

HAWAII ADMINISTRATIVE RULES

TITLE 11

DEPARTMENT OF HEALTH

CHAPTER 11-266.1

HAZARDOUS WASTE MANAGEMENT:
STANDARDS FOR THE MANAGEMENT OF SPECIFIC HAZARDOUS
WASTES AND SPECIFIC TYPES OF HAZARDOUS WASTE
MANAGEMENT FACILITIES

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- §11-266.1-15 Amendments to the incorporation of 40 C.F.R. part 266, subpart M

Historical note: This chapter is based substantially upon chapter 11-266. [Eff 6/18/94; am 3/13/99; comp 9/20/99; R 7/17/17]

§11-266.1-1 Incorporation of 40 C.F.R. part 266.
Title 40, part 266 of the Code of Federal Regulations

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(C.F.R.), published by the Office of the Federal Register, as amended as of July 1, 2017, is made a part of this chapter subject to the substitutions and amendments set forth in sections 11-266.1-2 to 11-266.1-15. [Eff 7/17/17; am and comp] (Auth: HRS §§342J-4, 342J-31, 342J-32, 342J-33, 342J-34, 342J-34.5, 342J-35) (Imp: HRS §§342J-4, 342J-31, 342J-32, 342J-33, 342J-34, 342J-34.5, 342J-35)

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§11-266.1-2 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 266, 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", "applicable EPA regional office", "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) "Section 3010 of RCRA" shall be replaced with "section 342J-6.5, HRS".
- (b) The federal terms listed in subsection (a) are not replaced with state terms in the following

sections of 40 C.F.R. part 266, as incorporated and amended in this chapter:

- (1) 40 C.F.R. section 266.100(b)(1).
- (2) Appendices to 40 C.F.R. part 266.
- (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 266, 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. The Hawaii Administrative Rule analogs are as follows:

<u>Federal citation</u> 40 C.F.R. part	<u>State analog</u> 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 7/17/17; comp **SEP 30 2018**] (Auth: HRS §§342J-4, 342J-31, 342J-32, 342J-33, 342J-34, 342J-34.5, 342J-35) (Imp: HRS §§342J-4, 342J-31, 342J-32, 342J-33, 342J-34, 342J-34.5, 342J-35)

§§11-266.1-3 to 11-266.1-4 (Reserved.)

§11-266.1-5 Amendments to the incorporation of 40 C.F.R. part 266, subpart C. (a) The incorporation by reference of 40 C.F.R. section 266.22 is amended as

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follows: replace the comma between "264" and "265" with "and" and delete "and 267,".

(b) The incorporation by reference of 40 C.F.R. section 266.23 is amended as follows: in 40 C.F.R. section 266.23(a), delete "subparts A through N of". [Eff 7/17/17; comp **SEP 30 2018**] (Auth: HRS §§342J-4, 342J-31, 342J-32, 342J-33, 342J-34, 342J-34.5, 342J-35) (Imp: HRS §§342J-4, 342J-31, 342J-32, 342J-33, 342J-34, 342J-34.5, 342J-35)

§§11-266.1-6 to 11-266.1-7 (Reserved.)

§11-266.1-8 Amendments to the incorporation of 40 C.F.R. part 266, subpart F. The incorporation by reference of 40 C.F.R. section 266.70 is amended as follows: in 40 C.F.R. section 266.70(d), delete "267,". [Eff 7/17/17; comp **SEP 30 2018**] (Auth: HRS §§342J-4, 342J-31, 342J-32, 342J-33, 342J-34, 342J-34.5, 342J-35) (Imp: HRS §§342J-4, 342J-31, 342J-32, 342J-33, 342J-34, 342J-34.5, 342J-35)

§11-266.1-9 Amendments to the incorporation of 40 C.F.R. part 266, subpart G. The incorporation by reference of 40 C.F.R. part 266, subpart G is amended by replacing 40 C.F.R. section 266.80 in its entirety to read:

"§266.80 Applicability and requirements.

The rules of this section apply to persons who handle spent lead-acid batteries that are recyclable materials ("spent batteries").

(a) Persons who generate, transport, collect, or store spent batteries that will be reclaimed (other than through regeneration) but do not reclaim them are subject to regulation under chapter 11-273.1. (Note: Batteries that will be regenerated are not a solid waste and thus are not a regulated hazardous waste.)

