DEPARTMENT OF HEALTH

Repeal of Chapter 11-279 and Adoption of
Chapter 11-279.1
Hawaii Administrative Rules

September 15, 2016

1. Chapter 279 of Title 11, Hawaii Administrative Rules, entitled “Hazardous Waste Management Standards for the Management of Used Oil”, is repealed.

2. Chapter 279.1 of Title 11, Hawaii Administrative Rules, entitled “Hazardous Waste Management: Standards for the Management of Used Oil”, is adopted to read as follows:

"HAWAII ADMINISTRATIVE RULES

TITLE 11

DEPARTMENT OF HEALTH

CHAPTER 279.1

HAZARDOUS WASTE MANAGEMENT:
STANDARDS FOR THE MANAGEMENT OF USED OIL

§11-279.1-1 Incorporation of 40 C.F.R. part 279
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§11-279.1-11 Amendments to the incorporation of 40 C.F.R. part 279, subpart I
§11-279.1-12 Annual reporting requirement for used oil transporters and processors/re-refiners
§11-279.1-13 Used oil and used oil fuel permitting system

Historical note: This chapter is based substantially upon chapter 11-279. [Eff 3/13/99; R]

§11-279.1-1 Incorporation of 40 C.F.R. part 279. Title 40, part 279 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 11-279.1-2 to 11-279.1-11. [Eff] (Auth: HRS §§342J-4, 342J-31, 342J-35, 342J-52) (Imp: HRS §§342J-4, 342J-31, 342J-35, 342J-52)

§11-279.1-2 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 279, as incorporated and amended in this chapter:

(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”.

(3) “RCRA section 3010” shall be replaced with “section 342J-6.5, HRS”.

(b) 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:

Federal citation 40 C.F.R. part	State analog chapter 11-
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

[Eff] (Auth: HRS §§342J-4, 342J-31, 342J-35, 342J-52) (Imp: HRS §§342J-4, 342J-31, 342J-35, 342J-52)

§11-279.1-3 Amendments to the incorporation of 40 C.F.R. part 279, subpart A. The incorporation by reference of 40 C.F.R. section 279.1 is amended as follows:

(1) In the introductory paragraph of 40 C.F.R. section 279.1, replace the comma between "260.10" and "261.1" with the word "and" and delete ", and 280.12".

(2) The following definitions in 40 C.F.R. section 279.1 are amended as follows:

"Aboveground tank" definition. Replace "§280.12 of this chapter" with "section 342L-1, HRS".

"Existing tank" definition. Replace "the effective date of the authorized used

oil program for the State in which the tank is located" with "November 13, 2001".

"New tank" definition. Replace "the effective date of the authorized used oil program for the State in which the tank is located" with "November 13, 2001".

"Used oil collection center" definition. Delete "is registered/licensed/permitted/recognized by a state/county/municipal government to manage used oil and". [Eff] (Auth: HRS §§342J-4, 342J-31, 342J-35, 342J-52) (Imp: HRS §§342J-4, 342J-31, 342J-35, 342J-52)

§11-279.1-4 Amendments to the incorporation of 40 C.F.R. part 279, subpart B. (a) The incorporation by reference of 40 C.F.R. section 279.10 is amended as follows:

(1) In 40 C.F.R. section 279.10(a), insert at the end of the paragraph: "For used oil sent for disposal, a hazardous waste determination shall be made in accordance with 40 C.F.R. section 262.11, as incorporated and amended in section 11-262.1-1."

(2) In 40 C.F.R. section 279.10, add a new subsection (j) to read: "(j) Oily water. Oily water, any water that is contaminated with more than de minimis quantities of used oil, is subject to regulation as used oil under this part."

(b) The incorporation by reference of 40 C.F.R. section 279.12 is amended as follows: in 40 C.F.R. section 279.12(b), delete ", except when such activity takes place in one of the states listed in §279.82(c)". [Eff] (Auth: HRS §§342J-4, 342J-31, 342J-35, 342J-52) (Imp: HRS §§342J-4, 342J-31, 342J-35, 342J-52)

§11-279.1-5 Amendments to the incorporation of 40 C.F.R. part 279, subpart C. (a) The incorporation by reference of 40 C.F.R. section 279.20 is amended as follows: in 40 C.F.R. section 279.20(b)(5), delete ", including the use of used oil as a dust suppressant,".

