

HAWAII ADMINISTRATIVE RULES

TITLE 11

DEPARTMENT OF HEALTH

CHAPTER 266.1

HAZARDOUS WASTE MANAGEMENT:
STANDARDS FOR THE MANAGEMENT OF SPECIFIC HAZARDOUS
WASTES AND SPECIFIC TYPES OF HAZARDOUS WASTE
MANAGEMENT FACILITIES

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Historical note: This chapter is based substantially upon chapter 11-266. [Eff 6/18/94; am 3/13/99; comp 9/20/99; R 7/17/17]

§11-266.1-1 Incorporation of 40 C.F.R. part 266.

Title 40, part 266 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 11-266.1-2 to 11-266.1-18. [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-32, 342J-33, 342J-34, 342J-34.5, 342J-35) (Imp: HRS §§342J-4, 342J-31, 342J-32, 342J-33, 342J-34, 342J-34.5, 342J-35)

§11-266.1-2 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 266, as incorporated and amended in this chapter, except as listed in subsection (b):

- (1) "Administrator", "appropriate EPA Regional Administrator", "Assistant Administrator", "Assistant Administrator for Solid Waste and Emergency Response", "EPA Administrator", "EPA Regional Administrator", "EPA Regional Administrator for the Region in which the healthcare facility is located", "EPA Regional Administrator for the Region in which the reverse distributor is located", "Regional Administrator", and "State Director" shall be replaced with "director".
- (2) "Agency", "applicable EPA regional office", "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".

(3) "Section 3010 of RCRA" shall be replaced with "section 342J-6.5, HRS".

(b) The federal terms listed in subsection (a) are not replaced with state terms in the following sections of 40 C.F.R. part 266, as incorporated and amended in this chapter:

(1) 40 C.F.R. section 266.100(b)(1).

(2) Appendices to 40 C.F.R. part 266.

(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 266, 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. The Hawaii Administrative Rules 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

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[Eff 7/17/17; 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-32, 342J-33, 342J-34, 342J-34.5, 342J-35) (Imp: HRS §§342J-4, 342J-31, 342J-32, 342J-33, 342J-34, 342J-34.5, 342J-35)

§§11-266.1-3 to 11-266.1-4 (Reserved).

§11-266.1-5 Amendments to the incorporation of 40 C.F.R. part 266, subpart C. (a) The incorporation by reference of 40 C.F.R. section 266.22 is amended as follows: replace the comma between "264" and "265" with "and" and delete "and 267,".

(b) The incorporation by reference of 40 C.F.R. section 266.23 is amended as follows: in 40 C.F.R. section 266.23(a), delete "subparts A through N of". [Eff 7/17/17; comp 9/30/18; comp 6/25/20; comp 6/7/21; comp **JAN 29 2024**] (Auth: HRS §§342J-4, 342J-31, 342J-32, 342J-33, 342J-34, 342J-34.5, 342J-35) (Imp: HRS §§342J-4, 342J-31, 342J-32, 342J-33, 342J-34, 342J-34.5, 342J-35)

§§11-266.1-6 to 11-266.1-7 (Reserved).

§11-266.1-8 Amendments to the incorporation of 40 C.F.R. part 266, subpart F. The incorporation by reference of 40 C.F.R. section 266.70 is amended as follows: in 40 C.F.R. section 266.70(d), delete "267,". [Eff 7/17/17; comp 9/30/18; comp 6/25/20; comp 6/7/21; comp **JAN 29 2024**] (Auth: HRS §§342J-4, 342J-31, 342J-32, 342J-33, 342J-34, 342J-34.5, 342J-35) (Imp: HRS §§342J-4, 342J-31, 342J-32, 342J-33, 342J-34, 342J-34.5, 342J-35)

§11-266.1-9 Amendments to the incorporation of 40 C.F.R. part 266, subpart G. The incorporation by reference of 40 C.F.R. part 266, subpart G is amended by replacing 40 C.F.R. section 266.80 in its entirety to read:

“§266.80 Applicability and requirements.

The rules of this section apply to persons who handle spent lead-acid batteries that are recyclable materials (“spent batteries”).

(a) Persons who generate, transport, collect, or store spent batteries that will be reclaimed (other than through regeneration) but do not reclaim them are subject to regulation under chapter 11-273.1. (Note: Batteries that will be regenerated are not a solid waste and thus are not a regulated hazardous waste.)

