

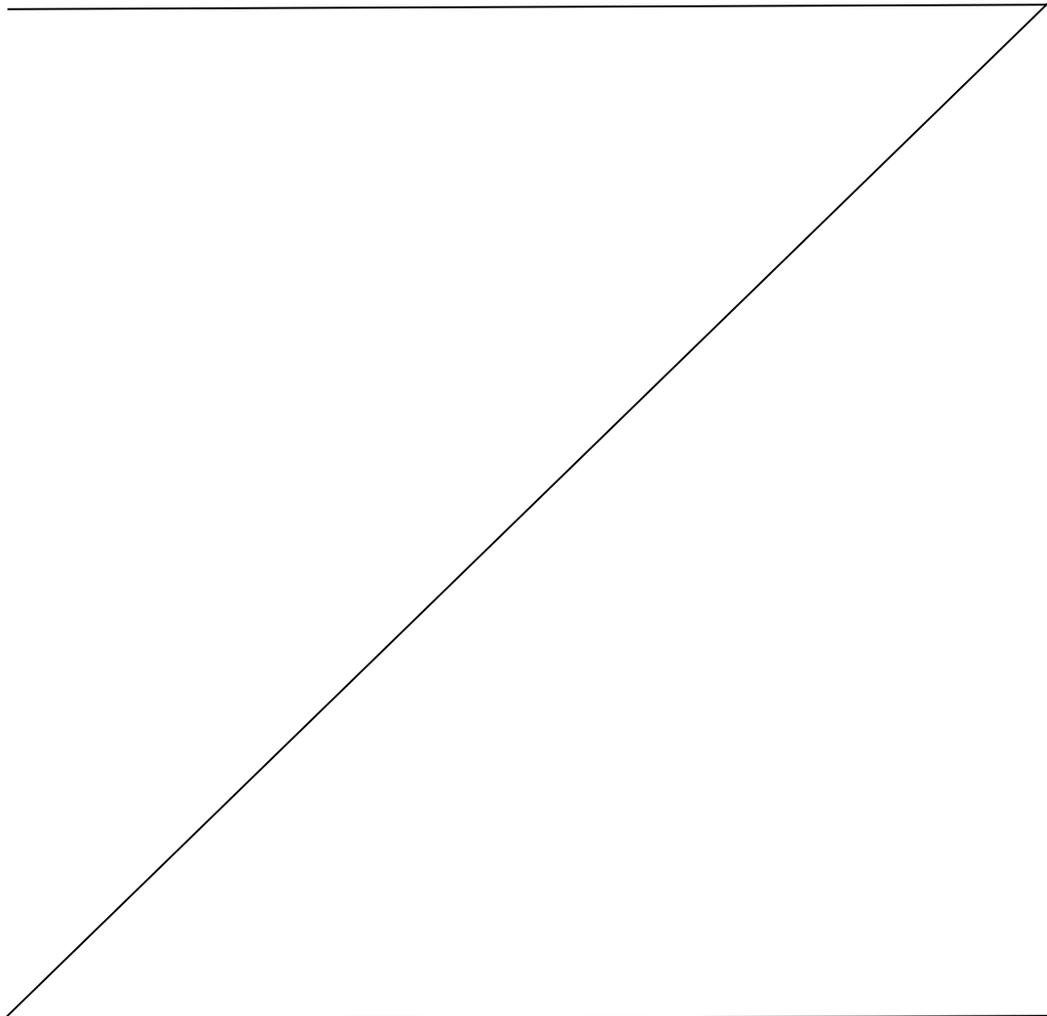
DEPARTMENT OF HEALTH

Repeal of Chapter 11-263 and Adoption of  
Chapter 11-263.1  
Hawaii Administrative Rules

September 15, 2016

1. Chapter 263 of Title 11, Hawaii Administrative Rules, entitled "Hazardous Waste Management Standards Applicable to Transporters of Hazardous Waste", is repealed.

2. Chapter 263.1 of Title 11, Hawaii Administrative Rules, entitled "Hazardous Waste Management: Standards Applicable to Transporters of Hazardous Waste", is adopted to read as follows:





"HAWAII ADMINISTRATIVE RULES

TITLE 11

DEPARTMENT OF HEALTH

CHAPTER 263.1

HAZARDOUS WASTE MANAGEMENT:  
STANDARDS APPLICABLE TO TRANSPORTERS OF HAZARDOUS  
WASTE

- §11-263.1-1 Incorporation by reference of 40 C.F.R.  
part 263
- §11-263.1-2 Substitution of state terms for federal  
terms
- §11-263.1-3 Amendments to the incorporation of 40  
C.F.R. part 263, subpart A
- §11-263.1-4 Amendments to the incorporation of 40  
C.F.R. part 263, subpart B
- §11-263.1-5 Amendments to the incorporation of 40  
C.F.R. part 263, subpart C

Historical note: This chapter is based  
substantially upon chapter 11-263. [Eff 6/18/94; am  
3/13/99; comp 9/20/99; R ]

§11-263.1-1 Incorporation by reference of 40  
C.F.R. part 263. Title 40, part 263 of the Code of  
Federal Regulations (C.F.R.), published by the Office  
of the Federal Register, as amended as of July 1,  
2016, is made a part of this chapter subject to the  
substitutions and amendments set forth in sections 11-  
263.1-2 to 11-263.1-5. [Eff ] (Auth:

HRS §§342J-4, 342J-31, 342J-33, 342J-35) (Imp: HRS §§342J-4, 342J-31, 342J-33, 342J-35)

§11-263.1-2 Substitution of state terms for federal terms. (a) The following federal terms are replaced by the indicated state terms in all provisions of 40 C.F.R. part 263, as incorporated and amended in this chapter, except as listed in subsection (b):

- (1) "Administrator", "Assistant Administrator", "Assistant Administrator for Solid Waste and Emergency Response", "EPA Administrator", "EPA Regional Administrator", "Regional Administrator", and "State Director" shall be replaced with "director of the Hawaii department of health".
- (2) "Agency", "appropriate regional EPA office", "Environmental Protection Agency", "EPA", "EPA Headquarters", "EPA regional office", "EPA Regions", "U.S. Environmental Protection Agency", and "United States Environmental Protection Agency" shall be replaced with "state department of health" except in references to "EPA Acknowledgment of Consent", "EPA form(s)", "EPA guidance", "EPA hazardous waste numbers(s)", "EPA ID number", "EPA identification number(s)", "EPA manual(s)", "EPA publication(s)", and "EPA test methods".