(b) The incorporation by reference of 40 C.F.R. section 279.22 is amended as follows:

(1) In the introductory paragraph of 40 C.F.R. section 279.22, replace "the Underground Storage Tank (40 CFR part 280) standards" with "the State's underground storage tank standards and any applicable federal standards".

(2) In 40 C.F.R. section 279.22(b)(1), delete "and".

(3) In 40 C.F.R. section 279.22(b)(2), replace the period at the end with "; and".

(4) In 40 C.F.R. section 279.22(b), add a new paragraph (3) to read: "(3) Closed."

(5) Replace the introductory paragraph of 40 C.F.R. section 279.22(d) in its entirety to read: "Response to releases. Upon detection of a release of used oil to the environment, a generator shall perform the following cleanup steps:".

(c) The incorporation by reference of 40 C.F.R. section 279.24 is amended as follows:

(1) In the introductory paragraph of 40 C.F.R. section 279.24, replace "EPA identification numbers" with "a State permit pursuant to section 11-279.1-13".

(2) In 40 C.F.R. section 279.24(a)(3), replace "is registered, licensed, permitted, or recognized by a state/county/municipal government" with "has obtained a state permit under section 11-279.1-13". [Eff] (Auth: HRS §§342J-4, 342J-31, 342J-35, 342J-52) (Imp: HRS §§342J-4, 342J-31, 342J-35, 342J-52)

§11-279.1-6 Amendments to the incorporation of 40 C.F.R. part 279, subpart D. The incorporation by reference of 40 C.F.R. section 279.31 is amended as follows: replace 40 C.F.R. section 279.31(b)(2) in its entirety to read: "(2) Obtain a permit under section 11-279.1-13." [Eff] (Auth: HRS §§342J-4, 342J-31, 342J-35, 342J-52) (Imp: HRS §§342J-4, 342J-31, 342J-35, 342J-52)

§11-279.1-7 Amendments to the incorporation of 40 C.F.R. part 279, subpart E. (a) The incorporation by reference of 40 C.F.R. section 279.40 is amended as follows:

(1) In the introductory paragraph of 40 C.F.R. section 279.40(d), replace "(d)(1) through (5)" with "(d)(1) through (6)".

(2) In 40 C.F.R. section 279.40(d)(4) delete "and" at the end of the subparagraph.

(3) In 40 C.F.R. section 279.40(d)(5), delete ", including the use of used oil as a dust suppressant," and replace the period at the end with "; and".

(4) In 40 C.F.R. section 279.40(d), add a new paragraph (6) to read: "(6) Used oil transporters are also subject to the requirements of sections 11-279.1-12 and 11-279.1-13."

(b) The incorporation by reference of 40 C.F.R. section 279.42 is amended as follows: replace 40 C.F.R. section 279.42(b) in its entirety to read: "(b) Mechanics of notification. A used oil transporter who has not received an EPA identification number may obtain one by notifying the department of their used oil activity by submitting a completed EPA Form 8700-12. To obtain EPA Form 8700-12, call the department at (808) 586-4226.".

(c) The incorporation by reference of 40 C.F.R. section 279.43 is amended as follows:

(1) In 40 C.F.R. sections 279.43(a)(1) and 279.43(a)(2), replace “an EPA identification number” with “a permit under section 11-279.1-13”.

(2) In 40 C.F.R. section 279.43(a)(3), replace “an EPA identification number” with “a permit pursuant to chapter 11-60.1 subchapter 4 or 5 that allows the burning of used oil”.

(3) In 40 C.F.R. section 279.43(a)(4), add “who has obtained “a permit pursuant to chapter 11-60.1 subchapter 4 or 5 that allows the burning of used oil” at the end of the sentence.

(4) In 40 C.F.R. section 279.43(c)(3)(i), insert “to the Hawaii department of health’s Hazard Evaluation and Emergency Response Office via the State Hospital at (808) 247-2191 after business hours or directly at (808) 586-4249 during business hours and” after “Give notice”.

(5) In 40 C.F.R. section 279.43, add a subsection (d) to read: “(d) Acceptable materials. Only used oil and used oil fuel shall be accepted during any pickup or delivery. The transporter shall not deliver any oil to any person with the knowledge that the oil will be improperly used or disposed of.”

