

HAWAII ADMINISTRATIVE RULES

TITLE 11

DEPARTMENT OF HEALTH

CHAPTER 270

HAZARDOUS WASTE MANAGEMENT

STATE ADMINISTERED PERMITS: THE HAZARDOUS WASTE PERMIT PROGRAM

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SUBCHAPTER A

GENERAL INFORMATION

- §11-270-1 Purpose and scope of these rules. (a) Coverage.
- (1) These permit rules establish provisions for the hazardous waste permit program under HRS chapter 342J.
 - (2) The rules in this chapter cover basic State permitting requirements, such as application requirements, standard permit conditions, and monitoring and reporting requirements. These rules are part of a regulatory scheme implementing HRS chapter 342J set forth in chapters 11-260 through 11-280.
 - (3) Technical regulations. The hazardous waste management permit program has separate additional rules that contain technical requirements. These separate rules are used by permit issuing authorities to determine what requirements must be placed in permits if they are issued. These separate rules are located in chapters 11-264 and 11-266.
- (b) Overview of the hazardous waste management permit program. Not later than forty-five days after the revision of rules in chapter 11-261 (identifying and listing hazardous wastes), generators and transporters of hazardous waste, and owners or operators of hazardous waste treatment, storage, or disposal facilities may be required to file a notification of that activity under HRS section 342J-6.5. Treatment, storage, or disposal of hazardous waste by any person who has not applied for or received a hazardous waste management permit is prohibited. A hazardous waste management permit application consists of two parts, Part A (see section 11-270-13) and Part B (see section 11-

270-14 and applicable provisions in sections 11-270-15 through 11-270-29). For ``existing HWM facilities,' ' the requirement to submit an application is satisfied by submitting only Part A of the permit application until the date the director sets for submitting Part B of the application. (Part A consists of Forms 1 and 3 of the Consolidated Permit Application Forms.) Timely submission of both notification under HRS section 342J-6.5 and Part A qualifies owners and operators of existing HWM facilities (who are required to have a permit) for interim status under HRS section 342J-30. Facility owners and operators with interim status are treated as having been issued a permit until the department makes a final determination on the permit application. Facility owners and operators with interim status must comply with interim status standards set forth at chapters 11-265 and 11-266. Facility owners and operators with interim status are not relieved from complying with other State requirements. For existing HWM facilities, the director shall set a date, giving at least six months notice, for submission of Part B of the application. There is no form for Part B of the application; rather, Part B must be submitted in narrative form and contain the information set forth in the applicable provisions of sections 11-270-14 through 11-270-29. Owners or operators of new HWM facilities must submit Parts A and B of the permit application at least one-hundred and eighty days before physical construction is expected to commence.

(c) Scope of the hazardous waste management permit requirement. Chapter 342J, HRS requires a permit for the ``treatment,' ' ``storage,' ' and ``disposal' ' of any ``hazardous waste' ' as identified or listed in chapter 11-261. The terms ``treatment,' ' ``storage,' ' ``disposal,' ' and ``hazardous waste' ' are defined in section 11-270-2. Owners and operators of hazardous waste management units must have permits during the active life (including the closure period) of the unit. Owners or operators of surface impoundments, landfills, land treatment units, and waste pile units that received wastes after July 26, 1982, or that certified closure (according to section 11-265-115) after January 26, 1983, must have post-closure permits, unless they demonstrate closure by removal as provided under paragraphs (c)(5) and (c)(6). If a post-closure permit is required, the permit must address applicable chapter 11-264 Groundwater Monitoring, Unsaturated Zone Monitoring, Corrective Action, and Post-closure Care Requirements of chapters 11-260 through 11-279. The denial of a permit for the active life of a hazardous waste management facility or unit does not affect the requirement to obtain a post-closure permit under this section.

- (1) Specific inclusions. Owners and operators of certain facilities require hazardous waste management permits as well as permits under other programs for certain aspects of the facility operation. Hazardous waste management permits are required for:

