

# Information on Hawaii applicability of EPA hazardous waste rules effective after July 1, 2017

## Hawaii Hazardous Waste Program

- AES filing compliance date [[82 FR 41015](#)]  
The AES (Automated Export System) filing compliance date for hazardous waste exporters is December 31, 2017. This affects facilities that must comply with 40 CFR 262.83(a)(6)(ii), as incorporated and amended in chapter 11-262.1, HAR.
- Confidentiality determinations for hazardous waste export and import documents [[82 FR 60894](#)]  
Beginning on June 28, 2018, no claim of business confidentiality may be asserted by any person with respect to information contained in hazardous waste export, import, and transit documents, whether submitted electronically into EPA's Waste Import Export Tracking System (WIETS) or in paper format. This rule is effective for exporter and importers in Hawaii who submit the relevant documents to EPA and affects those required to submit hazardous waste export, import, and transit documents under the following parts of the regulations:
  - 40 CFR §§262.82, 262.83, and 262.84, as incorporated and amended in chapter 11-262.1, HAR;
  - 40 CFR §263.20, as incorporated and amended in chapter 11-263.1, HAR;
  - 40 CFR §§264.12 and 264.71, as incorporated and amended in chapter 11-264.1, HAR; and
  - 40 CFR §265.12 and 265.71, as incorporated and amended in chapter 11-265.1, HAR.
- Hazardous Waste Manifest System user fees [[83 FR 420](#)]  
E-manifest user fees and new paper manifest printing specifications established by EPA apply to e-manifest system users and manifest printers in Hawaii. The following rule sections are affected:
  - 40 CFR §§260.4 and 260.5
  - 40 CFR §§262.20, 262.21, and 262.24, [appendix to Part 262 is removed]
  - 40 CFR §263.20
  - 40 CFR §§264.71 and 264.1086, [new 264 subpart FF is added]
  - 40 CFR §§265.71 and 265.1087, [new 265 subpart FF is added]

Changes to transporter authority to make changes to waste routing (40 CFR §263.21) are not effective in Hawaii until these rule changes are adopted by the Department.

- Response to vacatur of certain provisions of the 2015 Definition of Solid Waste (DSW) rule [[83 FR 24664](#)]  
This federal rule makes changes to the conditional exclusions for hazardous secondary material (HSM) being recycled and the definition of legitimate recycling in response to a court order. The verified recycler exclusion is replaced with a transfer-based exclusion. These changes are effective in Hawaii, although they do not yet appear in the state regulations.
- Address change for waste import-export submittals [[83 FR 38262](#)]  
The EPA office and address to which paper documents concerning imports and exports of hazardous waste must be sent has changed. This change is effective for exporter and importers in Hawaii who submit the relevant documents to EPA. This affects facilities that must comply with 40 CFR 262.82(e), as incorporated and amended in chapter 11-262.1, HAR.
- Safe Management of Recalled Airbags [[83 FR 61552](#)]  
This rule provides a conditional exemption for airbag modules and inflators from regulation as hazardous waste during their initial generation as waste and transport to an airbag waste collection facility. It is designed to facilitate expedited removal of defective airbags from vehicles by automobile dealerships. The airbag waste must be managed according to specific conditions in order to qualify for the exemptions, and EPA has created these conditions to ensure that the waste is safely handled. Due to the immediate and increasing danger posed by defective airbags remaining installed in vehicles, the Hawaii Department of Health will allow airbag waste handlers to manage airbag waste under the conditional exclusion immediately and plans to adopt the exclusion into state regulations as soon as possible. See 40 CFR §§261.4(j) and 262.14, and associated definitions in 40 CFR §260.10.
- Pharmaceuticals & P075 listing rule [[84 FR 5816](#)]  
Changes made to the federal regulations by the final rule “Management Standards for Hazardous Waste Pharmaceuticals and Amendments to the P075 Listing for Nicotine” have not been adopted into Hawaii regulations and are not effective in Hawaii, except for the following:

The sewer ban is effective in Hawaii as of August 21, 2019 because it was adopted under federal HSWA (Hazardous and Solid Waste Amendments) authority. [See 40 CFR §261.4(a)(1)(ii) and 40 CFR §266.505. Relevant definitions are found in 40 CFR §266.500.]