

HAWAII ADMINISTRATIVE RULES

TITLE 11

DEPARTMENT OF HEALTH

CHAPTER 11-270.1

HAZARDOUS WASTE MANAGEMENT:  
THE HAZARDOUS WASTE PERMIT PROGRAM

§11-270.1-1	Incorporation of 40 C.F.R. part 270
§11-270.1-2	Substitution of state terms for federal terms
§11-270.1-3	Amendments to the incorporation of 40 C.F.R. part 270, subpart A
§11-270.1-4	Amendments to the incorporation of 40 C.F.R. part 270, subpart B
§11-270.1-5	Amendments to the incorporation of 40 C.F.R. part 270, subpart C
§11-270.1-6	Amendments to the incorporation of 40 C.F.R. part 270, subpart D
§11-270.1-7	Amendments to the incorporation of 40 C.F.R. part 270, subpart E
§11-270.1-8	Amendments to the incorporation of 40 C.F.R. part 270, subpart F
§11-270.1-9	Amendments to the incorporation of 40 C.F.R. part 270, subpart G
§11-270.1-10	Amendments to the incorporation of 40 C.F.R. part 270, subpart H
§11-270.1-11	(Reserved)
§11-270.1-12	Amendments to the incorporation of 40 C.F.R. part 270, subpart J

Historical note: This chapter is based substantially upon chapter 11-270. [Eff 6/18/94; am 3/13/99; comp 9/20/99; R 7/17/17]

**§11-270.1-1 Incorporation of 40 C.F.R. part 270.**

Title 40, part 270 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 11-270.1-2 to 11-270.1-12. [Eff 7/17/17; am and comp ] (Auth: HRS §§342J-4, 342J-5, 342J-30, 342J-31, 342J-34, 342J-35) (Imp: HRS §§342J-4, 342J-5, 342J-30, 342J-31, 342J-34, 342J-35)

SEP 30 2018

**§11-270.1-2 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 270, 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", "Environmental Appeals Board", "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 for all 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) "The Act" shall be replaced with "chapter 342J, HRS".
- (4) "The Act and regulations" shall be replaced with "chapter 342J, HRS, and chapters 11-260.1 to 11-279.1".

(b) The federal terms listed in subsection (a) are not replaced with state terms in the following sections of 40 C.F.R. part 270, as incorporated and amended in this chapter:

- (1) The second instance of EPA in 40 C.F.R. section 270.1(c)(7).
- (2) 40 C.F.R. section 270.2 definitions of "Administrator", "Approved program or approved state", "Environmental Protection Agency", "EPA", "Regional Administrator", and "State/EPA agreement".
- (3) 40 C.F.R. sections 270.5, 270.6, 270.10(e)(1)(iii), 270.10(e)(3), 270.10(f)(3), 270.11(a)(3), 270.42(k)(2)(i), 270.51(d), 270.72(a)(5), 270.72(b)(5), 270.225, and 270.235.

(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 270, 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 <u>40 C.F.R. part</u>	State analog <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 270, 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 and 268.6. [Eff 7/17/17; comp ] (Auth: HRS §§342J-4, 342J-5, 342J-30, 342J-31, 342J-34, 342J-35) (Imp: HRS §§342J-4, 342J-5, 342J-30, 342J-31, 342J-34, 342J-35)

SEP 30 2018

**§11-270.1-3 Amendments to the incorporation of 40 C.F.R. part 270, subpart A.** (a) The incorporation by reference of 40 C.F.R. section 270.1 is amended as follows:

- (1) Replace 40 C.F.R. section 270.1(a)(1) in its entirety to read: "(1) These permit regulations establish provisions for the Hazardous Waste Permit Program under chapter 342J, HRS."
- (2) Replace 40 C.F.R. section 270.1(a)(2) in its entirety to read: "(2) The regulations in this part cover basic state department of health permitting requirements, such as application requirements, standard permit conditions, and monitoring and reporting requirements. These regulations are part of a regulatory scheme implementing chapter 342J, HRS, set forth in chapters 11-260.1 to 11-279.1."
- (3) In 40 C.F.R. section 270.1(a)(3), delete "267,".
- (4) In 40 C.F.R section 270.1(b), replace "90 days" with "45 days". Replace both instances of "section 3010" with "section 342J-6.5, HRS". Delete "Treatment, storage, and disposal facilities (TSDs) that are otherwise subject to permitting under RCRA

and that meet the criteria in paragraph (b) (1), or paragraph (b) (2) of this section, may be eligible for a standardized permit under subpart J of this part." Replace "EPA or a State with interim authorization for Phase II or final authorization under part 271" with "the state department of health". Delete "or with the analogous provisions of a State program which has received interim or final authorization under part 271".

