

HAWAII ADMINISTRATIVE RULES

TITLE 11

DEPARTMENT OF HEALTH

CHAPTER 263.1

HAZARDOUS WASTE MANAGEMENT:
STANDARDS APPLICABLE TO TRANSPORTERS OF HAZARDOUS
WASTE

- §11-263.1-1 Incorporation of 40 C.F.R. part 263
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- §11-263.1-5 Amendments to the incorporation of 40 C.F.R. part 263, subpart C

Historical note: This chapter is based substantially upon chapter 11-263. [Eff 6/18/94; am 3/13/99; comp 9/20/99; R 7/17/17]

§11-263.1-1 Incorporation of 40 C.F.R. part 263.

Title 40, part 263 of the Code of Federal Regulations (C.F.R.), published by the Office of the Federal Register, as amended as of July 1, 2022, is made a part of this chapter subject to the substitutions and amendments set forth in sections 11-263.1-2 to 11-263.1-5. [Eff 7/17/17; am and comp 9/30/18; am and comp 6/25/20; am and comp 6/7/21; am and comp
JAN 29 2024] (Auth: HRS §§342J-4, 342J-31,

342J-33, 342J-35) (Imp: HRS §§342J-4, 342J-31,
342J-33, 342J-35)

§11-263.1-2 Substitution of state terms and citations for federal terms and citations. (a) The following federal terms are replaced by the indicated state terms in all provisions of 40 C.F.R. part 263, 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 263, as incorporated and amended in this chapter: 40 C.F.R. section 263.20.

(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 263, 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 Rules analogs are as follows:

<u>Federal citation</u>	<u>State analog</u>
40 C.F.R. part	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

(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 263, as incorporated and amended in this chapter, refer to the federal regulations in the Code of Federal Regulations: references to 40 C.F.R. section 262.25. [Eff 7/17/17; am and comp 9/30/18; am and comp 6/25/20; am and comp 6/7/21; am and comp JAN 29 2024] (Auth: HRS §§342J-4, 342J-31, 342J-33, 342J-35) (Imp: HRS §§342J-4, 342J-31, 342J-33, 342J-35)

§11-263.1-3 Amendments to the incorporation of 40 C.F.R. part 263, subpart A. (a) The incorporation by reference of 40 C.F.R. section 263.10 is amended as follows: in the note to 40 C.F.R. section 263.10(a), replace "enforceable by EPA" with "enforceable by EPA and the state department of health".

(b) The incorporation by reference of 40 C.F.R. section 263.12 is amended as follows: in 40 C.F.R. section 263.12(a), delete "267,". [Eff 7/17/17; am and comp 9/30/18; comp 6/25/20; comp 6/7/21; comp JAN 29 2024] (Auth: HRS §§342J-4, 342J-31, 342J-33, 342J-35) (Imp: HRS §§342J-4, 342J-31, 342J-33, 342J-35)

§11-263.1-4 Amendments to the incorporation of 40 C.F.R. part 263, subpart B. The incorporation by reference of 40 C.F.R. section 263.20 is amended as follows:

- (1) 40 C.F.R. section 263.20(a)(3) is excluded from incorporation.
- (2) In 40 C.F.R. section 263.20(b), add a new sentence at the end of the section to read: "Before transporting the hazardous waste, a transporter who receives hazardous waste from a previous transporter must sign and date the manifest acknowledging acceptance of the hazardous waste from the previous transporter. The new transporter must return a signed copy to the previous transporter before leaving the site where possession of the waste is transferred."
- (3) In 40 C.F.R. section 263.20(g)(4)(ii), replace "the AES filing compliance date" with "December 31, 2017". [Eff 7/17/17; comp 9/30/18; am and comp; 6/25/20; comp 6/7/21; am and comp **JAN 29 2024**] (Auth: HRS §§342J-4, 342J-31, 342J-33, 342J-35) (Imp: HRS §§342J-4, 342J-31, 342J-33, 342J-35)

§11-263.1-5 Amendments to the incorporation of 40 C.F.R. part 263, subpart C. The incorporation by reference of 40 C.F.R. section 263.30 is amended as follows: in 40 C.F.R. section 263.30(c)(1), insert "and to the State department of health, Hazard Evaluation and Emergency Response Office via the State Hospital at (808) 247-2191 after business hours or directly at (808) 586-4249 during business hours" before the semicolon. [Eff 7/17/17; am and comp 9/30/18; comp 6/25/20; am and comp 6/7/21; comp **JAN 29 2024**] (Auth: HRS §§342J-4, 342J-31,

342J-33, 342J-35) (Imp: HRS §§342J-4, 342J-31,
342J-33, 342J-35)