subsections (a)(1) through (a)(5) of this section unless the owner or operator complies with section 40 CFR 265.201 and is one of the following:~~

~~(A) January 12, 1987, for tanks containing RCRA hazardous wastes, unless:~~

~~\_\_\_\_\_ 1. the owner or operator is a conditionally exempt small quantity generator as defined in 40 CFR section 261.5, or a 100 to 1000 kg per month generator as defined in 40 CFR section 265.201, or~~

~~\_\_\_\_\_ 2. the owner or operator is not subject to regulation in 40 CFR part 265 pursuant to an exemption in 40 CFR section 265.1;~~

~~\_\_\_\_\_ (B) July 1, 1991, for:~~

~~\_\_\_\_\_ 1. tanks containing only non-RCRA hazardous wastes, and~~

~~\_\_\_\_\_ 2. tanks containing RCRA hazardous wastes, if:~~

~~a. (A) the owner or operator is a conditionally exempt small quantity generator or a 100 to 1000 kg per month generator, or~~

~~b. (B) the owner or operator is not subject to regulation in 40 CFR part 265 pursuant to an exemption in 40 CFR section 265.1, but the owner or operator is subject to the standards of this article.~~

(b) ...

NOTE: Authority cited: Sections 25150, ~~and 25159~~, and 58012, Health and Safety Code. Reference: Sections 25143, 25159 and 25159.5, Health and Safety Code; 40 CFR Section 265.193.