- (5) 40 C.F.R. section 270.1(b) (1) and 270.1(b) (2) is excluded from incorporation.
  - (6) 40 C.F.R. section 270.1(c) (1) (i) is excluded from incorporation. The State of Hawaii prohibits the underground injection of hazardous waste.
  - (7) In 40 C.F.R. section 270.1(c) (2) (viii) (C), delete "and".
  - (8) In 40 C.F.R. section 270.1(c) (2) (viii) (D), replace the period at the end with "; and".
  - (9) In 40 C.F.R. section 270.1(c) (2) (viii), add a new subparagraph (E) to read: "(E) Electronic items as described in 40 C.F.R. section 273.6, as incorporated and amended in section 11-273.1-1."
  - (10) 40 C.F.R. section 270.1(c) (2) (ix) is excluded from incorporation.
  - (11) In 40 C.F.R. section 270.1(c) (7), replace "EPA or by an authorized State" with "EPA or the state department of health".
- (b) The incorporation by reference of 40 C.F.R. section 270.2 is amended as follows:
- (1) In the introductory paragraph of 40 C.F.R. section 270.2, replace "parts 270, 271, and 124" with "this chapter and chapter 11-271.1".
  - (2) The definitions "Final authorization", "Interim authorization", "Standardized permit", "State", and "State director" are excluded from incorporation.
  - (3) The following definitions are amended as follows:

"Application" definition. Replace in its entirety to read: "Application means the current EPA standard national forms for applying for a permit. Application also includes the information required by the director under 40 C.F.R. sections 270.14 to 270.29, as incorporated and amended in this chapter."

"Director" definition. Replace in its entirety to read: "Director means the director of the Hawaii department of health."

"Existing hazardous waste management (HWM) facility or existing facility" definition. Replace "on or before November 19, 1980" with "on or before:

- (1) November 19, 1980; or
- (2) The effective date of statutory or regulatory changes made under RCRA prior to June 18, 1994 that made the facility subject to the requirement to have an RCRA permit; or
- (3) The effective date of statutory or regulatory changes made under chapter 342J, HRS, after June 18, 1994 that made the facility subject to the requirement to have a permit under section 342J-30(a), HRS".

"Facility or activity" definition. Replace "the RCRA program" with "chapter 342J, HRS, and chapters 11-260.1 to 11-279.1".

"Federal, State and local approvals or permits necessary to begin physical construction" definition. Replace the second instance of "local" with "county".

"Major facility" definition. Replace in its entirety to read: "Major facility means any "facility or activity" classified as such by the Regional Administrator in conjunction with the director."

"New HWM facility" definition. Replace in its entirety to read: "New hazardous waste management (HWM) facility means a hazardous waste management facility which is not included in the definition of an existing hazardous waste management facility."

"Permit" definition. Replace in its entirety to read: "Permit means an authorization, license, or equivalent control document issued by EPA to implement the requirements of 40 C.F.R. parts 124, 270, and 271 or by the State to implement the requirements of chapters 11-270.1 and 11-271.1. Permit includes permit by rule (40 C.F.R. 270.60) and emergency permit (40 C.F.R. 270.61). Permit does not include hazardous waste management interim status (40 C.F.R. part 270, subpart G), or any permit which has not yet been the subject of final EPA or department action, such as a draft permit or a proposed permit."

"Person" definition. Replace in its entirety to read: "Person means any individual, partnership, firm, joint stock company, association, public or private corporation, federal agency, the State or any of its political subdivisions, any state and any of its political subdivisions, trust, estate, interstate body, or any other legal entity."

"Remedial Action Plan (RAP)" definition. Replace "RCRA permit" with "state hazardous waste permit or EPA-issued RCRA permit".