(d) The incorporation by reference of 40 C.F.R. section 279.44 is amended as follows: replace 40 C.F.R. section 279.44(b) in its entirety to read: “(b) The transporter must make this determination by testing the used oil by analytical or field test.”

(e) The incorporation by reference of 40 C.F.R. section 279.45 is amended as follows:

(1) In 40 C.F.R. section 279.45, replace “the Underground Storage Tank (40 CFR part 280) standards” with “the State’s underground

storage tank rules any applicable federal standards".

(2) In 40 C.F.R. section 279.45(c)(1), delete "and".

(3) In 40 C.F.R. section 279.45(c)(2), replace the period at the end with "; and".

(4) In 40 C.F.R. section 279.45(c), add a new paragraph (3) to read: "(3) Closed."

(5) In 40 C.F.R. section 279.45(h), replace the introductory paragraph in its entirety to read: "Response to releases. Upon detection of a release of used oil to the environment, the owner/operator shall perform the following cleanup steps:" [Eff] (Auth: HRS §§342J-4, 342J-31, 342J-35, 342J-52) (Imp: HRS §§342J-4, 342J-31, 342J-35, 342J-52)

§11-279.1-8 <u>Amendments to the incorporation of 40 C.F.R. part 279, subpart F.</u> (a) The incorporation by reference of 40 C.F.R. section 279.50 is amended as follows:

(1) In the introductory paragraph of 40 C.F.R. section 279.50(b), replace "(b)(1) through (5)" with "(b)(1) through (6)".

(2) In 40 C.F.R. section 279.50(b)(4), delete "and".

(3) In 40 C.F.R. section 279.50(b)(5), delete ", including the use of used oil as a dust suppressant," and replace the period at the end with "; and".

(4) In 40 C.F.R. section 279.50(b), Add a paragraph (6) to read: "(6) Used oil processors/re-refiners are also subject to the requirements of sections 11-279.1-12 and 11-279.1-13."

(b) The incorporation by reference of 40 C.F.R. section 279.51 is amended as follows: replace 40 C.F.R. section 279.51(b) in its entirety to read:

"(b) Mechanics of notification. A used oil processor/re-refiner who has not received an EPA identification number may obtain one by notifying the department of their used oil activity by submitting a completed EPA Form 8700-12. To obtain EPA Form 8700-12, call the department at (808) 586-4226."

(c) The incorporation by reference of 40 C.F.R. section 279.52 is amended as follows:

(1) Replace the introductory paragraph of 40 C.F.R. section 279.52(a)(2) in its entirety to read: "Required equipment. All facilities shall be equipped with the following:"

(2) In 40 C.F.R. sections 279.52(a)(4)(i) and 279.52(a)(4)(ii), delete ", unless such a device is not required in paragraph (a)(2) of this section".

(3) In 40 C.F.R. section 279.52(a)(5), delete ", unless aisle space is not needed for any of these purposes".

(4) Replace the introductory paragraph of 40 C.F.R. section 279.52(b)(6)(iv)(B) in its entirety to read: "He shall immediately notify the National Response Center (using their 24-hour toll free number 800/424-8802) and the Hawaii department of health's Hazard Evaluation and Emergency Response Office via the State Hospital at (808) 247-2191 after business hours or directly at (808) 586-4249 during business hours. The report shall include:"

(5) In 40 C.F.R. section 279.52(b)(6)(viii)(C), replace "Regional Administrator, and appropriate State and local authorities" with "director".

(d) The incorporation by reference of 40 C.F.R. section 279.53 is amended as follows: replace 40 C.F.R. section 279.53(b) in its entirety to read: "(b) The owner or operator must make this determination by testing the used oil by analytical or field test."

(e) The incorporation by reference of 40 C.F.R. section 279.54 is amended as follows:

(1) In 40 C.F.R. section 279.54, replace “the Underground Storage Tank (40 CFR part 280) standards” with “the State’s underground storage tank rules and any applicable federal standards”.

(2) In 40 C.F.R. section 279.54(b)(1), delete “and”.

(3) In 40 C.F.R. section 279.54(b)(2), replace the period at the end with “; and”.

(4) In 40 C.F.R. section 279.54(b), add a new paragraph (3) to read: “(3) Closed.”