(b) Owners or operators of facilities that reclaim spent lead-acid batteries on-site (other than through regeneration) are subject to the following requirements:

- (1) Chapter 11-261.1;
- (2) 40 C.F.R. sections 262.11 and 262.18, as incorporated and amended in section 11-262.1-1;
- (3) For permitted facilities, all applicable provisions in 40 C.F.R. part 264, subparts A to L, as incorporated and amended in section 11-264.1-1, except 40 C.F.R. sections 264.13, 264.71, and 264.72;
- (4) For interim status facilities, all applicable provisions in 40 C.F.R. part 265, subparts A to L, as incorporated and amended in section 11-265.1-1, except 40 C.F.R. sections 265.13, 265.71, and 265.72; and
- (5) All applicable provisions in chapters 11-268.1 to 11-271.1.

(c) Persons who export spent lead-acid batteries for reclamation (including regeneration) in a foreign country are subject to the following requirements:

- (1) Chapter 11-261.1; and

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- (2) 40 C.F.R. sections 262.11 and 262.18 and 40 C.F.R. part 262, subpart H, as incorporated and amended in section 11-262.1-1.

(d) Persons who transport spent lead-acid batteries in the U.S. to export them for reclamation (including regeneration) in a foreign country are subject to the requirements of 40 C.F.R. part 262, subpart H, as incorporated and amended in section 11-262.1-1.

(e) Persons who import spent lead-acid batteries from a foreign country for reclamation (other than through regeneration) and store and/or reclaim these batteries are subject to the following requirements:

- (1) Chapter 11-261.1;
- (2) 40 C.F.R. sections 262.11 and 262.18 and 40 C.F.R. part 262, subpart H, as incorporated and amended in section 11-262.1-1; and
- (3) Applicable provisions of chapter 11-268.1." [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-32, 342J-33, 342J-34, 342J-34.5, 342J-35) (Imp: HRS §§342J-4, 342J-31, 342J-32, 342J-33, 342J-34, 342J-34.5, 342J-35)

§11-266.1-10 Amendments to the incorporation of 40 C.F.R. part 266, subpart H. (a) The incorporation by reference of 40 C.F.R. section 266.100 is amended as follows: in 40 C.F.R. section 266.100(c)(3), replace "conditionally exempt small quantity generators under §261.5 of this chapter" with "very small quantity generators under 40 C.F.R. section 262.14, as incorporated and amended in section 11-262.1-1".

(b) The incorporation by reference of 40 C.F.R. section 266.101 is amended as follows: in 40 C.F.R. section 266.101(c)(1) and 266.101(c)(2), delete "267".

(c) The incorporation by reference of 40 C.F.R. section 266.103 is amended as follows:

- (1) In 40 C.F.R. section 266.103(a)(1)(i), replace "national standards" with "state standards".
- (2) In 40 C.F.R. section 266.103(c), replace "on or before August 21, 1992" with "by June 18, 1994".

(d) The incorporation by reference of 40 C.F.R. section 266.108 is amended as follows: in the note in 40 C.F.R. section 266.108(c), replace "small quantity generators under §261.5 of this chapter" with "very small quantity generators under 40 C.F.R. section 262.14, as incorporated and amended in section 11-262.1-1" and replace "for the exemption" with "made under 40 C.F.R. section 262.13, as incorporated and amended in section 11-262.1-1".

(e) The incorporation by reference of 40 C.F.R. section 266.111 is amended as follows:

- (1) In 40 C.F.R. section 266.111(e)(1)(ii), replace "within 2 years after August 21, 1991" with "by June 18, 1994".
- (2) In 40 section C.F.R. section 266.111(e)(2)(i), replace "August 21, 1992" with "June 18, 1994". [Eff 7/17/17; comp 9/30/18; am and comp 6/25/20; am and comp 6/7/21; comp ~~JAN 29 2024~~] (Auth: HRS §§342J-4, 342J-31, 342J-32, 342J-33, 342J-34, 342J-34.5, 342J-35) (Imp: HRS §§342J-4, 342J-31, 342J-32, 342J-33, 342J-34, 342J-34.5, 342J-35)

§§11-266.1-11 to 11-266.1-14 (Reserved).

