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HAWAII ADMINISTRATIVE RULES

TITLE 11

DEPARTMENT OF HEALTH

CHAPTER 280

HAZARDOUS WASTE MANAGEMENT

PUBLIC INFORMATION

Subchapter A Requests for Information

§11-280-100 Definitions.
§11-280-101 Policy on disclosure of department records.
§11-280-102 [Reserved]
§11-280-103 Partial disclosure of records.
§11-280-104 Requests to which this subchapter applies.
§11-280-105 Existing records.
§11-280-106 Where requests for department records shall be filed.
§11-280-107 Misdirected written requests; oral requests.
§11-280-108 Form of request.
§11-280-109 Requests which do not reasonably describe records sought.
§11-280-110 [Reserved]
§11-280-111 Response action by the department.
§11-280-112 Time allowed for issuance of determination.
§11-280-113 Denials of requests.
§11-280-114 - §11-280-119 [Reserved]
§11-280-120 Fees; payment; reduction or waiver.
§11-280-121 - §11-280-200 [Reserved]

Subchapter B Confidentiality of Business Information

§11-280-201 Definitions.
§11-280-202 Applicability of subchapter.
§11-280-203 Method of asserting business confidentiality claim; effect of failure to assert claim at time of submission.
§11-280-204 Disclosure in special circumstances.

SUBCHAPTER A

REQUESTS FOR INFORMATION

§11-280-100 Definitions. For the purposes of this chapter:

(a) "EPA" means the United States Environmental Protection Agency.

(b) "Department record" or "record" means any document, writing, photograph, sound or magnetic recording, drawing, or other similar thing by which information has been preserved, from which the information can be retrieved and copied, and over which the hazardous waste program of the department has possession or control. It may include copies of the records of other State or federal agencies. The term includes informal writings (such as drafts and the like), and also includes information preserved in a form which must be translated or deciphered by machine in order to be intelligible to humans. The term includes documents and the like which were created or acquired by the department, its officers, and its employees by use of government funds or in the course of transacting official business. However, the term does not include materials which are the personal records of a department officer or employee. Nor does the term include materials published by non-State organizations which are readily available to the public, such as books, journals, and periodicals available through yreference libraries, even if such materials are in the department's possession.

This subsection shall not be construed to require the department or the hazardous waste program of the department to prepare or maintain any drafts.

(c) "Request" means a request to inspect or obtain a copy of one or more records.

(d) "Requestor" means any person who has submitted a request to the department.

(e) "Commercial use request" means a request from or on behalf of one who seeks information for a use or purpose that furthers the commercial, trade or profit interests of the requestor or the person on whose behalf the request is made. In determining whether a requestor properly belongs in this category, the department must determine the use to which a requestor will put the documents requested. Moreover, where the department has reasonable cause to doubt the use to which a requestor will put the records sought, or where that use is not clear from the request itself, the department may seek additional clarification before assigning the request to a specific category.

(f) "Non-commercial scientific institution" means an institution that is not operated on a commercial basis as that term is referenced in subsection (e) of this section, and which is operated solely for the purpose of conducting scientific research the results of which are not intended to promote any particular product or industry.

(g) "Educational institution" means a preschool, a public or private elementary or secondary school, an institution of graduate higher education, an institution of undergraduate higher education, an institution of professional education, and an institution of vocational education, which operates a program or programs of scholarly research.

(h) "Representative of the news media" means any person actively gathering news for an entity that is organized and operated to publish or broadcast news to the public. "News" means information that is about current events or that would be of current interest to the public. Examples of news media entities include television or radio stations broadcasting to the public at large, and publishers of periodicals (but only in those instances when they can qualify as disseminators of news) who make their products available for purchase or subscription by the general public. These examples are not intended to be all-inclusive. Moreover, as traditional methods of news delivery evolve (e.g., electronic dissemination of newspapers through telecommunications services), such alternative media would be included in this category. In the case of freelance journalists, they may be regarded as working for a news organization if they can demonstrate a solid basis for expecting publication through that organization, even though not actually employed by it. A publication contract would be the clearest proof, but the department may also look to the past publication record of a requestor in making this determination.