- (i) Injection wells that dispose of hazardous waste, and associated surface facilities that treat, store or dispose of hazardous waste, (See section 11-270-64).
 - (ii) Treatment, storage, or disposal of hazardous waste at facilities requiring an NPDES permit. However, the owner and operator of a publicly owned treatment works receiving hazardous waste will be deemed to have a hazardous waste management permit for that waste if they comply with the requirements of subsection 11-270-60(c) (permit-by-rule for POTWs).
 - (iii) Barges or vessels that dispose of hazardous waste by ocean disposal and onshore hazardous waste treatment or storage facilities associated with an ocean disposal operation. However, the owner and operator will be deemed to have a hazardous waste management permit for ocean disposal from the barge or vessel itself if they comply with the requirements of subsection 11-270-60(a) (permit-by-rule for ocean disposal barges and vessels).
- (2) Specific exclusions. The following persons are among those who are not required to obtain a hazardous waste management permit:
- (i) Generators who accumulate hazardous waste on-site for less than the time periods provided in section 11-262-34.
 - (ii) Farmers who dispose of hazardous waste pesticides from their own use as provided in section 11-262-70.
 - (iii) Persons who own or operate facilities solely for the treatment, storage or disposal of hazardous waste excluded from regulations under this chapter by section 11-261-4 or 11-261-5 (small generator exemption).
 - (iv) Owners or operators of totally enclosed treatment facilities as defined in section 11-260-10.
 - (v) Owners and operators of elementary neutralization units or wastewater treatment units as defined in section 11-260-10.
 - (vi) Transporters storing manifested shipments of hazardous waste in containers meeting the requirements of section 11-262-30 at a transfer facility for a period of ten days or less.
 - (vii) Persons adding absorbent material to waste in a container (as defined in section 11-260-10) and persons adding waste to absorbent material in a container, provided that these actions occur at the time waste is first placed in the container;

- and subsection 11-264-17(b), and sections 11-264-171 and 11-264-172 are complied with.
- (viii) Universal waste handlers and universal waste transporters (as defined in section 11-260-10) managing the wastes listed below. These handlers are subject to regulation under chapter 11-273.
 - (A) Batteries as described in section 11-273-2;
 - (B) Pesticides as described in section 11-273-3; and
 - (C) Thermostats as described in section 11-273-4.
- (3) Further exclusions.
- (i) A person is not required to obtain a hazardous waste management permit for treatment or containment activities taken during immediate response to any of the following situations:
 - (A) A discharge of a hazardous waste;
 - (B) An imminent and substantial threat of a discharge of hazardous waste;
 - (C) A discharge of a material which, when discharged, becomes a hazardous waste;
 - (D) An immediate threat to human health, public safety, property, or the environment from the known or suspected presence of military munitions, other explosive material, or an explosive device, as determined by an explosive or munitions emergency response specialist as defined in section 11-260-10.
 - (ii) Any person who continues or initiates hazardous waste treatment or containment activities after the immediate response is over is subject to all applicable requirements of this chapter for those activities.
 - (iii) In the case of emergency responses involving military munitions, the responding military emergency response specialist's organizational unit must retain records for three years identifying the dates of the response, the responsible persons responding, the type and description of material addressed, and its disposition.
- (4) Permits for less than an entire facility. The department may issue or deny a permit for one or more units at a facility without simultaneously issuing or denying a permit to all of the units at the facility. The interim status of any unit for which a permit has not been issued or denied is not affected by the issuance or denial of a permit to any other unit at the facility.
- (5) Closure by removal. Owners/operators of surface impoundments, land treatment units, and waste piles

closing by removal or decontamination under chapter 11-265 standards must obtain a post-closure permit unless they can demonstrate to the director that the closure met the standards for closure by removal or decontamination in section 11-264-228, subsection 11-264-280(e), or section 11-264-258, respectively. The demonstration may be made in the following ways:

- (i) If the owner/operator has submitted a Part B application for a post-closure permit, the owner/operator may request a determination, based on information contained in the application, that chapter 11-264 closure by removal standards were met. If the director believes that chapter 11-264 standards were met, he/she will notify the public of this proposed decision, allow for public comment, and reach a final determination according to the procedures in paragraph (c)(6) of this section.
 - (ii) If the owner/operator has not submitted a Part B application for a post-closure permit, the owner/operator may petition the director for a determination that a post-closure permit is not required because the closure met the applicable chapter 11-264 closure standards.
 - (A) The petition must include data demonstrating that closure by removal or decontamination standards were met.
 - (B) The director shall approve or deny the petition according to the procedures outlined in paragraph (c)(6).
- (6) Procedures for closure equivalency determination.
- (i) If a facility owner/operator seeks an equivalency demonstration under paragraph 11-270-1(c)(5), the director will provide the public, through a newspaper notice, the opportunity to submit written comments on the information submitted by the owner/operator within thirty days from the date of the notice. The director will also, in response to a request or at his/her own discretion, hold a public hearing whenever such a hearing might clarify one or more issues concerning the equivalence of the chapter 11-265 closure to a chapter 11-264 closure. The director will give public notice of the hearing at least thirty days before it occurs. (Public notice of the hearing may be given at the same time as notice of the opportunity for the public to submit written comments, and the two notices may be combined.)
 - (ii) The director will determine whether the chapter

11-265 closure met chapter 11-264 closure by removal or decontamination requirements within ninety days of its receipt. If the director finds that the closure did not meet the applicable chapter 11-264 standards, he/she will provide the owner/operator with a written statement of the reasons why the closure failed to meet chapter 11-264 standards. The owner/operator may submit additional information in support of an equivalency demonstration within thirty days after receiving such written statement. The director will review any additional information submitted and make a final determination within sixty days.