§11-266.1-15 Amendments to the incorporation of 40 C.F.R. part 266, subpart M. The incorporation by reference of 40 C.F.R. section 266.202 is amended as follows: in 40 C.F.R. section 266.202(d), replace "RCRA section 1004(27)" with "section 342J-2, HRS" and delete "RCRA" before "corrective action". Replace

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"sections 3004(u) and (v), and 3008(h)" with "RCRA section 3008(h) and section 342J-36, HRS" and replace "section 7003" with "RCRA section 7003 and section 342J-8, HRS". [Eff 7/17/17; comp 9/30/18; comp 6/25/20; comp 6/7/21; comp JAN 29 2024] (Auth: HRS §§342J-4, 342J-31, 342J-32, 342J-33, 342J-34, 342J-34.5, 342J-35) (Imp: HRS §§342J-4, 342J-31, 342J-32, 342J-33, 342J-34, 342J-34.5, 342J-35)

§11-266.1-16 Amendments to the incorporation of 40 C.F.R. part 266, subpart N. The incorporation by reference of 40 C.F.R. section 266.255 is amended as follows: in 40 C.F.R. section 266.255(a), replace "40 CFR parts 260 through 271," with "chapters 11-260.1 to 11-270.1,". [Eff and comp 6/7/21; comp JAN 29 2024] (Auth: HRS §§342J-4, 342J-31, 342J-32, 342J-33, 342J-34, 342J-34.5, 342J-35) (Imp: HRS §§342J-4, 342J-31, 342J-32, 342J-33, 342J-34, 342J-34.5, 342J-35)

§11-266.1-17 (Reserved).

§11-266.1-18 Amendments to the incorporation of 40 C.F.R. part 266, subpart P. (a) The incorporation by reference of the heading of 40 C.F.R. part 266, subpart P is amended as follows: insert "and Hazardous Waste Electronic Nicotine Delivery Systems" at the end of the heading.

(b) The incorporation by reference of 40 C.F.R. section 266.500 is amended as follows:

- (1) The following definitions are excluded from incorporation: "Non-hazardous waste pharmaceutical" and "Non-pharmaceutical hazardous waste".
- (2) The following definitions are amended as follows:

"Hazardous waste pharmaceutical" definition. Replace the definition in its entirety to read: ""Hazardous waste pharmaceutical" means a pharmaceutical that is a solid waste, as defined in 40 C.F.R. section 261.2, as incorporated and amended in section 11-261.1-1, and a hazardous waste, as defined in 40 C.F.R. section 261.3, as incorporated and amended in section 11-261.1-1."

"Pharmaceutical" definition. Delete "; any electronic nicotine delivery system (e.g., electronic cigarette or vaping pen); or any liquid nicotine (e-liquid) packaged for retail sale for use in electronic nicotine delivery systems (e.g., pre-filled cartridges or vials)" and insert "Pharmaceutical includes an electronic nicotine delivery system that is subject to regulation as a drug, device, or combination product by the U.S. Food and Drug Administration." after "spills of pharmaceuticals."

- (3) Add the following additional definitions in alphabetical order:

"Electronic nicotine delivery system" means any electronic device that can be used to aerosolize and deliver nicotine to the person inhaling from the device (e.g., electronic cigarette, electronic pipe, vaping pen) and any liquid nicotine (e-liquid) packaged for retail sale for use in such a device (e.g., pre-filled cartridge, tank, pod, or vial).

"Electronic nicotine delivery system retailer" means any person who distributes or sells electronic nicotine delivery systems. This definition includes, but is not limited to, retailers who sell products directly to consumers, wholesale distributors, and third-party logistics providers that serve as forward

distributors. This definition does not include manufacturers or reverse logistics centers.

"Hazardous waste electronic nicotine delivery system" means an electronic nicotine delivery system that is a solid waste, as defined in 40 C.F.R. section 261.2, as incorporated and amended in section 11-261.1-1, and a hazardous waste, as defined in 40 C.F.R. section 261.3, as incorporated and amended in section 11-261.1-1.

"Household waste electronic nicotine delivery system" means an electronic nicotine delivery system that is a solid waste, as defined in 40 C.F.R. section 261.2, as incorporated and amended in section 11-261.1-1, but is excluded from being a hazardous waste under 40 C.F.R. section 261.4(b)(1), as incorporated and amended in section 11-261.1-1.

"Non-creditable subpart P hazardous waste" means a non-creditable hazardous waste pharmaceutical or a hazardous waste electronic nicotine delivery system.