(i) "Search" means and includes all time spent looking for material that is responsive to a request, including page-by-page or line-by-line identification of material within documents. Searching for material must be done in the most efficient and least expensive manner so as to minimize costs for both the department and the requestor. For example, the department will not engage in line-by-line search when merely duplicating an entire document would prove the less expensive and quicker method of complying with a request. Search will be distinguished, moreover, from review of material in order to determine whether the material is exempt from disclosure (see subsection (j) of this section). Searches may be done manually or by computer using existing programming.

(j) "Review" means the process of examining documents located in response to a request that is for a commercial use (see subsection (e) of this section) to determine whether any portion of any document located is permitted to be withheld. It also includes processing any documents for disclosure, e.g., doing all that is necessary to excise them and otherwise prepare them for release. Review does not include time spent resolving legal or policy issues regarding the application of exemptions. (Documents must be reviewed in responding to all requests; however, review time may only be charged to "commercial use requesters.")

(k) "Duplication" means the process of making a copy of a document necessary to respond to a request made under this chapter. Such copies can take the form of paper copy, microform, audio-visual materials, or machine readable documentation (e.g., magnetic tape or disk), among others. The copy provided must be in a form that is reasonably usable by requesters.

(l) Terms that are defined in sections 11-260-10 and 11-261-1 have the same meanings when used in this subchapter.

[Eff JUN 18 1994] (Auth: HRS §§342-4, 342J-14, 342J-31, 342J-35)

§11-280-101 Policy on disclosure of department records. (a) The department will make the fullest possible disclosure of records to the public, consistent with the rights of individuals to privacy, the rights of persons in business information entitled to confidential treatment, and the need for the department to promote frank internal policy deliberations and to pursue its official activities without undue disruption.

(b) All records maintained by the hazardous waste program of the department shall be available to the public unless exempt from disclosure under the federal Freedom of Information Act, 5 U.S.C. § 552 (1993).

(c) All nonexempt department records shall be available to the public upon request regardless of whether any justification or need for such records has been shown by the requestor.

(d) When documents responsive to a request are maintained for distribution by agencies operating statutory-based fee schedule programs, the department will inform the requester of the steps necessary to obtain records from the sources.

[Eff JUN 18 1994] (Auth: HRS §§342J-4, 342J-14, 342J-31, 342J-35)

§11-280-102 [Reserved]

§11-280-103 Partial disclosure of records. If a requested record contains both exempt and nonexempt material, the nonexempt material shall be disclosed, after the exempt material has been deleted.

[Eff JUN 18 1994] (Auth: HRS §§342J-4, 342J-14, 342J-31, 342J-35)

§11-280-104 Requests to which this subchapter applies. (a) This subchapter applies to any written request for disclosure of records maintained by the hazardous waste program of the department (other than a request made by another State agency), whether or not the request cites this chapter.

(b) Any written request to the department for existing records prepared by the department for routine public distribution, e.g., pamphlets, copies of speeches, press releases, and educational materials, shall be honored. No individual determination is necessary in such cases, since preparation of the records for routine public distribution itself constitutes a determination that the records are available to the public.

[Eff JUN 18 1994] (Auth: HRS §§342J-4, 342J-14, 342J-31, 342J-35)

§11-280-105 Existing records. (a) HRS chapter 92F and section 342J-14 do not require the creation of new records in response to a request, nor do they require the department to place a requestor's name on a distribution list for automatic receipt of certain kinds of records as they come into existence. HRS chapter

92F and section 342J-14 establish requirements for disclosure of existing records.

(b) All existing department records are subject to routine destruction according to standard record retention schedules.

[Eff JUN 18 1994] (Auth: HRS §§342J-4, 342J-14, 342J-31, 342J-35)

§11-280-106 Where requests for department records shall be filed. (a) All requests for records shall be filed with the Solid and Hazardous Waste Branch, Department of Health, Five Waterfront Plaza, Suite 250, 500 Ala Moana Boulevard, Honolulu, Hawaii 96813.