(5) Replace the introductory paragraph of 40 C.F.R. section 279.54(g) in its entirety to read: “Response to releases. Upon detection of a release of used oil to the environment, an owner/operator shall perform the following cleanup steps:”

(6) In 40 C.F.R. section 279.54(h)(1)(i), replace “under this chapter” with “under chapters 11-260.1 to 11-279.1”.

(f) The incorporation by reference of 40 C.F.R. section 279.55 is amended as follows:

(1) 40 C.F.R. section 279.55(a)(1) and the introductory paragraph of 40 C.F.R. section 279.55(a)(2) are excluded from incorporation.

(2) In 40 C.F.R. section 279.55(a)(2)(iii), replace “; and” with a period.

(3) 40 C.F.R. section 279.55(a)(3) is excluded from incorporation.

(4) 40 C.F.R. section 279.55(b)(1) and the introductory paragraph of 40 C.F.R. section 279.55(b)(2) are excluded from incorporation.

(5) In 40 C.F.R. section 279.55(b)(2)(iv), replace “; and” with a period.

(6) 40 C.F.R. section 279.55(b)(3) is excluded from incorporation.

(g) The incorporation by reference of 40 C.F.R. section 279.57 is amended as follows:

(1) In the title of 40 C.F.R. section 279.57, delete “and reporting”.

(2) In 40 C.F.R. section 279.57(a)(2)(i), delete "and" after the semicolon.

(3) In 40 C.F.R. section 279.57(a)(2)(ii), replace the period at the end with "; and".

(4) In 40 C.F.R. section 279.57(a)(2), add a subparagragh (iii) to read: "(iii) Records of the equipment testing and maintenance required by 40 C.F.R. section 279.52(a)(3), as incorporated and amended in this chapter."

(5) 40 C.F.R. section 279.57(b) is excluded from incorporation.

(h) The incorporation by reference of 40 C.F.R. section 279.58 is amended as follows: replace "an EPA identification number" with "a State permit pursuant to section 11-279.1-13". [Eff] (Auth: HRS §§342J-4, 342J-31, 342J-35, 342J-52) (Imp: HRS §§342J-4, 342J-31, 342J-35, 342J-52)

§11-279.1-9 <u>Amendments to the incorporation of 40 C.F.R. part 279, subpart G.</u> (a) The incorporation by reference of 40 C.F.R. section 279.60 is amended as follows:

(1) In 40 C.F.R. section 279.60(b)(4), delete "and".

(2) In 40 C.F.R. section 279.60(b)(5), delete ", including the use of used oil as a dust suppressant," and replace the period at the end with "; and".

(3) In 40 C.F.R. section 279.60(b), add a paragraph (6) to read: "(6) Used oil burners are also subject to the clean air requirements of chapter 11-60.1."

(b) The incorporation by reference of 40 C.F.R. section 279.62 is amended as follows: replace 40 C.F.R. section 279.62(b) in its entirety to read: "(b) Mechanics of notification. A used oil burner who has not received an EPA identification number may obtain one by notifying the department of their used oil activity by submitting a completed EPA Form 8700-12.

To obtain EPA Form 8700-12, call the department at (808) 586-4226."

(c) The incorporation by reference of 40 C.F.R. section 279.63 is amended as follows:

(1) Replace 40 C.F.R. section 279.63(b)(1) in its entirety to read: "Testing the used oil by analytical or field test; or".

(2) 40 C.F.R. section 279.63(b)(2) is excluded from incorporation.

(3) In 40 C.F.R. section 279.63(b)(3), replace "information" with "test results".

(d) The incorporation by reference of 40 C.F.R. section 279.64 is amended as follows:

(1) In the introductory paragraph of 40 C.F.R. section 279.64, replace "the Underground Storage Tank (40 CFR part 280) standards" with "the State's underground storage tank standards and any applicable federal standards".

(2) In 40 C.F.R. section 279.64(b)(1), delete "and".

(3) In 40 C.F.R. section 279.64(b)(2), replace the period at the end with "; and".

(4) In 40 C.F.R. section 279.64(b), add a new paragraph (3) to read: "(3) Closed."

(5) In 40 C.F.R. section 279.64, replace "the Underground Storage Tank (40 CFR part 280) standards" with "the State's underground storage tank standards and any applicable federal standards".