"Non-subpart P hazardous waste" means a solid waste, as defined in 40 C.F.R. section 261.2, as incorporated and amended in section 11-261.1-1, that is a hazardous waste, as defined in 40 C.F.R. section 261.3, as incorporated and amended in section 11-261.1-1, and is not a pharmaceutical or electronic nicotine delivery system, as defined in this section.

"Subpart P hazardous waste" means a hazardous waste pharmaceutical or a hazardous waste electronic nicotine delivery system.

(c) The incorporation by reference of 40 C.F.R. section 266.501 is amended as follows:

- (1) In 40 C.F.R. section 266.501(a), insert "or electronic nicotine delivery system

- retailer" after "healthcare facility" and replace "its hazardous waste pharmaceuticals and its non-pharmaceutical hazardous waste" with "its subpart P hazardous waste and its non-subpart P hazardous waste".
- (2) In 40 C.F.R. section 266.501(b), insert "or electronic nicotine delivery system retailer" after "healthcare facility", replace "its hazardous waste pharmaceuticals and its non-pharmaceutical hazardous waste" with "its subpart P hazardous waste and its non-subpart P hazardous waste", and replace "management of its hazardous waste pharmaceuticals" with "management of its subpart P hazardous waste".
 - (3) In 40 C.F.R. section 266.501(c), insert ", electronic nicotine delivery system retailer," after "healthcare facility" and replace "non-pharmaceutical hazardous waste" with "non-subpart P hazardous waste".
 - (4) In 40 C.F.R. section 266.501(d), insert "and electronic nicotine delivery system retailers" after "healthcare facilities" and insert "or electronic nicotine delivery system retailer" after "healthcare facility".
 - (5) In 40 C.F.R. section 266.501(d)(1)(i), replace "hazardous waste pharmaceuticals" with "subpart P hazardous waste".
 - (6) In 40 C.F.R. section 266.501(f), insert "and electronic nicotine delivery systems" after "Hazardous waste pharmaceuticals", insert ", electronic nicotine delivery system retailers," after "healthcare facilities", insert ", electronic nicotine delivery system manufacturers," after "pharmaceutical manufacturers", and replace "hazardous waste pharmaceuticals" with "subpart P hazardous waste".
 - (7) In 40 C.F.R. section 266.501(g)(1), insert "and electronic nicotine delivery systems" after "Pharmaceuticals".

- (8) In 40 C.F.R. section 266.501(g) (2), replace "Over-the-counter pharmaceuticals, dietary supplements, or homeopathic drugs" with "Nonprescription pharmaceuticals and electronic nicotine delivery systems".
 - (9) In 40 C.F.R. section 266.501(g) (3) and (4), insert "and electronic nicotine delivery systems" after "Pharmaceuticals" and insert "and hazardous waste electronic nicotine delivery systems" after "hazardous waste pharmaceuticals".
 - (10) In 40 C.F.R. section 266.501(g) (5), insert "and electronic nicotine delivery systems" after "Pharmaceuticals" and "pharmaceuticals".
 - (11) In 40 C.F.R. section 266.501(g) (7), insert "and household waste electronic nicotine delivery systems" after "Household waste pharmaceuticals".
- (d) The incorporation by reference of 40 C.F.R. section 266.502 is amended as follows:
- (1) In the heading of 40 C.F.R. section 266.502, insert "and electronic nicotine delivery system retailers" after "healthcare facilities" and replace "non-creditable hazardous waste pharmaceuticals" with "non-creditable subpart P hazardous waste (non-creditable hazardous waste pharmaceuticals and hazardous waste electronic nicotine delivery systems)".
 - (2) In 40 C.F.R. section 266.502(a), replace "--" with "and electronic nicotine delivery system retailers managing hazardous waste electronic nicotine delivery systems.".
 - (3) In 40 C.F.R. section 266.502(a) (1), insert "or electronic nicotine delivery system retailer" after the first, second, and fourth instances of "healthcare facility".
 - (4) In 40 C.F.R. section 266.502(a) (1) (i) and (ii), insert "or electronic nicotine delivery system retailer" after the first instance of "healthcare facility" and