(b) The federal terms listed in subsection (a) are not replaced with state terms in 40 C.F.R. section 263.20, regarding the uniform hazardous waste manifest.

(c) All references to provisions of 40 C.F.R. parts 124, 260 to 268, 270, 273, and 279 shall mean the Hawaii Administrative Rules analog of the referenced federal regulation, as adopted and amended in chapters 11-260.1 to 11-279.1 as follows, except as listed in subsection (d):

<u>Federal citation</u>	<u>State analog</u>
<u>40 C.F.R. part</u>	<u>chapter 11-</u>
124	271.1
260	260.1
261	261.1
262	262.1
263	263.1
264	264.1
265	265.1
266	266.1
268	268.1
270	270.1
273	273.1
279	279.1

(d) The following refer to the federal regulations in the Code of Federal Regulations: References in 40 C.F.R. sections 263.10(d), 263.20(a), and 263.20(g), regarding exports and imports. [Eff ] (Auth: HRS §§342J-4, 342J-31, 342J-33, 342J-35) (Imp: HRS §§342J-4, 342J-31, 342J-33, 342J-35)

§11-263.1-3 Amendments to the incorporation of 40 C.F.R. part 263, subpart A. (a) The incorporation by reference of 40 C.F.R. section 263.10 is amended as follows: in 40 C.F.R. section 263.10(d), replace "State requirements analogous to 40 CFR part 273" with "chapter 11-273.1".

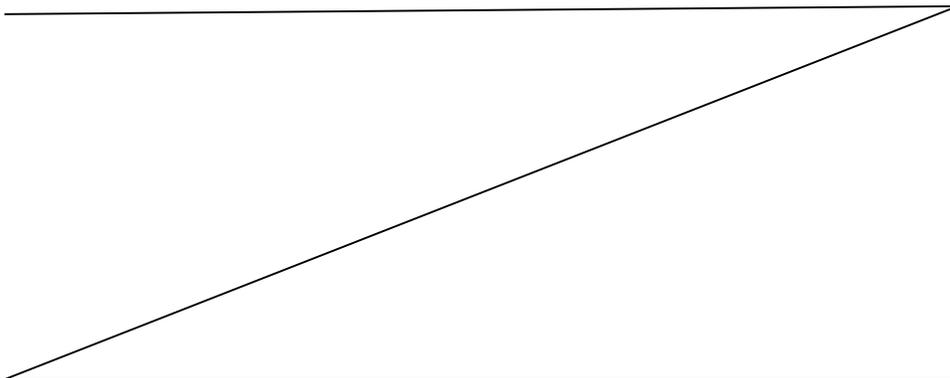
(b) The incorporation by reference of 40 C.F.R. section 263.12 is amended as follows: Delete "267,". [Eff ] (Auth: HRS §§342J-4, 342J-31, 342J-33, 342J-35) (Imp: HRS §§342J-4, 342J-31, 342J-33, 342J-35)

§11-263.1-4 Amendments to the incorporation of 40 C.F.R. part 263, subpart B. The incorporation by

reference of 40 C.F.R. section 263.20 is amended as follows:

- (1) 40 C.F.R. section 263.20(a)(3) is excluded from incorporation.
- (2) In 40 C.F.R. section 263.20(b), add a new sentence at the end of the section to read:  
"Before transporting the hazardous waste, a transporter who receives hazardous waste from a previous transporter must sign and date the manifest acknowledging acceptance of the hazardous waste from the previous transporter. The new transporter must return a signed copy to the previous transporter before leaving the site where possession of the waste is transferred." [Eff  
] (Auth: HRS §§342J-4, 342J-31, 342J-33, 342J-35) (Imp: HRS §§342J-4, 342J-31, 342J-33, 342J-35)

§11-263.1-5 Amendments to the incorporation of 40 C.F.R. part 263, subpart C. The incorporation by reference of 40 C.F.R. section 263.30 is amended as follows: in 40 C.F.R. section 263.30(c)(1), add "and to the State Department of Health, Hazard Evaluation and Emergency Response Office via the State Hospital (808-247-2191) after business hours or directly at (808) 586-4249 during business hours" before the semicolon." [Eff  
] (Auth: HRS §§342J-4, 342J-31, 342J-33, 342J-35) (Imp: HRS §§342J-4, 342J-31, 342J-33, 342J-35)



3. The repeal of chapter 11-263 and the adoption of chapter 11-263.1, Hawaii Administrative Rules, shall take effect ten days after filing with the Office of the Lieutenant Governor.

I certify that the foregoing are copies of the rules drafted in the Ramseyer format, pursuant to the requirements of section 91-4.1, Hawaii Revised Statutes, which were adopted on September 15, 2016, and filed with the Office of the Lieutenant Governor.

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VIRGINIA PRESSLER, M.D.  
Director of Health

APPROVED AS TO FORM:

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Wade H. Hargrove III  
Deputy Attorney General

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DAVID Y. IGE  
Governor of Hawaii