(iii) If the director determines that the facility did not close in accordance with chapter 11-264 closure by removal standards, the facility is subject to post-closure permitting requirements.

(d) All references in tables and appendices to provisions of the code of federal regulations shall be construed to mean the State rule analogue of the referenced federal regulation (for example, 40 CFR 260.1 shall be construed to mean section 11-260-1 of the Hawaii Administrative Rules). [Eff 6/18/94; am 3/13/99; comp] (Auth: HRS §§342J-4, 342J-31, 342J-35) (Imp: 40 C.F.R. §270.1)

§11-270-2 Definitions. The following definitions apply to chapters 11-270 and 11-271. Terms not defined in this section have the meaning given by HRS chapter 342J and chapter 11-260 of the Hawaii Administrative Rules.

"Administrator" means the Administrator of the United States Environmental Protection Agency, or an authorized representative.

"Any state" means any of the fifty states, the District of Columbia, Guam, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands.

"Application" means the EPA standard national forms for applying for a permit (see Appendix I). Application also includes the information required by the director under sections 11-270-14 through 11-270-29 (contents of Part B of the hazardous waste management permit application).

"Aquifer" means a geological formation, group of formations, or part of a formation that is capable of yielding a significant amount of water to a well or spring.

"Closure" means the act of securing a Hazardous Waste Management facility pursuant to the requirements of chapter 11-264.

"Component" means any constituent part of a unit or any group of constituent parts of a unit which are assembled to perform a specific function (e.g., a pump seal, pump, kiln liner,

kiln thermocouple).

"Corrective action management unit" or "CAMU" means an area within a facility that is designated by the director under chapter 11-264 subchapter S, for the purpose of implementing corrective action requirements under section 11-264-101 and HRS section 342J-36. A CAMU shall only be used for the management of remediation wastes pursuant to implementing such corrective action requirements at the facility.

"CWA" means the federal Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act amendments of 1972) Pub. L. 92-500, as amended by Pub. L. 92-217 and Pub. L. 95-576; 33 U.S.C. 1251 et seq.

"Director" means the director of the department of health.

"Disposal" means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any hazardous waste into or on any land or water so that such hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground water.

"Disposal facility" means a facility or part of a facility at which hazardous waste is intentionally placed into or on the land or water, and at which hazardous waste will remain after closure. The term disposal facility does not include a corrective action management unit into which remediation wastes are placed.

"Draft permit" means a document prepared under section 11-271-6 indicating the director's tentative decision to issue or deny, modify, revoke and reissue, terminate, or reissue a permit. A notice of intent to terminate a permit, and a notice of intent to deny a permit, as discussed in section 11-271-5, are types of draft permits. A denial of a request for modification, revocation and reissuance, or termination, as discussed in section 11-271-5 is not a ``draft permit.'' A proposed permit is not a draft permit.

"Elementary neutralization unit" means a device which:

(a) Is used for neutralizing wastes only because they exhibit the corrosivity characteristic defined in section 11-261-22, or are listed in subchapter D of chapter 11-261 only for this reason; and

(b) Meets the definition of tank, tank system, container, transport vehicle, or vessel in section 11-260-10.

"Emergency permit" means a hazardous waste management permit issued in accordance with section 11-270-61.

"Environmental Protection Agency (EPA)" means the United States Environmental Protection Agency.

"EPA" means the United States Environmental Protection Agency.

"Existing hazardous waste management facility" or "existing facility" means a facility which:

was in operation or for which construction commenced on or before November 19, 1980, or

was in operation or for which construction commenced on or before the effective date of statutory or rule changes under RCRA that were made prior to the effective date of the first rules adopted under HRS chapter 342J, and that rendered the facility subject to the requirement to have a RCRA permit, or

is in operation or for which construction has begun on or before the effective date of statutory or rule changes under HRS chapter 342J that are made after the effective date of the first rules adopted under HRS chapter 342J and that render the facility subject to the requirement to have a permit under HRS section 342J-30.