(c) 40 C.F.R. section 270.3 is excluded from the incorporation by reference of 40 C.F.R. part 270. [Eff 7/17/17; am and comp **SEP 30 2018** ] (Auth: HRS §§342J-4, 342J-5, 342J-30, 342J-31, 342J-34, 342J-35) (Imp: HRS §§342J-4, 342J-5, 342J-30, 342J-31, 342J-34, 342J-35)

**§11-270.1-4 Amendments to the incorporation of 40 C.F.R. part 270, subpart B.** (a) The incorporation by reference of 40 C.F.R. section 270.10 is amended as follows:

- (1) 40 C.F.R. section 270.10(a)(6) is excluded from incorporation.
- (2) In 40 C.F.R. section 270.10(e)(1)(iii), replace "March 24, 1987" with "June 18, 1994".
- (3) 40 C.F.R. section 270.10(e)(2) is excluded from incorporation.
- (4) In 40 C.F.R. section 270.10(e)(3), insert ", or the director may by compliance order issued under section 342J-7, HRS," after "section 3008 of RCRA".
- (5) In 40 C.F.R. section 270.10(e)(4), delete "The State Director may require submission of part B (or equivalent completion of the State RCRA application process) if the State in which the facility is located has received interim or final authorization; if not, the Regional Administrator may require submission of Part B." Replace "this Act" with "chapter 342J, HRS".
- (6) In 40 C.F.R. section 270.10(f)(2), replace "The application shall be filed with the Regional Administrator if at the time of application the State in which the new hazardous waste management facility is proposed to be located has not received interim or final authorization for permitting such activity; otherwise it shall be filed with the State Director" with "The application shall be filed with the director".
- (7) 40 C.F.R. section 270.10(g)(1)(i) is excluded from incorporation.
- (8) Replace 40 C.F.R. section 270.10(g)(1)(ii) in its entirety to read: "(ii) With the director, no later than the effective date



of amendments to provisions in chapter 11-261.1 listing or designating wastes as hazardous, if the facility is treating, storing, or disposing of any of those newly listed or designated wastes; or".

- (9) Replace 40 C.F.R. section 270.10(g)(1)(iii) in its entirety to read: "(iii) As necessary to comply with provisions of 40 C.F.R. section 270.72, as incorporated and amended in this chapter, for changes during interim status. These revised Part A applications shall be filed with the director."
- (10) Replace section 40 C.F.R. section 270.10(h) in its entirety to read: "(h) Reapplying for a permit. If you have an effective permit and you want to reapply for a new one, you must submit a new application at least 180 days before the expiration date of the effective permit, unless the director allows a later date."

(b) The incorporation by reference of 40 C.F.R. section 270.12 is amended as follows: in 40 C.F.R. section 270.12(a), replace "40 CFR part 2" and "40 CFR part 2 (Public Information)" with "sections 342J-14 and 342J-14.5, HRS, and any applicable provisions of chapter 2-71 and chapter 92F, HRS".

(c) The incorporation by reference of 40 C.F.R. section 270.14 is amended as follows:

- (1) In 40 C.F.R. section 270.14(a), replace "§§0.14 through 270.29" with "40 C.F.R. sections 270.14 to 270.29, as incorporated and amended in this chapter,".
- (2) In 40 C.F.R. section 270.14(b)(11)(iv)(C)(2), delete "271,".
- (3) 40 C.F.R. section 270.14(b)(18) is excluded from incorporation.
- (4) Replace 40 C.F.R. section 270.14(b)(20) in its entirety to read: "(20) Applicants may be required to submit such information as may be necessary to enable the director to carry out his duties under other state laws or applicable federal laws." [Eff 7/17/17;

am and comp      **SEP 30 2018**      ] (Auth: HRS  
§§342J-4, 342J-5, 342J-30, 342J-31, 342J-34,  
342J-35) (Imp: HRS §§342J-4, 342J-5,  
342J-30, 342J-31, 342J-34, 342J-35)

**§11-270.1-5 Amendments to the incorporation of  
40 C.F.R. part 270, subpart C.** (a) The incorporation  
by reference of 40 C.F.R. section 270.31 is amended as  
follows: in 40 C.F.R. section 270.31(c), replace  
"parts 264, 266 and 267" with "chapters 11-264.1 and  
11-266.1".

