

HAWAII ADMINISTRATIVE RULES

TITLE 11

DEPARTMENT OF HEALTH

CHAPTER 11-268.1

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
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- §§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 7/17/17]

**§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, 2017, 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 7/17/17; am and comp **SEP 30 2018**]  
] (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".
- (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 268, as incorporated and amended in this chapter: 40 C.F.R. sections 268.1(e)(3), 268.2(j), 268.7(e), 268.13, and 268.40(b) and the appendices to 40 C.F.R. part 268.

(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 268, 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:

Federal citation	State analog
<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 references to provisions of 40 C.F.R. parts 124, 260 to 268, 270, 273, and 279 in 40 C.F.R. part 268, as incorporated and amended in this chapter, 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 7/17/17; comp **SEP 30 2018** ] (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) The incorporation by reference of 40 C.F.R. section 268.4 is amended as follows: in 40 C.F.R. section 268.4(a)(2)(ii), delete "under §260.22 of this chapter".

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

(d) The incorporation by reference of 40 C.F.R. section 268.7 is amended as follows:

- (1) In 40 C.F.R. section 268.7(a)(9)(iii), replace "(D001-D043)" with "(D001-D043, excluding D009)".
- (2) In 40 C.F.R. section 268.7(d), replace "EPA Regional Administrator (or his designated representative) or State authorized to implement part 268 requirements" with "director".
- (3) In 40 C.F.R. section 268.7(d)(1), replace "EPA Regional hazardous waste division director (or his designated representative) or State authorized to implement part 268 requirements" with "director". [Eff 7/17/17; comp **SEP 30 2018**] (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 7/17/17; comp **SEP 30 2018**] (Auth: HRS §§342J-4, 342J-31, 342J-35) (Imp: HRS §§342J-4, 342J-31, 342J-35)