

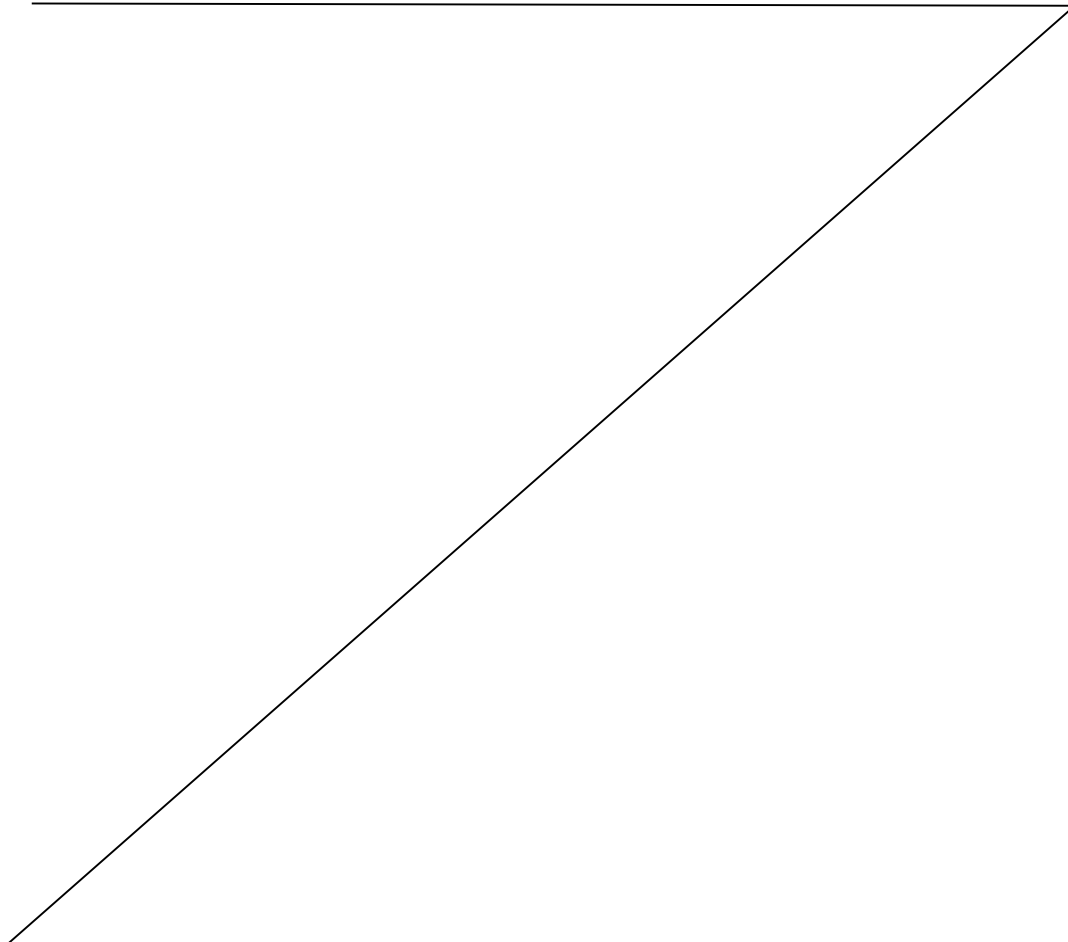
DEPARTMENT OF HEALTH

Repeal of Chapter 11-268 and Adoption of
Chapter 11-268.1
Hawaii Administrative Rules

September 15, 2016

1. Chapter 268 of Title 11, Hawaii Administrative Rules, entitled "Hazardous Waste Management Land Disposal Restrictions", is repealed.

2. Chapter 268.1 of Title 11, Hawaii Administrative Rules, entitled "Hazardous Waste Management: Land Disposal Restrictions", is adopted to read as follows:



"HAWAII ADMINISTRATIVE RULES

TITLE 11

DEPARTMENT OF HEALTH

CHAPTER 268.1

HAZARDOUS WASTE MANAGEMENT:
LAND DISPOSAL RESTRICTIONS

- §11-268.1-1 Incorporation of 40 C.F.R. part 268
- §11-268.1-2 Substitution of state terms for federal terms
- §11-268.1-3 Amendments to the incorporation of 40 C.F.R. part 268, subpart A
- §§11-268.1-4 to 11-268.1-5 (Reserved)
- §11-268.1-6 Amendments to the incorporation of 40 C.F.R. part 268, subpart D

Historical note: This chapter is based substantially upon chapter 11-268. [Eff 6/18/94; am 3/13/99; comp 9/20/99; R]

§11-268.1-1 Incorporation of 40 C.F.R. part 268.
Title 40, part 268 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 11-268.1-2 to 11-268.1-6. [Eff] (Auth: HRS §§342J-4, 342J-31, 342J-35) (Imp: HRS §§342J-4, 342J-31, 342J-35)

§11-268.1-2 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 268, 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 the following sections: 40 C.F.R. sections 268.1(e)(3), 268.2(j), and 268.40(b).