- replace "as part of its next Biennial Report, if it is required to submit one; or if not required to submit a Biennial Report," with "or electronic nicotine delivery system retailer".
- (5) In 40 C.F.R. section 266.502(a)(1)(iii), insert "or electronic nicotine delivery system retailer" after each instance of "healthcare facility".
 - (6) In 40 C.F.R. section 266.502(a)(2), insert "or electronic nicotine delivery system retailer" after the first and third instances of "healthcare facility".
 - (7) In 40 C.F.R. section 266.502(a)(2)(i) and (ii), insert "or electronic nicotine delivery system retailer" after "healthcare facility".
 - (8) In 40 C.F.R. section 266.502(b), replace each instance of "hazardous waste pharmaceuticals" with "subpart P hazardous waste", insert "and electronic nicotine delivery system retailers" after "healthcare facilities", and insert "or electronic nicotine delivery system retailer" after "healthcare facility".
 - (9) In 40 C.F.R. section 266.502(c), insert "and electronic nicotine delivery systems" after "non-creditable pharmaceuticals", insert "or electronic nicotine delivery system retailer" after the first instance of "healthcare facility", insert "or electronic nicotine delivery system" after "non-creditable pharmaceutical", and replace "that pharmaceutical is a hazardous waste pharmaceutical" with "that pharmaceutical or electronic nicotine delivery system is a hazardous waste".
 - (10) In 40 C.F.R. section 266.502(d), replace "hazardous waste pharmaceuticals" with "subpart P hazardous waste" and insert "and electronic nicotine delivery system retailers" after "healthcare facilities".

- (11) In 40 C.F.R. section 266.502(d)(1) and (2), insert "or electronic nicotine delivery system retailer" after "healthcare facility" and replace each instance of "hazardous waste pharmaceuticals" with "subpart P hazardous waste".
- (12) In 40 C.F.R. section 266.502(d)(2)(iv), replace "hazardous waste pharmaceuticals" with "subpart P hazardous waste".
- (13) In 40 C.F.R. section 266.502(d)(3), insert "or electronic nicotine delivery system retailer" after "healthcare facility" and replace "hazardous waste pharmaceuticals" with "subpart P hazardous waste".
- (14) In 40 C.F.R. section 266.502(e), replace "hazardous waste pharmaceuticals" with "subpart P hazardous waste", insert "and electronic nicotine delivery system retailers" after "healthcare facilities", and insert "An electronic nicotine delivery system retailer must label or clearly mark each container of hazardous waste electronic nicotine delivery systems with the phrase "Hazardous Waste Electronic Nicotine Delivery Systems."" at the end of the paragraph.
- (15) In 40 C.F.R. section 266.502(f), replace "hazardous waste pharmaceuticals" with "subpart P hazardous waste" and insert "and electronic nicotine delivery system retailers" after "healthcare facilities".
- (16) In 40 C.F.R. section 266.502(f)(1), insert "or electronic nicotine delivery system retailer" after "healthcare facility" and replace "hazardous waste pharmaceuticals" with "subpart P hazardous waste".
- (17) In 40 C.F.R. section 266.502(f)(2), insert "or electronic nicotine delivery system retailer" after each instance of "healthcare facility", replace the first instance of "hazardous waste pharmaceuticals" with "subpart P hazardous waste", and replace

- "hazardous waste pharmaceuticals have" with "subpart P hazardous waste has".
- (18) In 40 C.F.R. section 266.502(f)(2)(i) to (iii), replace each instance of "hazardous waste pharmaceuticals" with "subpart P hazardous waste".
- (19) In 40 C.F.R. section 266.502(g), replace each instance of "hazardous waste pharmaceuticals" with "subpart P hazardous waste", replace "are" with "or electronic nicotine delivery system retailer is", insert "or electronic nicotine delivery system retailer" after the second instance of "healthcare facility", replace "it" with "a healthcare facility", and insert "for non-creditable hazardous waste pharmaceuticals" at the end of the section.
- (20) In 40 C.F.R. section 266.502(h), insert "and electronic nicotine delivery system retailers" after "healthcare facilities", replace each instance of "hazardous waste pharmaceuticals" with "subpart P hazardous waste", and insert "or electronic nicotine delivery system retailer" after each instance of "healthcare facility".
- (21) In 40 C.F.R. section 266.502(h)(3), insert "or electronic nicotine delivery system retailer" after "healthcare facility".
- (22) In 40 C.F.R. section 266.502(i), insert "and electronic nicotine delivery system retailers" after "healthcare facilities" and replace "hazardous waste pharmaceuticals" with "subpart P hazardous waste".
- (23) In 40 C.F.R. section 266.502(i)(1), insert "and electronic nicotine delivery system retailers" after "healthcare facilities" and "Healthcare facilities" and replace "hazardous waste pharmaceuticals" with "subpart P hazardous waste".
- (24) In 40 C.F.R. section 266.502(i)(2), insert "and electronic nicotine delivery system retailers" after "healthcare facilities".