(b) The incorporation by reference of 40 C.F.R.  
section 270.32 is amended as follows:

- (1) In 40 C.F.R. section 270.32(a), delete  
", and for EPA issued permits only,  
270.33(b) (alternate schedules of  
compliance) and 270.3 (considerations under  
Federal law)".
- (2) In 40 C.F.R. section 270.32(b)(2), replace  
"section 3005 of this act" with "section  
342J-5, HRS," and replace "Administrator or  
State Director" with "director".
- (3) In 40 C.F.R. section 270.32(b)(3), replace  
"Administrator or State Director" with  
"director".
- (4) Replace 40 C.F.R. section 270.32(c) in its  
entirety to read: "(c) An applicable  
requirement is a state statutory or  
regulatory requirement which takes effect  
prior to final administrative disposition of  
a permit. 40 C.F.R. section 124.14, as  
incorporated and amended in section  
11-271.1-1, provides a means for reopening  
permit proceedings at the discretion of the  
director where new requirements become  
effective during the permitting process and  
are of sufficient magnitude to make  
additional proceedings desirable. An  
applicable requirement is also any  
requirement which takes effect prior to the

modification or revocation and reissuance of a permit, to the extent allowed in 40 C.F.R. 270.41, as incorporated and amended in this chapter." [Eff 7/17/17; comp ] (Auth: HRS §§342J-4, 342J-5, 342J-30, 342J-31, 342J-34, 342J-35) (Imp: HRS §§342J-4, 342J-5, 342J-30, 342J-31, 342J-34, 342J-35)

SEP 30 2018

**§11-270.1-6 Amendments to the incorporation of 40 C.F.R. part 270, subpart D.** (a) The incorporation by reference of 40 C.F.R. section 270.40 is amended as follows:

- (1) In 40 C.F.R. section 270.40(a), replace "the appropriate Act" with "chapter 342J, HRS, or chapters 11-260.1 to 11-279.1".
- (2) In 40 C.F.R. section 270.40(b), delete "or as a routine change with prior approval under 40 CFR 124.213".

(b) The incorporation by reference of 40 C.F.R. section 270.41 is amended as follows:

- (1) In 40 C.F.R. section 270.41, delete ", or §270.320 and 40 CFR part 124, subpart G". Replace "part 124 (or procedures of an authorized State program)" with "chapter 11-271.1".
- (2) 40 C.F.R. section 270.41(b)(3) is excluded from incorporation.

(c) The incorporation by reference of 40 C.F.R. section 270.42 is amended as follows:

- (1) In 40 C.F.R. section 270.42(a)(1)(ii), replace "40 CFR 124.10(c)(viii)" with "40 C.F.R. section 124.10(c)(1)(ix), as incorporated and amended in section 11-271.1.-1" and replace "40 CFR 124.10(c)(ix)" with "40 C.F.R. section 124.10(c)(1)(x), as incorporated and amended in section 11-271.1.-1".
- (2) In 40 C.F.R. section 270.42(b)(2) and (c)(2) replace "40 CFR 124.10(c)(ix)" with "40

- C.F.R. section 124.10(c)(1)(x), as incorporated and amended in section 11-271.1-1,".
- (3) In 40 C.F.R. section 270.42(e)(2)(iii), replace "40 CFR 124.10(c)(ix)" with "40 C.F.R. section 124.10(c)(1)(x), as incorporated and amended in section 11-271.1-1".
  - (4) In 40 C.F.R. section 270.42(f)(2) and (3), replace "40 CFR 124.19" with "40 C.F.R. section 124.15, as incorporated and amended in section 11-271.1-1".
  - (5) In 40 C.F.R. section 270.42, Appendix I, Section A, delete Item 10 in its entirety.
  - (6) In 40 C.F.R. section 270.42, Appendix I, Section F, Item 1c, delete "or to treat wastes to satisfy (in whole or in part) the standard of "use of practically available technology that yields the greatest environmental benefit" contained in §268.8(a)(2)(ii)".
  - (7) In 40 C.F.R. section 270.42, Appendix I, Section F, Item 4a, delete ", or that are to be treated to satisfy (in whole or in part) the standard of "use of practically available technology that yields the greatest environmental benefit" contained in §268.8(a)(2)(ii)".
  - (8) In 40 C.F.R. section 270.42, Appendix I, Section G, Item 1e, delete "or to treat wastes to satisfy (in whole or in part) the standard of "use of practically available technology that yields the greatest environmental benefit" contained in §268.8(a)(2)(ii)".
  - (9) In 40 C.F.R. section 270.42, Appendix I, Section G, Item 5c, delete "or that are to be treated to satisfy (in whole or in part) the standard of "use of practically available technology that yields the greatest environmental benefit" contained in §268.8(a)(2)(ii)".