(b) [Reserved]

[Eff JUN 18 1994] (Auth: HRS §§342J-4, 342J-14, 342J-31, 342J-35)

§11-280-107 Misdirected written requests; oral requests. (a) The department cannot assure that a timely or satisfactory response under this subchapter will be given to written requests that are addressed to offices other than the Solid and Hazardous Waste Branch of the department listed in section 11-280-106. Any department officer or employee who receives a written request for inspection or disclosure of department records under this chapter shall promptly forward a copy of the request to the Solid and Hazardous Waste Branch, by the fastest practicable means. For purposes of section 11-280-112, the time allowed with respect to determinations shall be computed from the day on which the Solid and Hazardous Waste Branch of the department receives the request.

(b) While department officers and employees will attempt in good faith to comply with requests for inspection or disclosure of department records made orally, by telephone or otherwise, such oral requests are not required to be processed in accordance with this subchapter.

[Eff JUN 18 1994] (Auth: HRS §§342J-4, 342J-14, 342J-31, 342J-35)

§11-280-108 Form of request. A request shall be made in writing, shall reasonably describe the records sought in a way that will permit their identification and location, and should be addressed to the Solid and Hazardous Waste Branch of the Department of Health set forth in section 11-280-106, but otherwise need not be in any particular form.

[Eff JUN 18 1994] (Auth: HRS §§342J-4, 342J-14, 342J-31, 342J-35)

§11-280-109 Requests which do not reasonably describe records sought. (a) If the description of the records sought in the request is not sufficient to allow the department to identify and locate the requested records, the department will notify the requestor (by telephone when practicable) that the request cannot be further processed until additional information is furnished.

(b) The department will make every reasonable effort to assist in the identification and description of records sought and to

assist the requestor in formulating his request. If a request is described in general terms (e.g., all records having to do with a certain area), the department may communicate with the requestor (by telephone when practicable) with a view toward reducing the administrative burden of processing a broad request and minimizing the fees payable by the requestor. Such attempts will not be used as a means to discourage requests, but rather as a means to help identify with more specificity the records actually sought.
[Eff JUN 18 1994] (Auth: HRS §§342J-4, 342J-14, 342J-31, 342J-35)

§11-280-110 [Reserved]

§11-280-111 Response action by the department.
(a) - (b) [Reserved]
(c) In determining which records are responsive to a request, the department shall ordinarily include those records within the possession of the department's hazardous waste program as of the date of receipt of the request by the Solid and Hazardous Waste Branch.
(d) [Reserved]
[Eff JUN 18 1994] (Auth: HRS §§342J-4, 342J-14, 342J-31, 342J-35)

§11-280-112 Time allowed for issuance of determination. (a) Except as otherwise provided in this section, not later than the twentieth working day after the date of receipt by the Solid and Hazardous Waste Branch of a request for records, the department shall issue a determination to the requestor stating which of the requested records will, and which will not, be released and the reason for any denial of a request. If the records are not known to exist or are not in the possession of the department's hazardous waste program, the department shall so inform the requestor. To the extent requested records which are in the possession of the department's hazardous waste program are published by a State agency, the response may inform the requestor that the records are available for inspection and where copies can be obtained.
(b) The period of 20 working days shall be measured from the date the request is first received and logged in by the Solid and Hazardous Waste Branch of the department.
(c) There shall be excluded from the period of 20 working days (or any extension thereof) any time which elapses between the date that a requestor is notified by the department under section 11-280-109 that his request does not reasonably identify the records sought, and the date that the requestor furnishes a reasonable identification.
(d) There shall be excluded from the period of 20 working days (or any extension thereof) any time which elapses between the date that a requestor is notified by the department under section 11-280-120 that prepayment or assurance of payment of fees is required, and the date that the requestor pays (or makes suitable

arrangements to pay) such charges.