- (25) In 40 C.F.R. section 266.502(i)(2)(i), insert "or electronic nicotine delivery system retailer" after "healthcare facility".
- (26) In 40 C.F.R. section 266.502(i)(2)(i)(A), insert "or electronic nicotine delivery system retailer" after each instance of "healthcare facility" and replace "hazardous waste pharmaceuticals" with "subpart P hazardous waste".
- (27) In 40 C.F.R. section 266.502(i)(2)(i)(A)(1), insert "or electronic nicotine delivery system retailer" after "healthcare facility".
- (28) In 40 C.F.R. section 266.502(i)(2)(i)(A)(2), replace "hazardous waste pharmaceuticals" with "subpart P hazardous waste".
- (29) In 40 C.F.R. section 266.502(i)(2)(ii)(A), insert "or electronic nicotine delivery system retailer" after each instance of "healthcare facility" and replace each instance of "hazardous waste pharmaceuticals" with "subpart P hazardous waste".
- (30) In 40 C.F.R. section 266.502(i)(2)(ii)(A)(1), insert "or electronic nicotine delivery system retailer" after "healthcare facility".
- (31) In 40 C.F.R. section 266.502(i)(2)(ii)(A)(2), replace "hazardous waste pharmaceuticals" with "subpart P hazardous waste".
- (32) In 40 C.F.R. section 266.502(i)(3), insert "and electronic nicotine delivery system retailers" after "healthcare facilities" and replace "hazardous waste pharmaceuticals" with "subpart P hazardous waste".
- (33) In 40 C.F.R. section 266.502(j), insert "and electronic nicotine delivery system retailers" after "healthcare facilities" and replace "hazardous waste pharmaceuticals" with "subpart P hazardous waste".

- (34) In 40 C.F.R. section 266.502(j)(1), insert "or electronic nicotine delivery system retailer" after "healthcare facility" and replace "hazardous waste pharmaceuticals" with "subpart P hazardous waste".
- (35) In 40 C.F.R. section 266.502(j)(2), insert "or electronic nicotine delivery system retailer" after "healthcare facility".
- (36) In 40 C.F.R. section 266.502(j)(3), insert "or electronic nicotine delivery system retailer" after each instance of "healthcare facility", insert "and waste electronic nicotine delivery systems" after "non-hazardous waste pharmaceuticals", and replace "hazardous waste pharmaceuticals" with "subpart P hazardous waste".
- (37) In 40 C.F.R. section 266.502(k), replace each instance of "hazardous waste pharmaceuticals" with "subpart P hazardous waste", insert "and electronic nicotine delivery system retailers" after "healthcare facilities", and insert "or electronic nicotine delivery system retailer" after "healthcare facility".
- (38) In 40 C.F.R. section 266.502(l), replace each instance of "hazardous waste pharmaceuticals" with "subpart P hazardous waste" and insert "or electronic nicotine delivery system retailer" after each instance of "healthcare facility".
- (39) In 40 C.F.R. section 266.502(l)(1), insert "or electronic nicotine delivery system retailer" after each instance of "healthcare facility", replace "hazardous waste pharmaceuticals" with "subpart P hazardous waste", insert "and electronic nicotine delivery system retailers" after each instance of "healthcare facilities", and insert "or electronic nicotine delivery systems" after "supplies pharmaceuticals".

(40) In 40 C.F.R. section 266.502(1)(2) to (4), replace "hazardous waste pharmaceuticals" with "subpart P hazardous waste".

(e) The incorporation by reference of 40 C.F.R. section 266.504 is amended as follows:

(1) In the heading of 40 C.F.R. section 266.504, insert "and electronic nicotine delivery system retailers" after "Healthcare facilities" and replace "hazardous waste pharmaceuticals and non-pharmaceutical hazardous waste" with "subpart P hazardous waste and non-subpart P hazardous waste".

(2) In 40 C.F.R. section 266.504(a), replace "hazardous waste pharmaceuticals and non-pharmaceutical hazardous waste" with "subpart P hazardous waste and non-subpart P hazardous waste".

(3) In 40 C.F.R. section 266.504(b), replace each instance of "hazardous waste pharmaceuticals" with "subpart P hazardous waste", insert "or electronic nicotine delivery system retailer" after each instance of "healthcare facility", and replace "non-pharmaceutical" with "non-subpart P".