(6) Replace the introductory paragraph of 40 C.F.R. section 279.64(g) in its entirety to read: "Response to releases. Upon the detection of a release of used oil to the environment, a burner shall perform the following cleanup steps:" [Eff] (Auth: HRS §§342J-4, 342J-31, 342J-35, 342J-52) (Imp: HRS §§342J-4, 342J-31, 342J-35, 342J-52)

§11-279.1-10 Amendments to the incorporation of 40 C.F.R. part 279, subpart H. (a) The incorporation by reference of 40 C.F.R. section 279.72 is amended as follows:

(1) In 40 C.F.R. section 279.72(a), delete "or other information".

(2) In 40 C.F.R. section 279.72(b), delete "(or other information used to make the determination)".

(b) The incorporation by reference of 40 C.F.R. section 279.73 is amended as follows: replace 40 C.F.R. section 279.73(b) in its entirety to read: "(b) A marketer who has not received an EPA identification number may obtain one by notifying the department of their used oil activity by submitting a completed EPA Form 8700-12. To obtain EPA Form 8700-12, call the department at (808) 586-4226." [Eff] (Auth: HRS §§342J-4, 342J-31, 342J-35, 342J-52) (Imp: HRS §§342J-4, 342J-31, 342J-35, 342J-52)

§11-279.1-11 Amendments to the incorporation of 40 C.F.R. part 279, subpart I. (a) The incorporation by reference of 40 C.F.R. section 279.80 is amended as follows: add a second sentence to read: "For used oil sent for disposal, a hazardous waste determination shall be made in accordance with 40 C.F.R. 262.11, as incorporated and amended in section 11-262.1-1."

(b) The incorporation by reference of 40 C.F.R. section 279.81 is amended as follows: in 40 C.F.R. section 279.81(b), replace "parts 257 and 258 of this chapter" with "chapter 11-58.1".

(c) The incorporation by reference of 40 C.F.R. section 279.82 is amended as follows: replace 40 C.F.R. section 279.82 in its entirety to read: "§279.82 Use as a dust suppressant. The use of used oil as a dust suppressant is prohibited." [Eff] (Auth: HRS §§342J-4, 342J-31, 342J-35, 342J-52) (Imp: HRS §§342J-4, 342J-31, 342J-35, 342J-52)

§11-279.1-12 Annual reporting requirement for used oil transporters and processors/re-refiners. (a) Each used oil transporter shall submit an annual report for the twelve-month period ending June 30. The report shall be submitted to the director not later than July 31 of each year. The report shall be completed on forms furnished by the director and shall contain the following information concerning used oil activities:

(1) The EPA identification number, name, and address of the used oil transporter.
(2) The quantity of used oil picked up.
(3) The quantities of used oil delivered to:
    (A) Another used oil transporter;
    (B) A used oil processing/re-refining facility;
    (C) An off-specification used oil burner;
    (D) An on-specification used oil burner; and
    (E) A disposal facility.

(b) Each used oil processor/re-refiner shall submit an annual report for the twelve-month period ending June 30. The report shall be submitted to the director not later than July 31 of each year. The report shall be completed on forms furnished by the director and shall contain the following information concerning used oil activities:

(1) The EPA identification number, name, and address of the used oil processor.
(2) The quantities of used oil accepted for processing/re-refining and the manner in which the used oil was processed/re-refined, including the specific processes employed.
(3) The quantities of used oil sent to:
    (A) Another used oil processing/re-refining facility;
    (B) An off-specification used oil burner;

(C) An on-specification used oil burner; and

(D) A disposal facility. [Eff] (Auth: HRS §§342J-4, 342J-31, 342J-35, 342J-52) (Imp: HRS §§342J-4, 342J-31, 342J-35, 342J-52)

§11-279.1-13 Used oil and used oil fuel permitting system. (a) No person shall own, operate, add, extend, or modify a used oil or used oil fuel transportation or processing/re-refining facility or used oil collection center without first obtaining a permit from the department, except as provided in subsection (b). A permit shall be issued in accordance with this section and part IV of chapter 342J, HRS.

(b) Facilities exempted under section 40 C.F.R. 279.40(a)(1) to 279.40(a)(4), as incorporated and amended in this chapter, are not required to obtain a permit under this section. Used oil collection centers that collect oil exclusively from household “do-it-yourselfer” generators exempted from regulation by 40 C.F.R. section 279.20(a)(1), as incorporated and amended in this chapter, are not required to obtain a permit under this section.

(c) General requirements.