(e) The department may extend the basic 20-day period established under subsection (a) of this section by a period not to exceed 20 additional working days, by furnishing written notice to the requestor within the basic 20-day period stating the reasons for such extension and the date by which the department expects to be able to issue a determination. The period may be so extended only when necessary, only for the period required, and only when one or more of the following circumstances require the extension:

(1) There is a need to search for and collect the requested records from establishments that are separate from the office processing the request;

(2) There is a need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

(3) There is a need for consultation, which shall be conducted with all practicable speed, with an affected business (see subsection 11-280-201(d)), another State agency, or a federal agency, having a substantial interest in the determination of the request or among two or more components of the department.

(f) Failure of the department to issue a determination within the 20-day period or any authorized extension shall constitute final agency action which authorizes the requestor to seek administrative review, if administrative review is provided by HRS chapter 92F or the rules adopted thereunder, or commence an action in an appropriate court of law to obtain the records.

[Eff JUN 18 1994] (Auth: HRS §§342J-4, 342J-14, 342J-31, 342J-35)

§11-280-113 Denials of requests. A denial of a request may be issued for the following reasons:

(1) A statutory provision, provision of this chapter, or court order requires that the information not be disclosed; or

(2) The record is exempt from mandatory disclosure under HRS chapter 92F or section 342J-14 and the department has decided that the public interest would not be served by disclosure.

[Eff JUN 18 1994] (Auth: HRS §§342J-4, 342J-14, 342J-31, 342J-35)

§11-280-114 - §11-280-119 [Reserved]

§11-280-120 Fees; payment; reduction or waiver. (a) Fee schedule. Requesters shall be charged the full allowable direct costs incurred by the department in responding to a request under this chapter. However, if the department uses a contractor to search for, reproduce or disseminate records responsive to a

request, the cost to the requester shall not exceed the cost of the department itself performing the service.

(1) There are four categories of requests. Fees for each of the categories will be charged as follows:

(i) Commercial use requests. If the request seeks disclosure of records for a commercial use, the requester shall be charged for the time spent searching for the requested record, reviewing the record to determine whether it should be disclosed and for the cost of each page of duplication. Commercial use requesters should note that the department also may charge fees to them for time spent searching for and/or reviewing records, even if the department fails to locate the records or if the records located are determined to be exempt from disclosure.

(ii) Requests from an educational or non-commercial scientific institution whose purpose is scholarly or scientific research, involving a request which is not for a commercial use and seeks disclosure of records. In the case of such a request, the requester shall be charged only for the duplication cost of the records, except that the first 100 pages of duplication shall be furnished without charge.

(iii) Requests from a representative of the news media, involving a request which is not for a commercial use and seeks disclosure of records. In the case of such a request, the requester shall be charged only for the duplication cost of the records, except that the first 100 pages of duplication shall be furnished without charge.

(iv) All other requests. If the request seeks disclosure of records other than as described in paragraphs (a)(1)(i), (ii), and (iii) of this section, the requester shall be charged the full cost of search and duplication. However, the first two hours of search time (or its cost equivalent) and the first 100 pages of duplication (or their cost equivalent) shall be furnished without charge. Requesters in the "all other requests" category should note that the department also may charge fees to them for time spent searching for records, even if the department fails to locate the records or if the records located are determined to be exempt from disclosure.

(2) The determination of a requester's fee category will be based on the following:

(i) Commercial use requesters: The use to which the requester will put the documents requested;

(ii) Educational and non-commercial scientific institution requestors: Identity of the requester and the use to which the requestor will put the documents requested;

(iii) Representatives of the news media requesters: The identity of the requester and the use to which the requestor will put the documents requested.

(3) Fees wlll be charged to requesters, as appropriate, for search, duplication and review of requested records in accordance with the following schedule:

(i) Manual search for records.

(A) Department employees: $7.00 for each 1/2 hour

or portion thereof.

(B) Contractor employees: The requestor will be charged for actual charges up to but not exceeding the rate which would have been charged had employees of the department conducted the search.

