DEPARTMENT OF HEALTH

Repeal of Chapter 11-262 and
Adoption of Chapter 11-262.1
Hawaii Administrative Rules

May 5, 2017

SUMMARY

1. Chapter 11-262, Hawaii Administrative Rules, is repealed.

§§11-262-10 to 11-262-100 Repealed. [Repealed by chapter effective JUL 17 2017]
§11-262.1-1 Incorporation of 40 C.F.R. part 262
§11-262.1-2 Substitution of state terms for federal terms
§11-262.1-3 Amendments to the incorporation of 40 C.F.R. part 262, subpart A
§11-262.1-4 (Reserved)
§11-262.1-5 Amendments to the incorporation of 40 C.F.R. part 262, subpart C
§11-262.1-6 Amendments to the incorporation of 40 C.F.R. part 262, subpart D
§11-262.1-7 Amendments to the incorporation of 40 C.F.R. part 262, subpart E
§§11-262.1-8 to 11-262.1-9 (Reserved)
§11-262.1-10 Amendments to the incorporation of 40 C.F.R. part 262, subpart H
§11-262.1-11 Amendments to the incorporation of 40 C.F.R. part 262, subpart I
§11-262.1-12 Amendments to the incorporation of 40 C.F.R. part 262, subpart J
§11-262.1-13 Amendments to the incorporation of 40 C.F.R. part 262, subpart K
§§11-262.1-14 to 11-262.1-15 (Reserved.)
§11-262.1-16 Imports of hazardous waste

Historical note: This chapter is based substantially upon chapter 11-262. [Eff 6/18/94; am 3/13/99; comp 9/20/99; R JUL 17 2017]
§11-262.1-1 Incorporation of 40 C.F.R. part 262.


§11-262.1-2 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 262, 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".

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 of 40 C.F.R. part 262, as incorporated and amended.

(c) All references to provisions of 40 C.F.R. parts 124, 260 to 268, 270, 273, and 279 in 40 C.F.R. part 262, as incorporated and amended in this chapter, shall mean the Hawaii Administrative Rules analog of the referenced federal regulation, as incorporated and amended in chapters 11-260.1 to 11-279.1, except as listed in subsection (d). The Hawaii Administrative Rule analogs are as follows:

<table>
<thead>
<tr>
<th>Federal citation</th>
<th>State analog</th>
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<tbody>
<tr>
<td>40 C.F.R. part 124</td>
<td>chapter 11-271.1</td>
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<tr>
<td>40 C.F.R. part 260</td>
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<td>40 C.F.R. part 279</td>
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(d) The following references to provisions of 40 C.F.R. parts 124, 260 to 268, 270, 273, and 279 in 40 C.F.R. part 262, as incorporated and amended in this chapter, refer to the federal regulations in the Code of Federal Regulations:

1. The references in the second sentence of 40 C.F.R. section 262.10(d) and the third sentence of 40 C.F.R. section 262.58(a).
2. The reference to 40 C.F.R. section 260.21 in 40 C.F.R. section 262.11.
§11-262.1-2


§11-262.1-3 Amendments to the incorporation of 40 C.F.R. part 262, subpart A. (a) The incorporation by reference of 40 C.F.R. section 262.10 is amended as follows:

(1) In 40 C.F.R. section 262.10(f), delete "267,"

(2) In 40 C.F.R. section 262.10(g), add "and sections 342J-7 and 342J-9, HRS" after "section 3008 of the Act".

(3) 40 C.F.R. section 262.10(j) to (l) is excluded from incorporation.

(b) The incorporation by reference of 40 C.F.R. section 262.11 is amended as follows:

(1) In 40 C.F.R. section 262.11(b), delete the entire Note.

(2) In 40 C.F.R. section 262.11(c)(1), replace "; or" with "and approved by the director; or".


§11-262.1-4 (Reserved.)

§11-262.1-5 Amendments to the incorporation of 40 C.F.R. part 262, subpart C. The incorporation by reference of 40 C.F.R. section 262.34 is amended as follows:
(1) In 40 C.F.R. section 262.34(b), replace "40 CFR parts 264, 265, and 267" with "chapters 11-264.1 and 11-265.1".

(2) In 40 C.F.R. section 262.34(d)(5)(ii), replace "telephone" with "nearest telephone and clearly visible from the storage area".

(3) In 40 C.F.R. section 262.34(d)(5)(iv)(C), add "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" at the end of the first sentence.

(4) In 40 C.F.R. section 262.34(f), replace "40 CFR parts 264, 265 and 267" with "chapters 11-264.1 and 11-265.1".

(5) In 40 C.F.R. section 262.34(i), replace "40 CFR parts 264, 265 and 267" with "chapters 11-264.1 and 11-265.1".


§11-262.1-8 to 11-262.1-9 (Reserved.)


§§11-262.1-14 to 11-262.1-15 (Reserved.)

§11-262.1-16 Imports of hazardous waste. (a) In addition to the requirements of 40 C.F.R. section 262.60(a) to 262.60(e), as incorporated and amended in this chapter, any person who imports hazardous waste from a foreign country into the State must submit the following information in writing to the director within thirty days after the waste has arrived in the State:

1. The date the waste arrived in the State; and
2. The disposition of the waste, i.e., storage, treatment, recycling, or disposal.

(b) Any person who imports hazardous waste from any state into the State must comply with the requirements of 40 C.F.R. section 262.20, as incorporated and amended in this chapter, and submit the following information in writing to the director within thirty days after the waste has arrived in the State:
(1) The date the waste arrived in the State; and
(2) The disposition of the waste, i.e., storage, treatment, recycling, or disposal.
(c) The requirements of subsections (a) and (b) shall not apply if:
(1) The waste does not stay in the State for more than ten days; and
(2) A generator with an EPA identification number does not assume the generator status for the waste. [Eff JUL 17 2017]
DEPARTMENT OF HEALTH


The foregoing rulemaking actions shall take effect ten days after filing with the Office of the Lieutenant Governor.

Virginia Pressler
VIRGINIA PRESSLER, M.D.
Director of Health

David Y. Ige
GOVERNOR OF HAWAII
Dated: 7/7/17

APPROVED AS TO FORM:

Wade H. Hargrove III
Deputy Attorney General

Filed