

ACT 200

H.B. NO. 925

A Bill for an Act Relating to Used Oil Transport, Recycling and Disposal.

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

SECTION 1. Section 342N-8, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) Any person who wilfully or negligently violates this chapter, any rule adopted by the department pursuant to this chapter, or any condition of a permit issued pursuant to this chapter shall be [punished by a fine] subject to a civil penalty of not more than [\$5,000] \$10,000 for each day of each violation [or

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imprisonment for not more than one year, or both.] and guilty of a petty misdemeanor. If the conviction is for a violation committed after a first conviction, the violator shall be subject to a [fine] civil penalty of not more than [\$10,000] \$20,000 for each day of each violation[, or by imprisonment for not more than two years, or both.] and guilty of a misdemeanor."

SECTION 2. Section 342N-30, Hawaii Revised Statutes, is amended to read as follows:

"§342N-30 Prohibited acts. (a) No new oil, used oil, or recycled oil shall be discharged or caused or allowed to enter into sewers, drainage systems, surface or ground waters, watercourses, [or] marine waters[.], or onto the ground. The prohibition shall not apply to inadvertent, normal discharges from vehicles and equipment, or maintenance and repair activities associated with the vehicles; provided that appropriate measures are taken to minimize releases. Appropriate measures may include, but are not limited to: use of drip pans; institution of structural catchment systems; use of absorbent materials; and other similar measures.

(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 chapter.

(c) [No new oil, used oil, or recycled oil shall be discharged onto the ground without prior written approval from the department and the landowner.] No person shall accept used oil for transportation without first performing a field screening test which documents that total halogen concentrations are less than one thousand parts per million. If the field screening test indicates that halogen concentrations are greater than one thousand parts per million, the transporter shall inform the owner of the used oil that the used oil is a hazardous waste and must be disposed of as hazardous waste in accordance with the current federal hazardous waste regulations, and the transporter shall submit to the department of health within ten days the following information:

- (1) The name and address of the owner of the used oil;
- (2) The halogen concentration of the used oil;
- (3) The estimated quantity of the used oil; and
- (4) The date of the field screening test.

(d) No person shall market or burn 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.

(e) No person shall engage, employ, or contract with any other person, except a permitted used oil transporter, for the removal of used oil from that person's premises."

SECTION 3. Section 342N-31, Hawaii Revised Statutes, is amended to read as follows:

"§342N-31 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] the person's own used oil as specification fuel to notify the department of [their] the person's activity."

SECTION 4. Chapter 342N-33, Hawaii Revised Statutes, is amended to read as follows:

“§342N-33 Recordkeeping, sampling, and testing requirements. (a) Transporters, marketers, recyclers, and burners of used oil shall keep a [copy] record of each transaction [or] and a copy of each invoice received[.] for three years.

(b) [Any] Each person who [sells] markets or burns used oil as specification fuel in accordance with section 342N-30(d) 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) Each person who accepts used oil from a used oil transporter in accordance with section 342N-30(c) shall maintain records of the field screening test for three years.

[(c)] (d) 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)] (e) The persons described in subsections (a), (b), [and] (c), and (d) 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.

[(e)] (f) 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.

[(f)] (g) The department may require persons who generate, transport, market, recycle, or burn used oil or specification fuel or accept used oil for final disposal to conduct sampling and testing and to keep and submit records.”

SECTION 5. If any provision of this Act, or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

SECTION 6. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 7. This Act shall take effect upon its approval; provided that the department shall adopt rules for field screening tests and its reporting requirements by January 1, 1993; and provided further that the amendments made to section 342N-30(c) shall be repealed on January 1, 1993 and section 342N-30(c) shall be reenacted in the form in which it read on the day before the approval of this Act.

(Approved May 28, 1991.)