- (10) In 40 C.F.R. section 270.42, Appendix I, Section J, Item 6c, delete "or that are treated to satisfy the standard of "use of practically available technology that yields the greatest environmental benefit" contained in §268.8(a)(2)(ii)".

(d) The incorporation by reference of 40 C.F.R. section 270.43 is amended as follows: in 40 C.F.R. section 270.43(b), replace "part 124 or part 22, as appropriate or State procedures" with "chapters 11-1 and 11-271.1". [Eff 7/17/17; am and comp ] (Auth: HRS §§342J-4, 342J-30, 342J-31, 342J-34, 342J-35) (Imp: HRS §§342J-4, 342J-5, 342J-30, 342J-31, 342J-34, 342J-35)

SEP 30 2018

**§11-270.1-7 Amendments to the incorporation of 40 C.F.R. part 270, subpart E.** (a) The incorporation by reference of 40 C.F.R. section 270.50 is amended as follows:

- (1) In 40 C.F.R. section 270.50(a), replace "10 years" with "five years".
- (2) In 40 C.F.R. section 270.50(d), replace "five years" with "three years".
- (b) The incorporation by reference of 40 C.F.R. section 270.51 is amended as follows:
- (1) Replace the introductory paragraph of 40 C.F.R. section 270.51(a) to read: "(a) The conditions of an expired permit continue in force until the effective date of a new permit (see 40 C.F.R. section 124.15, as incorporated and amended in section 11-271.1-1) if:".
- (2) In 40 C.F.R. section 270.51(d), replace "In a State with a hazardous waste program authorized under 40 CFR part 271, if" with "If".
- (3) 40 C.F.R. section 270.51(e) is excluded from incorporation. [Eff 7/17/17; comp ] (Auth: HRS §§342J-4,

SEP 30 2018

§11-270.1-7

342J-5, 342J-30, 342J-31, 342J-34, 342J-35)  
(Imp: HRS §§342J-4, 342J-5, 342J-30,  
342J-31, 342J-34, 342J-35)

**§11-270.1-8 Amendments to the incorporation of  
40 C.F.R. part 270, subpart F.** (a) 40 C.F.R.  
sections 270.60(b) and 270.64 are excluded from the  
incorporation by reference of 40 C.F.R. part 270.  
Hawaii prohibits the underground injection of  
hazardous waste.

(b) 40 C.F.R. section 270.67 is excluded from  
the incorporation by reference of 40 C.F.R. part 270.  
[Eff 7/17/17; comp **SEP 30 2018** ] (Auth: HRS  
§§342J-4, 342J-5, 342J-30, 342J-31, 342J-34, 342J-35)  
(Imp: HRS §§342J-4, 342J-5, 342J-30, 342J-31, 342J-34,  
342J-35)

**§11-270.1-9 Amendments to the incorporation of  
40 C.F.R. part 270, subpart G.** The incorporation by  
reference of 40 C.F.R. section 270.70 is amended as  
follows:

- (1) In 40 C.F.R. section 270.70(a)(1), add "or  
section 342J-6.5, HRS," after "RCRA".
- (2) In 40 C.F.R. section 270.70(b), add "against  
the owner and/or operator of the facility,  
including, but not limited to, an  
enforcement action for operation of a  
facility without a permit or interim status"  
to the end of the last sentence. [Eff  
7/17/17; comp **SEP 30 2018** ] (Auth: HRS  
§§342J-4, 342J-5, 342J-30, 342J-31, 342J-34,  
342J-35) (Imp: HRS §§342J-4, 342J-5,  
342J-30, 342J-31, 342J-34, 342J-35)

**§11-270.1-10 Amendments to the incorporation of  
40 C.F.R. part 270, subpart H.** (a) The incorporation

by reference of 40 C.F.R. section 270.80 is amended as follows: in 40 C.F.R. section 270.80(c), replace "RCRA Permit under RCRA section 3005(c)" with "State hazardous waste permit under section 342J-5, HRS".