(ii) Computer search for records charges will consist of:

(A) Department employee operators: $7.00 for each 1/2 hour or portion thereof.

(B) Contractor operators: Requestors will be charged for the actual charges up to but not exceeding the rate which would have been charged had employees of the department conducted the search (see paragraph (a)(3)(i)(A) of this section).

(C) Actual computer resource usage charges for this search.

(iii) Review of records. $7.00 for each 1/2 hour or portion thereof (department employees).

(iv) Duplication or reproduction of records.

(A) Duplication or reproduction of documents by department employees (paper copy of paper original): $.25 per page.

(B) Computer printouts (other than those calculated in a direct-cost billing - see paragraph (a)(3)(ii)(C) of this section "computer search for records") $.25 per page.

(C) Other methods of duplication or reproduction, including, but not limited to, duplication of photographs, microfilm and magnetic tape, will be charged at the actual direct cost to the department.

(4) Other charges.

(i) Other charges incurred in responding to a request including but not limited to, special handling or transportation of records, will be charged at the actual direct cost to the department.

(ii) Certification or authentication of records: $25.00 per certification or authentication.

(5) No charge shall be made -

(i) For the cost of preparing or reviewing written responses to a request;

(ii) For time spent resolving legal or policy issues concerning the application of exemptions;

(iii) For search and review time and the first 100 pages of duplication for requests described in paragraphs 11-280-120(a)(1)(ii) and (iii) of this section;

(iv) For review time, the first two hours of search time (or its cost equivalent), and for the first 100 pages of duplication for requests described in

paragraph 11-280-120(a)(1)(iv) of this section;

(v) If the total fee in connection with a request is less than $1.00, or if the costs of collecting the fee would otherwise exceed the amount of the fee. However, when the department reasonably believes that a requester or group of requesters is attempting to break a request down into a series of requests for the purpose of avoiding the assessment of fees, the department will aggregate such requests to determine the total fee, and will charge accordingly;

(vi) [Reserved];

(vii) [Reserved];

(viii) For furnishing records requested by and for the official use of EPA; or

(ix) For furnishing records needed by a department contractor, subcontractor, or grantee to perform the work required by the department contract or grant.

(b) Method of payment. All fee payments shall be in the form of a check or money order payable to the "Department of Health, State of Hawaii" and shall be sent to the Solid and Hazardous Waste Branch, Department of Health, Five Waterfront Plaza, Suite 250, 500 Ala Moana Boulevard, Honolulu, Hawaii 96813. Payment (except for prepayment) shall be due within twenty calendar days after the date of billing.

(c) Assurance of payment.

(1) If the department estimates that the fees for processing a request will exceed $10.00, the department need not search for, duplicate or disclose records in response to the request(s) until the requester assures payment of the total amount of fees estimated to become due under this section. In such cases, the department will promptly inform the requester (by telephone if practicable) of the need to make assurance of payment.

(2) The department may not require a requester to make an advance payment, i.e. payment before work is commenced or continued on a request, unless:

(i) A requester has previously failed to pay a fee charged in a timely fashion (i.e., within 20 days after the date of the billing), or

(ii) The department estimates or determines that the allowable charges that a requester may be required to pay are likely to exceed $10.00. Then the department will notify the requester of the likely cost and obtain satisfactory assurance of full payment where the requester has a history of prompt payment of fees under this chapter, or require an advance payment of an amount up to the full estimated charges in the case of requesters with no history of payment. If such advance payment is not received within 20 days after the department's billing, the request will not be processed and the

request will be closed. See also subsection 11-280-112(d).

(d) Reduction or waiver of fee.

(1) The fee chargeable under this section shall be reduced or waived by the department if the department determines that disclosure of the information:

(i) Is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government; and

(ii) Is not primarily in the commercial interest of the requestor.

(2) Both of these requirements must be satisfied before fees properly assessable can be waived or reduced.