(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 to 40 C.F.R. sections 268.5, 268.6, 268.42(b), and 268.44. [Eff] (Auth: HRS §§342J-4, 342J-31, 342J-35) (Imp: HRS §§342J-4, 342J-31, 342J-35)

§11-268.1-3 Amendments to the incorporation of 40 C.F.R. part 268, subpart A. (a) The incorporation by reference of 40 C.F.R. section 268.1 is amended as follows:

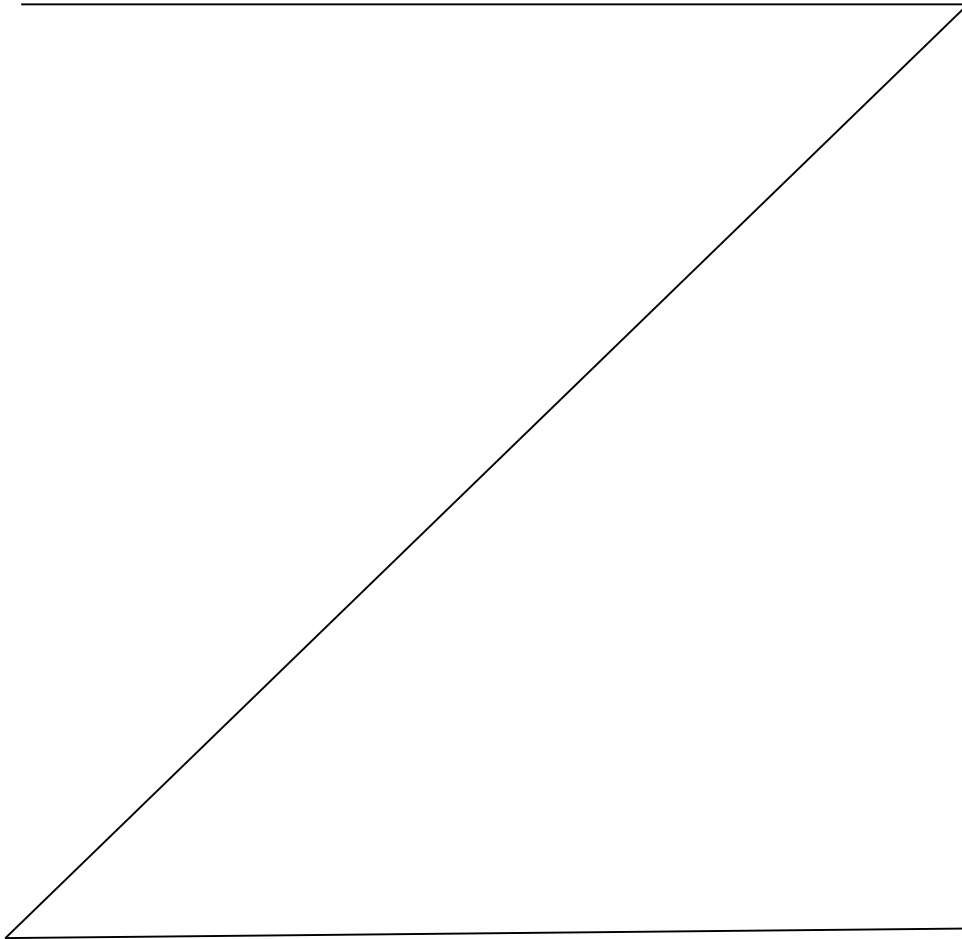
- (1) In 40 C.F.R. section 268.1(f)(3), delete "and".
- (2) In 40 C.F.R. section 268.1(f)(4), replace the period at the end with "; and".
- (3) In 40 C.F.R. section 268.1(f), add a new paragraph (5) to read: "(5) Electronic items as described in 40 C.F.R. section 273.6, as incorporated and amended in section 11-273.1-1."

(b) 40 C.F.R. sections 268.5 and 268.6 are excluded from the incorporation by reference of 40 C.F.R. part 268.

(c) The incorporation by reference of 40 C.F.R. section 268.7 is amended as follows: In 40 C.F.R. section 268.7(a)(9)(iii), replace "(D001-D043)" with "(D001-D043, excluding D009)". [Eff] (Auth: HRS §§342J-4, 342J-31, 342J-35) (Imp: HRS §§342J-4, 342J-31, 342J-35)

§§11-268.1-4 to 11-268.1-5 (Reserved.)

§11-268.1-6 Amendments to the incorporation of
40 C.F.R. part 268, subpart D. 40 C.F.R. sections
268.42(b) and 268.44 are excluded from the
incorporation by reference of 40 C.F.R. part 268.
[Eff] (Auth: HRS §§342J-4, 342J-31,
342J-35) (Imp: HRS §§342J-4, 342J-31, 342J-35)



3. The repeal of chapter 11-268 and the adoption of chapter 11-268.1, 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.

VIRGINIA PRESSLER, M.D.
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APPROVED AS TO FORM:

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Governor of Hawaii