(b) The incorporation by reference of 40 C.F.R. section 270.115 is amended as follows: replace "Part 2 (Public Information) of this chapter" with "Applicable provisions of chapter 2-71 and chapter 92F, HRS" and replace "part 2 of this chapter" with "applicable provisions of chapter 2-71 and chapter 92F, HRS".

(c) The incorporation by reference of 40 C.F.R. section 270.140 is amended as follows: in 40 C.F.R. section 270.140(b)(3), replace "issuing Regional Office" with "department".

(d) The incorporation by reference of 40 C.F.R. section 270.145 is amended as follows: in 40 C.F.R. section 270.145(a)(4), replace "local government" with "county government".

(e) The incorporation by reference of 40 C.F.R. section 270.150 is amended as follows:

- (1) In 40 C.F.R. section 270.150(e), insert ", chapter 91, HRS, and section 342J-12, HRS" at the end of the sentence.
- (2) In 40 C.F.R. section 270.150(f), replace "issuing Regional office" with "department".

(f) The incorporation by reference of 40 C.F.R. section 270.155 is amended as follows: replace 40 C.F.R. section 270.155 in its entirety to read: "§270.155 May the decision to approve or deny my RAP application be administratively appealed? Appeals of RAPs may be made to the same extent as for final permit decisions under 40 C.F.R. section 124.15, as incorporated and amended in section 11-271.1-1, or a decision to deny a permit for the active life of a RCRA hazardous waste management facility or unit under 40 C.F.R. section 270.29, as incorporated and amended in this chapter."

(g) The incorporation by reference of 40 C.F.R. section 270.160 is amended as follows: replace 40 C.F.R. section 270.160(b) in its entirety to read: "(b) You or another person has appealed your RAP under

40 C.F.R. section 270.155, as incorporated and amended in this chapter; or".

(h) The incorporation by reference of 40 C.F.R. section 270.175 is amended as follows: in 40 C.F.R. section 270.175(a), insert "After affording you an opportunity for a hearing in accordance with chapter 91, HRS," at the beginning of the section and insert "or reasons listed in section 342J-5, HRS," after "listed in this section".

(i) The incorporation by reference of 40 C.F.R. section 270.180 is amended as follows: in 40 C.F.R. section 270.180(a), insert "After affording you an opportunity for a hearing in accordance with chapter 91, HRS," at the beginning of the section and insert "and section 342J-5, HRS," after "through (8)".

(j) The incorporation by reference of 40 C.F.R. section 270.185 is amended as follows: insert "After affording you an opportunity for a hearing in accordance with chapter 91, HRS," at the beginning of the section and insert "and section 342J-5, HRS," after "through (7)".

(k) The incorporation by reference of 40 C.F.R. section 270.190 is amended as follows: replace 40 C.F.R. section 270.190 in its entirety to read: "§270.190 May the decision to approve or deny a modification, revocation and reissuance, or termination of my RAP be administratively appealed? Appeals of decisions to approve or deny a modification, revocation and reissuance, or termination of a RAP may be made to the same extent as for final permit decisions under 40 C.F.R. section 124.15, as incorporated and amended in section 11-271.1-1, or a decision to deny a permit for the active life of a RCRA hazardous waste management facility or unit under 40 C.F.R. section 270.29, as incorporated and amended in this chapter."

(l) The incorporation by reference of 40 C.F.R. section 270.195 is amended as follows: Replace "10 years" and "ten years" with "five years". Replace "RCRA sections 3004 and 3005" with "sections 342J-5 and 342J-34, HRS". [Eff 7/17/17; am and comp

] (Auth: HRS §§342J-4, 342J-5, **SEP 30 2018**



§11-270.1-12

342J-30, 342J-31, 342J-34, 342J-35) (Imp: HRS  
§§342J-4, 342J-5, 342J-30, 342J-31, 342J-34, 342J-35)

§11-270.1-11 (Reserved.)

§11-270.1-12 Amendments to the incorporation  
of 40 C.F.R. part 270, subpart J. 40 C.F.R. part 270,  
subpart J is excluded from the incorporation by  
reference of 40 C.F.R. part 270. [Eff 7/17/17; comp  
SEP 30 2018 ] (Auth: HRS §§342J-4, 342J-5,  
342J-30, 342J-31, 342J-34, 342J-35) (Imp: HRS  
§§342J-4, 342J-5, 342J-30, 342J-31, 342J-34, 342J-35)

270.1-17

3292