

## ACT 267

H.B. NO. 2040

A Bill for an Act Relating to Hazardous Waste.

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

SECTION 1. Chapter 342J, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§342J- **Notification.** (a) Not later than forty-five days after the effective date of this section, any person generating or transporting, or owning or operating a facility for treatment, storage, or disposal of, any substance listed as hazardous waste or identified by its characteristics as hazardous waste under 40 Code of Federal Regulations Part 261, shall file with the department a notification stating the location and general description of the activity and the type and amount of hazardous waste handled or generated by the person.

(b) Not later than forty-five days after the adoption pursuant to this chapter of any rule that lists or identifies by characteristics any substance as hazardous waste, any person generating or transporting the substance, or owning or operating a facility for treatment, storage, or disposal of the substance, shall file with the department a notification stating the location and general description of the activity and the type and amount of hazardous waste handled or generated by the person.

This subsection shall not apply to activities or hazardous waste as to which notification has been made in compliance with subsection (a).

(c) Any person required by this section to provide notification to the department shall also advise the department, by January 31 of each year following initial notification, of the following changes:

- (1) Location of business;
  - (2) Name of business;
  - (3) Mailing address;
  - (4) Name of person who owns the facility at which hazardous waste is handled or generated;
  - (5) Change of status from small quantity to large quantity generator; and
  - (6) Change of status from large quantity to small quantity generator.
- (d) This section shall not apply to:
- (1) Generators of less than one-hundred kilograms of hazardous waste per month; or
  - (2) Any other person exempted from the notification requirements of this section pursuant to rules adopted by the department.”

SECTION 2. Section 342J-30, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) Any person who:

- (1) Owns or operates a facility required to have a permit under this section which was in existence on November 19, 1980, or was in existence on the effective date of statutory or regulatory changes under RCRA that were made prior to the effective date of the first rules adopted under this chapter, and that rendered the facility subject to the requirement to have an RCRA permit, or is in existence on the effective date of statutory or regulatory changes under this chapter that are made after the effective date of the first rules adopted under this chapter and that render the facility subject to the requirement to have a permit under this section;

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- (2) Has complied with the requirements of section 3010(a) of RCRA, 42 United States Code §6930(a)[;], or section 342J-\_\_\_\_; and
- (3) Has made an application for a permit under section 3005 of RCRA, 42 United States Code §6925, or section 342J-5;

shall be treated as having been issued [such] a permit until [such time as] final administrative disposition of [such] an application has been made unless the director proves that final administrative disposition of [such] the application has not been made because of the failure of the applicant to furnish information reasonably required or requested in order to process that application. [Such] The facilities shall be deemed to have interim status. This subsection shall not apply to any facility which has been previously denied a permit under section 3005 of RCRA, 42 United States Code §6925 or section 342J-5 or if authority to operate the facility under section 3005 of RCRA, 42 United States Code §6925 or this section has been previously terminated.”

SECTION 3. Statutory material to be repealed is bracketed. New material is underscored.<sup>1</sup>

SECTION 4. This Act shall take effect upon its approval.

(Approved June 18, 1993.)

**Note**

- 1. Edited pursuant to HRS §23G-16.5.