

# Proposed Amendments to Hawaii Administrative Rules 11-58.1

Solid Waste Management Control



KA 'OIHANA OLAKINO

# Proposed Reorganization of HAR 11-58.1

HAWAII ADMINISTRATIVE RULES

TITLE 11

DEPARTMENT OF HEALTH

CHAPTER 58.1

SOLID WASTE MANAGEMENT CONTROL

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Subchapter 6 Enforcement

# Proposed Changes to Who the Chapter Does Not Apply to

1. Remediation facilities developed for a 1-time operation and managed under other regulations
  - Proposing to add that the 1-time operation must be managed under other regulations for it to be exempt
2. Include facilities where only agricultural solid waste from an agricultural operation or an agricultural products processing facility is composted or disposed of on-site.
  - Previously only exempted from permitting requirements
3. Include use of inert fill material.
  - Added for clarification, as inert fill material does not meet the definition of solid waste and is discussed in statutes
4. Remove the repair and re-sale of clean, source separated clothing, residential and commercial furniture
  - Is not needed as none of this material meets the definition of a solid waste unless it is discarded and not used

# Proposed Changes to Facilities that do not have to Obtain a Permit

1. Revised Single family or duplex residential property composting only green waste and/or pre-consumer vegetative food waste generated on its premises and using the compost only on-site
  - Revised to include any type of facility
2. Removed incinerator facilities having a total rated capacity of less than one ton per hour
3. Removed landfill sites which are used only by the owner or person in control of the premises to landfill less than 150 tons per year of soil, rock, concrete or other nondecomposable and/or uncontaminated inert materials generated onsite.
4. Added composting facilities that handle no more than 3,000 tons per year of only green waste
  - Previously permit by rule
5. Added recycling drop-off facilities accepting only certain source-separated materials
  - Previously permit by rule
6. Added recycling processing facilities accepting and processing only one of the listed types of source-separated material
  - Previously permit by rule

# Proposed Changes Permitting - Fees

1. Add new permit application fee for new or innovative solid waste technologies and storage facilities
2. Remove permit application fee for permit by rule facilities
3. Permit application fees would increase by 5x current fee
  - Proposed Fees \$250-\$5,000
    - Only some landfills and incinerator app fees \$5,000, everything else is less than \$1,250 for 5-yr permit cycle
4. Permit application fees would be additive
  - For example, if you are proposing to operate a facility that will conduct more than one solid waste management activity (e.g., recycling processing facility and an incinerator)

# Other Proposed Permitting Program Changes

1. Require notification by facilities exempt from permitting
  - Must notify DOH at least 30 days prior to start of solid waste activities
2. Require facilities producing an end product to submit a market evaluation
  - To ensure proposed activities don't constitute sham recycling
3. Revise requirement to certify compliance with local ordinances from permit application – specify must comply with local zoning
  - Must certify compliance with local zoning requirements

# Other Proposed Permitting Program Changes (cont.)

4. Add/clarify requirement to submit a closure plan as part of permit application,
  - This includes adding/clarifying closure and remediation requirements
5. Add/clarify that all leachate must be collected and managed in a method approved by the DOH
6. Add that facilities proposing new or innovative technologies must include justification with permit application
  - Currently implemented through permitting

# Proposed Changes –Composting Facilities

1. Add requirement for a system using only sewage sludge with an additive such as wood chips
  - The maximum contaminant concentrations of the sewage sludge must meet applicable 40 CFR part 503 or HRS Chapter 11-62, whichever is more stringent
2. Add requirement - when necessary, the permit application shall include evaluation showing incoming feedstock and resulting finished compost will not pose a risk to human health and the environment.
  - This may include the requirement for a sampling and analysis plan
  - Depending upon the feedstock, a study and/or research data may need to be submitted

# Proposed Change – Salvage Facilities

1. Add requirement that all processing and salvaging activities must be conducted on an impervious working surface
  - Existing permitted facilities will have 5 years to come into compliance
    - Within one year they must submit a plan to come into compliance with this requirement
    - Once DOH approves the plan, facility will be responsible for implementing and conducting any necessary remediation prior to installing the impervious surface.

# Proposed Changes – Incinerators and Energy Recovery Facilities

1. Add in allowance to accept household pesticide containers
2. Add in allowance to accept PCB bulk product waste by permit and in accordance with 40 CFR section 761.62(b)

# Proposed Changes - MSW Landfills

## 1. Adopt certain EPA rules:

- Allow local gov't guarantee as a financial assurance mechanism for MWS landfills
- Allow the ability to provide flexibilities associated with small community MSW landfills

## 2. Update groundwater protection standards referenced

- Edit requirement to state either federal or state maximum contaminant level, whichever is lower

## 3. Update tsunami inundation zone

- Reference updated tsunami inundation zone map (2015)
- Allows for demonstration of engineering measures that would protect MSWLF unit from potential tsunami impacts

## 4. Change closure requirement from notation to deed to environmental covenant

## 5. Add in allowance to accept PCB bulk product waste by permit and in accordance with 40 CFR section 761.62(b)

# Proposed Changes - C&D Landfills

1. Add allowance to accept very small quantity generator hazardous waste by permit if they meet requirements
2. Add in allowance to accept PCB bulk product waste by permit and in accordance with 40 CFR section 761.62(b)
3. Add requirement for a program and procedures for excluding hazardous waste and unpermitted PCB waste
  - Currently implemented through permitting
4. Add closure and post-closure plan and implementation requirements
  - Currently implemented through permitting

# Proposed Changes - C&D Landfills (cont.)

4. Slightly adjust and clarify restrictions on waste that may be accepted for disposal
  - Pesticide containers, industrial solid waste, scrap autos, white goods, whole tires
5. Clarify financial assurance requirement and access requirements
  - Access currently implemented through permitting
6. For new C&D landfills only - revised groundwater monitoring and design requirements, as well as siting restrictions to be similar to those for MSW landfills.

# Proposed Changes - Special Waste Landfills

1. Clarify permit application requirements
2. Add closure plan and requirements, including environmental covenant
3. Add post-closure plan and requirements
4. Add environmental monitoring and corrective action plan requirement, as appropriate, based on type of waste to be accepted
5. Add financial assurance requirement

If you would like to submit written comments on the proposed amendments, please send them to either :

Attn: SW Rules  
2827 Waimano Home Rd #100  
Pearl City, HI 96782

or

lauren.cruz@doh.hawaii.gov

Written comments must be received by **May 19<sup>th</sup>, 2026**.

In addition, a public hearing will be held at 9am on May 14, 2026 at the State Lab auditorium where all interested parties may present relevant information, comments, and opinions.

More info can be found at:

<https://health.hawaii.gov/shwb/solid-waste/>

# Mahalo for Attending!



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