(b) Owners or operators of facilities that reclaim spent lead-acid batteries on-site (other than through regeneration) are subject to the following requirements:

- (1) Chapter 11-261.1;
- (2) 40 C.F.R. sections 262.11 and 262.18, as incorporated and amended in section 11-262.1-1;
- (3) For permitted facilities, all applicable provisions in 40 C.F.R. part 264, subparts A to L, as incorporated and amended in chapter 11-264.1, except 40 C.F.R. sections 264.13, 264.71, and 264.72;
- (4) For interim status facilities, all applicable provisions in 40 C.F.R. part 265, subparts A to L, as incorporated and amended in chapter 11-265.1, except 40 C.F.R. sections 265.13, 265.71, and 265.72; and
- (5) All applicable provisions in chapters 11-268.1 to 11-271.1.

(c) Persons who export spent lead-acid batteries for reclamation (including regeneration) in a foreign country are subject to the following requirements:

- (1) Chapter 11-261.1; and
- (2) 40 C.F.R. sections 262.11 and 262.18 and 40 C.F.R. part 262, subpart H, as incorporated and amended in section 11-262.1-1.

(d) Persons who transport spent lead-acid batteries in the U.S. to export them for reclamation (including regeneration) in a foreign country are subject to the requirements of 40 C.F.R. part 262, subpart H, as incorporated and amended in section 11-262.1-1.

(e) Persons who import spent lead-acid batteries from a foreign country for reclamation (other than through regeneration) and store and/or reclaim these batteries are subject to the following requirements:

- (1) Chapter 11-261.1;
- (2) 40 C.F.R. sections 262.11 and 262.18 and 40 C.F.R. part 262, subpart H, as incorporated and amended in section 11-262.1-1; and

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- (3) Applicable provisions of chapter 11-268.1."
[Eff 7/17/17; am and comp SEP 30 2018]
(Auth: HRS §§342J-4, 342J-31, 342J-32,
342J-33, 342J-34, 342J-34.5, 342J-35) (Imp:
HRS §§342J-4, 342J-31, 342J-32, 342J-33,
342J-34, 342J-34.5, 342J-35)

**§11-266.1-10 Amendments to the incorporation of
40 C.F.R. part 266, subpart H.** (a) The incorporation
by reference of 40 C.F.R. section 266.101 is amended
as follows: In 40 C.F.R. sections 266.101(c)(1) and
266.101(c)(2), delete "267".

(b) The incorporation by reference of 40 C.F.R.
section 266.103 is amended as follows:

- (1) In 40 C.F.R. section 266.103(a)(1)(i),
replace "national standards" with "state
standards".
- (2) In 40 C.F.R. section 266.103(c), replace "on
or before August 21, 1992" with "by June 18,
1994".

(c) The incorporation by reference of 40 C.F.R.
section 266.111 is amended as follows:

- (1) In 40 C.F.R. section 266.111(e)(1)(ii),
replace "within 2 years after August 21,
1991" with "by June 18, 1994".
- (2) In 40 section C.F.R. 266.111(e)(2)(i),
replace "August 21, 1992" with "June 18,
1994". [Eff 7/17/17; comp SEP 30 2018]
(Auth: HRS §§342J-4, 342J-31, 342J-32,
342J-33, 342J-34, 342J-34.5, 342J-35) (Imp:
HRS §§342J-4, 342J-31, 342J-32, 342J-33,
342J-34, 342J-34.5, 342J-35)

§§11-266.1-11 to 11-266.1-14 (Reserved.)

§11-266.1-15 Amendments to the incorporation of 40 C.F.R. part 266, subpart M. The incorporation by reference of 40 C.F.R. section 266.202 is amended as follows: in 40 C.F.R. section 266.202(d), replace "RCRA section 1004(27)" with "section 342J-2, HRS" and delete "RCRA" before "corrective action". Replace "sections 3004(u) and (v), and 3008(h)" with "RCRA section 3008(h) and section 342J-36, HRS" and replace "section 7003" with "RCRA section 7003 and section 342J-8, HRS". [Eff 7/17/17; comp **SEP 30 2018**]
(Auth: HRS §§342J-4, 342J-31, 342J-32, 342J-33, 342J-34, 342J-34.5, 342J-35) (Imp: HRS §§342J-4, 342J-31, 342J-32, 342J-33, 342J-34, 342J-34.5, 342J-35)