(3) The department will employ the following four factors in determining whether the first requirement has been met:

(i) The subject of the request: Whether the subject of the requested records concerns "the operations or activities of the government";

(ii) The informative value of the information to be disclosed: Whether the disclosure is "likely to contribute to an understanding of government operations or activities";

(iii) The contribution to an understanding of the subject by the general public likely to result from disclosure: Whether disclosure of the requested information will contribute to "public understanding"; and

(iv) The significance of the contribution to public understanding: Whether disclosure is likely to contribute "significantly" to public understanding of government operations or activities.

(4) The department will employ the following factors in determining whether the second requirement has been met:

(i) The existence and magnitude of a commercial interest: Whether the requester has a commercial interest that would be furthered by the requested disclosure; and, if so

(ii) The primary interest in disclosure: Whether the magnitude of the identified commercial interest of the requester is sufficiently large, in comparison with the public interest in disclosure, that disclosure is "primarily in the commercial interest of the requester."

(5) In all cases, the burden shall be on the requester to present information in support of a request for a reduction or waiver of fees. A request for reduction or waiver of fees should include:

(i) A clear statement of the requester's interest in the requested documents;

(ii) The use proposed for the documents and whether the requester will derive income or other benefit from such use;

(iii) A statement of how the public will benefit from such use and from the release of the requested documents; and

(iv) If specialized use of the documents or information is contemplated, a statement of the requester's qualifications that are relevant to the specialized use.

(6) A request for reduction or waiver of fees shall be addressed to the Solid and Hazardous Waste Branch of the department. The requester shall be informed of the department's decision whether to grant or deny the fee waiver or fee reduction request.

(e) If after the end of 60 calendar days from the date on which request for payment was made the requester has not submitted payment to the Solid and Hazardous Waste Branch of the department at the address listed in subsection 11-280-120(b), the department shall place the requester's name on a delinquent list. If a requester whose name appears on the delinquent list makes a request under this chapter, the department shall inform the requester that the department will not process the request until the requester submits payment of the overdue fee from the earlier request. Any request made by an individual who specifies an affiliation with or representation of a corporation, association, law firm, or other organization shall be deemed to be a request by the corporation, association, law firm, or other organization. If an organization placed on the delinquent list can show that the person who made the request for which payment was overdue did not make the request on behalf of the organization, the organization will be removed from the delinquent list but the name of the individual shall remain on the list. A requester shall not be placed on the delinquent list if a request for a reduction or for a waiver is pending under subsection (d) of this section.

[Eff JUN 18 1994] (Auth: HRS §§342J-4, 342J-14, 342J-31, 342J-35)

§11-280-121 - §11-280-200 [Reserved]

SUBCHAPTER B

CONFIDENTIALITY OF BUSINESS INFORMATION

§11-280-201 <u>Definitions.</u> For the purposes of this subchapter:

"Business" means any person engaged in a business, trade, employment, calling or profession, whether or not all or any part of the net earnings derived from such engagement by such person inure (or may lawfully inure) to the benefit of any private shareholder or individual.

"Business confidentiality claim" or, simply, "claim" means a

claim or allegation that business information is entitled to confidential treatment for reasons of business confidentiality, or a request for a determination that such information is entitled to such treatment.

"Business information" or sometimes referred to simply as "information" means any information which pertains to the interests of any business, which was developed or acquired by that business, and (except where the context otherwise requires) which is possessed by the department in recorded form.

"Reasons of business confidentiality" means and includes the concept of trade secrecy and other related legal concepts which give (or may give) a business the right to preserve the confidentiality of business information and to limit its use or disclosure by others in order that the business may obtain or retain business advantages it derives from its rights in the information. The definition is meant to encompass any concept which authorizes the department to withhold business information under HRS section 342J-14 or chapter 92F.

Terms that are defined in sections 11-260-10 and 11-261-1 have the same meanings when used in this subchapter.

[Eff JUN 18 1994] (Auth: HRS §§342J-4, 342J-14, 342J-31, 342J-35)

§11-280-202 Applicability of subchapter. (a) This subchapter establishes basic rules governing business confidentiality claims made to the hazardous waste program of the department.

