

ACT 172

H.B. NO. 3457

A Bill for an Act Relating to Oil.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Chapter 342, Hawaii Revised Statutes, is amended as follows:

1. By amending the definition of “permit” in Section 342-1 to read:

“ “Permit” means written authorization from the director to discharge waste or to construct, modify, or operate any air pollution source, water pollution source, excessive noise source, [or] solid waste disposal system[.], or used oil management system. A permit authorizes the grantee to cause, emit or discharge waste or pollution in a manner or amount, or to do any act, not forbidden by this chapter, or by rules and regulations promulgated under this chapter, but requiring review by the department.”

2. By amending Part VII to read:

“[[PART VII.]] USED OIL TRANSPORT, RECYCLING AND DISPOSAL

[[§342-81]] Definitions. As used in this part, unless the context otherwise requires:

[[“Department” means the department of health.

“Director” means the director of health or the director’s duly authorized agent.]

“Recycled [used] oil” means used oil that is reused or prepared for reuse as a petroleum product.

“Specification fuel” means recycled [used] oil which meets specific standards that are set by the director. These standards, at a minimum, shall comply with those set by the federal Environmental Protection Agency for specification fuel.

“Used oil” means a petroleum-based oil which through use, storage, or handling has become unsuitable for its original purpose due to the presence of impurities or loss of original properties.

“Used oil transporter” means any person who transports more than five hundred gallons of used oil annually.

[[§342-82]] Exemptions. The following persons and organizations are exempt from this part:

- (1) Second-time transporters, marketers and burners of specification fuel; and
- (2) Electric public utilities and other facilities which use used oil as specification fuel in industrial boilers; provided that the used oil is generated by the facility and that the requirements established under section 342-22 are complied with.]

[[§342-83]] Prohibited acts. (a) No new oil, used oil, or recycled oil shall be discharged into sewers, drainage systems, surface or ground waters, watercourses, or marine waters.

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[(b) No used oil transporter shall collect, transport, transfer, temporarily store, or market used oil unless the person possesses a permit to transport issued under this part.

(c)] (b) No used oil transporter shall deliver used oil to any person with the knowledge that the oil will be improperly disposed of in violation of this part.

[(d) No person shall recycle, market, burn, or accept used oil for final disposal without first obtaining authorization from the department.

(e)] (c) No new oil, used oil, or recycled oil shall be discharged onto the ground [for dust suppression] without prior written approval from the department and the landowner.

(d) No used oil or recycled oil shall be burned as specification fuel without an analysis or other written information documenting that the used oil or recycled oil meets the standards for specification fuel as set forth by the director.

[[§342-84]] Used oil transport vehicles; identification required. The department shall require used oil transporters to identify [such] vehicles used for the transport of used oil.

[[§342-85]] Recordkeeping, sampling, and testing requirements. (a) Transporters, marketers, recyclers, and burners of used oil shall keep a copy of each transaction or invoice received.

(b) Any person who sells used oil as specification fuel shall keep a copy of each analysis performed or other written information documenting that the used oil meets the standards for specification fuel as set forth by the director.

(c) The director may require any person who generates and burns the person's own used oil as specification fuel to keep a copy of each analysis performed or other written information documenting that the used oil meets the standards for specification fuel as set forth by the director.

(d) The persons described in subsections (a), (b), and (c) shall be required to maintain records relating to used oil which shall be retained for a period of three years and made available to the director upon request.

[(a)] (e) Each used oil transporter shall provide a signed voucher to each person surrendering or accepting the used oil when used oil is picked up or delivered[.] and shall keep a record of each voucher. [The voucher, as a minimum, shall show the quantity of used oil, name and address of the person surrendering or accepting the used oil, pickup location, and the proposed or actual final destination.

(b) Records shall be maintained for three years.

(c) First-time marketers and burners of specification fuel shall maintain analyses of recycled used oil which initially defined the material as specification fuel. A copy of the analyses of the specification fuel shall be delivered with the invoice to the second-time transporter, marketer and burner of the specification fuel.

(d)] (f) The department may require sampling, testing, and recordkeeping and the [submittal] submission of records for persons who generate, transport, market, recycle, or burn[, or accept] used oil or specification fuel or accept used oil for final disposal.

[[§342-86]] Fees. The director may establish reasonable fees for the issuance of permits and variances to cover the cost of issuance thereof. The fees shall be deposited to the credit of the general fund.

[[§342-87]] Inspection of premises; examination of records. The director may enter premises to inspect any facility, storage tank, or vehicle or examine the records required under this part.

[[§342-88]] Cooperation with other agencies. The department shall coordinate its activities and functions under this part with the department of [planning] business and economic development and other state agencies to avoid duplication in reporting and information gathering.

[[§342-89]] Rules. The director shall adopt rules in accordance with chapter 91 necessary to carry out this part.”

3. By adding a new section to be appropriately designated to read:

“§342- Permit required. No person shall transport, market, or recycle used oil except specification fuel, without first obtaining a permit from the department. The director may require any person who generates and burns their own used oil as specification fuel to notify the department of their activity.”

SECTION 2. Statutory material to be repealed is bracketed. New statutory material is underscored.¹

SECTION 3. This Act shall take effect upon its approval.

(Approved June 6, 1988.)

Note

1. Edited pursuant to HRS §23G-16.5.