(4) In 40 C.F.R. section 266.504(b)(1) and (2), insert "or electronic nicotine delivery system retailer" after "healthcare facility".

(5) In 40 C.F.R. section 266.504(c), replace each instance of "hazardous waste pharmaceuticals" with "subpart P hazardous waste" and replace "non-pharmaceutical" with "non-subpart P".

(6) In 40 C.F.R. section 266.504(d), replace "hazardous waste pharmaceuticals and non-pharmaceutical hazardous waste" with "subpart P hazardous waste and non-subpart P hazardous waste".

(f) The incorporation by reference of 40 C.F.R. section 266.505 is amended as follows:

- (1) In the heading of 40 C.F.R. section 266.505, insert "and hazardous waste electronic nicotine delivery systems" after "pharmaceuticals".
 - (2) In 40 C.F.R. section 266.505, insert "and electronic nicotine delivery system retailers" after "healthcare facilities", insert "and hazardous waste electronic nicotine delivery systems" after "pharmaceuticals", and insert ", electronic nicotine delivery system retailers," after "Healthcare facilities".
- (g) The incorporation by reference of 40 C.F.R. section 266.506 is amended as follows:
- (1) In the heading of 40 C.F.R. section 266.506, insert "and household waste electronic nicotine delivery systems" after "household waste pharmaceuticals".
 - (2) In 40 C.F.R. section 266.506(a)(2), insert "and household waste electronic nicotine delivery systems" after "Household waste pharmaceuticals" and "household waste pharmaceuticals".
 - (3) In 40 C.F.R. section 266.506(b), insert "and hazardous waste electronic nicotine delivery systems" after "hazardous waste pharmaceuticals".
 - (4) In 40 C.F.R. section 266.506(b)(3)(iii) and (iv), replace the final period with "; or".
- (h) The incorporation by reference of 40 C.F.R. section 266.507 is amended as follows:
- (1) In the heading of 40 C.F.R. section 266.507, insert "or hazardous waste electronic nicotine delivery systems" after "hazardous waste pharmaceuticals".
 - (2) In 40 C.F.R. section 266.507(a), insert "Nicotine e-liquid vials packaged for retail sale in electronic nicotine delivery systems (not to exceed 1 liter) are considered empty and the residues are not regulated as hazardous waste provided the liquid has been

removed by pouring out the contents." at the end of the paragraph.

- (3) In 40 C.F.R. section 266.507(d), insert "Electronic nicotine delivery systems (including attached or attachable cartridges, pods, or tanks) that are unused, partially used, or fully used must be managed as non-creditable subpart P hazardous waste, except empty vials described in paragraph (a)." at the end of the paragraph.
 - (i) The incorporation by reference of 40 C.F.R. section 266.508 is amended as follows:
 - (1) In the heading of 40 C.F.R. section 266.508, replace "non-creditable hazardous waste pharmaceuticals" with "non-creditable subpart P hazardous waste (non-creditable hazardous waste pharmaceuticals and hazardous waste electronic nicotine delivery systems)" and insert "or electronic nicotine delivery system retailer" after "healthcare facility".
 - (2) In 40 C.F.R. section 266.508(a), replace each instance of "non-creditable hazardous waste pharmaceuticals" with "non-creditable subpart P hazardous waste" and insert "or electronic nicotine delivery system retailer" after "healthcare facility".
 - (3) In 40 C.F.R. section 266.508(a)(1)(iii)(A), insert "or electronic nicotine delivery systems" after "pharmaceuticals".
 - (4) In 40 C.F.R. section 266.508(a)(1)(iii)(B), replace each instance of "Facility's" with "facility's, Electronic nicotine delivery system retailer's,".
 - (5) In 40 C.F.R. section 266.508(a)(2)(ii), replace "the word "PHARMS"" with "either the code "PHARMS" or the code "PHRM"".
 - (6) In 40 C.F.R. section 266.508(b) and (c), replace each instance of "non-creditable hazardous waste pharmaceuticals" with "non-creditable subpart P hazardous waste" and

insert ", electronic nicotine delivery
system retailer," after "healthcare
facility". [Eff and comp 6/25/20; am and
comp 6/7/21; am and comp JAN 29 2024]
(Auth: HRS §§342J-4, 342J-31, 342J-32,
342J-33, 342J-34, 342J-34.5, 342J-35) (Imp:
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342J-34, 342J-34.5, 342J-35)