(1) An application for a used oil or used oil fuel permit shall be completed on forms furnished by the director.

(2) The applicant shall be the owner or operator of the facility. Each application shall contain the original signature of the applicant and shall constitute an acknowledgment that the applicant will assume responsibility for complying with this chapter and part IV of chapter 342J, HRS, with respect to the construction and operation of the facility. The application shall be signed by one of the following:

(A) In the case of a corporation, by a principal executive officer of at least the level of vice president;
(B) In the case of a partnership, by a general partner;
(C) In the case of a sole proprietorship, by the proprietor; or
(D) In the case of a county, state, or federal entity, by either a principal executive officer, ranking elected official, or other duly authorized employee.

(3) All permit applicants shall pay a permit filing fee as required by subsection (d)(8).

(d) General conditions.

(1) The director may issue a permit that contains a requirement that the permittee complies with certain conditions.

(2) The director may add, delete, or modify any conditions on any permits.

(3) The director may grant a permit for any term, not exceeding five years, and upon application may renew a permit from time to time for a term not exceeding five years, if such is in the public interest.

(4) The permittee may request a modification of any permit condition provided that:
(A) A justification is provided to the director with the request; and
(B) No modification will be effective unless approved by the director.

(5) A permit shall not be transferred without a written application to the director by the new owner and without written approval by the director. A permit can be transferred only under the following conditions:
(A) There is no change in the operations manual; and
(B) There is a change in ownership only.

(6) Except for a court-ordered termination or termination by order of the department, all permittees shall notify the director in

writing of the facility's termination of operation within ninety days of the permanent termination of the operation of a used oil facility.

(7) A person shall not willfully alter, forge, counterfeit, or falsify a permit.

(8) The permit filing fee shall be subject to the following requirements:

(A) The permit filing fee for each initial application, renewal, and modification request to DOH shall be as follows:

(i) Processor permit or collection center permit: $250.

(ii) Processor and transporter permit or collection center and transporter permit: $300.

(iii) Transporter permit: $50.

(B) There shall be no fee for permit modifications made at the director’s initiative.

(C) The permit filing fee will not be refunded nor applied to any subsequent application.

(D) Fees shall be made payable to the State of Hawaii.

(e) Application for processors/re-refiners.

(1) All applications for a processing/re-refining permit shall comply with subsection (c).

(2) An application for processing/re-refining shall also include but is not limited to an operations manual. The manual shall include:

(A) A general description of the facility. This shall include, at a minimum, the name of the owner and operator, location, site information, and plot and site location plans;

(B) A description of the operations of the facility. This section shall include, at a minimum, a one-line process flow diagram, design parameters, operational

units and procedures, and storage areas;

(C) A control plan for the facility. This shall describe access to the facility, drainage systems, and fire, vector, odor, and dust controls;

(D) A sampling and analysis plan for the facility. This shall include a procedure for analysis for constituents of specification fuel. The constituents and allowable levels are specified in 40 C.F.R. section 279.11, as incorporated and amended in this chapter;

(E) A description of the reporting and recordkeeping procedures for the facility that meets the requirements of section 11-279.1-12; and

(F) A closure plan to ensure that closure will comply with 40 C.F.R. section 279.54(h), as incorporated and amended in this chapter.

(f) Application for transporters.

(1) All applications for a transportation permit shall comply with subsection (c).

(2) The following shall be submitted:

(A) A site plan of appropriate scale;

(B) An operations narrative describing the proposed activity;

(C) A plan describing suitable means to prevent and control fires, spills, releases, and stormwater runoff; and

(D) An emergency response plan.

(g) Application for collection centers.

(1) All applications for a collection center permit shall comply with subsection (c).

(2) The following shall be submitted:

(A) A site plan of appropriate scale;

(B) An operations narrative describing the proposed activity;

(C) A plan describing suitable means to prevent and control fires, spills, releases, and stormwater runoff; and

(D) An emergency response plan.

(h) Any person who violates any provision of this section shall be subject to the penalties provided in chapter 342J, HRS." [Eff] (Auth: HRS §§342J-4, 342J-13, 342J-31, 342J-35, 342J-52) (Imp: HRS §§342J-4, 342J-9, 342J-10, 342J-31, 342J-35, 342J-52, 342J-53, 342J-54)

3. The repeal of chapter 11-279 and the adoption of chapter 11-279.1, 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