(b) All claims of business confidentiality shall be subject to review and determination by the department as to whether the information covered by the claim is entitled to confidential treatment.

(c) In taking actions under this subchapter, the department may consider whether it is possible to obtain the affected business's consent to disclosure of useful portions of records while protecting the information which is or may be entitled to confidentiality (e.g., by withholding such portions of a record as would identify a business, or by disclosing data in the form of industry-wide aggregates, multi-year averages or totals, or some similar form).

(d) This subchapter does not apply to questions concerning entitlement to confidential treatment or information which concerns an individual solely in his personal, as opposed to business, capacity.

(e) Notwithstanding any other provision in this chapter to the contrary, any information may be disclosed by the department because of the relevance of the information in a civil, criminal, or administrative proceeding under HRS chapter 342J or any rule adopted thereunder, notwithstanding the fact that the information otherwise might be entitled to confidential treatment under this subchapter.

For purposes of this subsection, the term "proceeding" includes any adjudication or permitting activity conducted by the

department under HRS chapter 342J or any rule adopted thereunder, including the issuance of administrative orders and the approval or disapproval of plans (e.g. closure plans) submitted by persons subject to regulation under HRS chapter 342J or any rule adopted thereunder. [Eff JUN 18 1994] (Auth: HRS §§342J-4, 342J-14, 342J-31, 342J-35)

§11-280-203 Method of asserting business confidentiality claim; effect of failure to assert claim at time of submission. (a) A business which is submitting information to the hazardous waste program of the department may assert a business confidentiality claim covering the information by placing on (or attaching to) the information, at the time it is submitted to the department, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as trade secret, proprietary, or company confidential. Allegedly confidential portions of otherwise non-confidential documents should be clearly identified by the business, and may be submitted separately to facilitate identification and handling by the department. If the business desires confidential treatment only until a certain date or untll the occurrence of a certain event, the notice should so state.

(b) If information was submitted by a business to the department and if no business confidentiality claim accompanied the information when it was received by the department, such information can be released by the department without any notice to the business. [Eff JUN 18 1994] (Auth: HRS §§342J-4, 342J-14, 342J-31, 342J-35)

§11-280-204 Disclosure in special circumstances. (a) General. Information which, under this subchapter, is not available to the public may nonetheless be disclosed to:

(1) The Department of the Attorney General for purposes of investigation or prosecution of civil or criminal violations of State law related to department activities, or for purposes of representing the department in any matter;
(2) EPA; and
(3) Other State agencies or federal agencies under the conditions prescribed in HRS section 92F-19.

(b) Disclosure within the department. The Solid and Hazardous Waste Branch of the department, or an officer or employee of the Solid and Hazardous Waste Branch, may disclose any business information to another branch or office of the department, or an officer or employee of another branch or office of the department, with an official need for the information.

(c) Disclosure with consent of business. The department may disclose any business information to any person if the department has obtained the prior consent of the affected business to such disclosure." [Eff JUN 18 1994] (Auth: HRS §§342J-4, 342J-

14, 342J-31, 342J-35)

DEPARTMENT OF HEALTH

Chapters 11-260, 11-261, 11-262, 11-263, 11-264, 11-265, 11-266, 11-268, 11-270, 11-271, 11-279, and 11-280, Hawaii Administrative Rules, on the Summary Page dated May 17 1994, were adopted on May 16, 1994, following public hearings held on Oahu, Hawaii, Maui, and Kauai, after public notices were given in the Honolulu Advertiser, Honolulu Star-Bulletin, Maui News, Garden Isle, Hilo Tribune, West Hawaii Today, and in the Molokai Dispatch on January 26, 1994.

The adoption of the above-mentioned chapters shall take effect ten days after filing with the Office of the Lieutenant Governor.

John C. Lewin, M.D.
Director of Health

APPROVED:

John Waihee
Governor
State of Hawaii

Dated: JUN 08 1994

APPROVED AS TO FORM:

Deputy Attorney General

JUN 08 1994
Filed

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