

Explanation of proposed amendments

EPA rules

Some of the proposed changes in this rulemaking action are in response to changes EPA has made to the federal hazardous waste rules, which are incorporated by reference (with amendments) in the State rules. This rulemaking updates the State's incorporation of the federal rules from the July 1, 2020 version of the CFR to the July 1, 2022 version, effectively adopting two new EPA rules:

(1) Modernizing Ignitable Liquids Determinations

This rule updates allowed testing methods related to the flashpoint of liquid waste and air sampling to align with current ASTM and EPA standards and allow alternatives to tests requiring use of mercury thermometers. It also codifies existing EPA guidance defining aqueous as “at least 50 percent water by weight” in relation to the exclusion of certain aqueous alcohol-containing wastes and updates references to Department of Transportation regulations. [[85 FR 40594](#)]

(2) Conforming Changes to Canada-Specific Hazardous Waste Import-Export Recovery and Disposal Operation Codes

This rule makes changes related to codes used in hazardous waste export and import notices submitted to EPA. The changes conform with Canadian regulatory change to codes representing certain waste recovery and disposal operations. EPA requires the department's authorized hazardous waste program to adopt this rule. [[86 FR 54381](#)]

State-initiated changes

(3) Add universal waste management standards allowing universal waste handlers to remove frames from solar panels when complying with conditions [in 40 CFR section 273.13(g)(3) and (4) and 273.33(g)(3) and (4), as incorporated and amended in chapter 11-273.1, HAR].

Under the proposed management standards for universal waste solar panels, handlers may remove the panels' frames without a hazardous waste treatment permit. The metal frames can be recycled locally, and this will significantly reduce shipping costs for the remainder of the solar panel because panels can be stacked more closely within a shipping container. Conditions are included to ensure that de-framing is conducted in a manner that protects human health and the environment. This rule change has been requested by regulated entities.

(4) Change the requirement for small quantity generator posting of emergency information from “next to telephones and in areas directly involved in the generation and accumulation of hazardous waste” to “in areas directly involved in the generation and accumulation of hazardous waste or, if cellular telephones cannot be safely used in these areas,

next to the nearest telephones” [in 40 CFR section 262.16(b)(9)(ii), as incorporated and amended in chapter 11-262.1, HAR].

Small quantity generators must currently post emergency information both in areas where hazardous waste is generated and stored and next to telephones on their site. Due to the ubiquitous presence of cell phones at most sites, the department is proposing to alleviate burden on the generators by requiring the information to be posted only in areas where hazardous waste is generated and stored. For sites where cell phones cannot be used safely in areas of hazardous waste generation and accumulation, the information would instead be required to be posted only next to the nearest telephone. This rule change has been requested by regulated entities.

(5) Correct errors and increase internal consistency

- Remove cross-references to 40 CFR section 260.31(d), which was removed from the federal rules incorporated by reference effective June 25, 2020 [in 40 CFR part 261 subpart M, as incorporated and amended in chapter 11-261.1, HAR].
- Exclude 40 C.F.R. section 262.14(a)(2) from incorporation by reference. This exclusion corrects an error in the federal regulations incorporated by reference to clarify that compliance with 40 CFR section 262.11(a) to (d), as incorporated and amended in chapter 11-262.1, HAR, is an independent requirement for very small quantity generators.
- Replace cross-reference to 40 CFR section 262.60, as incorporated and amended in chapter 11-262.1, HAR, with reference to 40 CFR part 262 subpart H, as incorporated and amended in chapter 11-262.1, HAR [in section 11-262.1-16, HAR]. 40 CFR section 262.60 was replaced by 40 CFR part 262 subpart H in the Hazardous Waste Export-Import Revisions rule, which was incorporated by reference effective September 30, 2018.
- Correct punctuation for internal consistency: change the final period to “; and” in 40 CFR section 273.13(f)(4)(iii), as incorporated and amended in chapter 11-273.1, HAR.