A facility has commenced construction if:

- (a) The owner or operator has obtained the federal, State and County approvals or permits necessary to begin physical construction; and either
- (b) (1) A continuous on-site, physical construction program has begun; or
- (2) The owner or operator has entered into contractual obligations which cannot be cancelled or modified without substantial loss - for physical construction of the facility to be completed within a reasonable time.

"Facility mailing list" means the mailing list for a facility maintained by the department in accordance with section 11-271-10(c)(1)(ix).

"Facility or activity" means any HWM facility or any other facility or activity (including land or appurtenances thereto) that is subject to regulation under HRS chapter 342J and the rules adopted thereunder.

"Federal, State and County approvals or permits necessary to begin physical construction" means permits and approvals required under Federal, State, or County hazardous waste control statutes, regulations, rules or ordinances.

"Functionally equivalent component" means a component which performs the same function or measurement and which meets or exceeds the performance specifications of another component.

"Generator" means any person, by site location, whose act, or process produces ``hazardous waste'' identified or listed in chapter 11-261.

"Ground water" means water below the land surface in a zone of saturation.

"HWM facility" means a hazardous waste management facility.

"Hazardous waste" means a hazardous waste as defined in section 11-261-3.

"Hazardous waste management facility" or "HWM facility" means all contiguous land, and structures, other appurtenances, and improvements on the land, used for treating, storing, or disposing of hazardous waste. A facility may consist of several treatment, storage, or disposal operational units (for example,

one or more landfills, surface impoundments, or combinations of them).

"Hazardous waste management permit" means a permit required under HRS section 342J-30(a).

"Injection well" means a well into which fluids are being injected.

"In operation" means a facility which is treating, storing, or disposing of hazardous waste.

"Major facility" means any facility or activity classified as such by the Regional Administrator in conjunction with the director.

"Manifest" means the shipping document originated and signed by the generator which contains the information required by subchapter B of chapter 11-262.

"National Pollutant Discharge Elimination System" means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under sections 307, 402, 318, and 405 of the federal CWA. The term includes an approved program.

"NPDES" means National Pollutant Discharge Elimination System.

"New HWM facility" means a hazardous waste management facility which began operation or for which construction commenced after November 19, 1980, and which is not included in the definition of "existing facility". (See also "existing hazardous waste management facility").

"Off-site" means any site which is not on-site.

"On-site" means on the same or geographically contiguous property which may be divided by public or private right(s)-of-way, provided the entrance and exit between the properties is at a cross-roads intersection, and access is by crossing as opposed to going along, the right(s)-of-way. Non-contiguous properties owned by the same person but connected by a right-of-way which the person controls and to which the public does not have access, is also considered on-site property.

"Owner or operator" means the owner or operator of any facility or activity subject to regulation under HRS chapter 342J and the rules adopted thereunder.

"Permit" means an authorization, license, or equivalent control document issued by EPA or the State to implement the requirements of 40 CFR Parts 270, 271 and 124 or chapters 11-270 and 11-271. Permit includes permit by rule (section 11-270-60), and emergency permit (section 11-270-61). Permit does not include hazardous waste management interim status (subchapter G of this chapter), or any permit which has not yet been the subject of final EPA or department action, such as a draft permit or a proposed permit.

"Permit-by-rule" means a provision of these regulations stating that a facility or activity is deemed to have a hazardous

waste management permit if it meets the requirements of the provision.

"Person" means any individual, partnership, firm, joint stock company, association, public or private corporation, federal agency, the State or any of its political subdivisions, any state and any of its political subdivisions, trust, estate, interstate body, or any other legal entity, or an agent or employee thereof.

"Physical construction" means excavation, movement of earth, erection of forms or structures, or similar activity to prepare an HWM facility to accept hazardous waste.

"POTW" means publicly owned treatment works.

"Publicly owned treatment works" means any device or system used in the treatment (including recycling and reclamation) of municipal sewage or industrial wastes of a liquid nature which is owned by the State or a county. This definition includes sewers, pipes, or other conveyances only if they convey wastewater to a POTW providing treatment.

"RCRA" means the federal Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976, as amended by the Hazard and Solid Waste Amendments of 1984 (Pub. L. 94-580, as amended by Pub. L. 95-609 and Pub. L. 96-482, 42 U.S.C. 6901 et seq. (1984)).

"Regional Administrator" means the Regional Administrator of the appropriate Regional Office of the Environmental Protection Agency or the authorized representative of the Regional Administrator.

"SIC code" means standard industrial classification code.

"Schedule of compliance" means a schedule of remedial measures included in a permit, including an enforceable sequence of interim requirements (for example, actions, operations, or milestone events) leading to compliance with HRS chapter 342J and the rules adopted thereunder.

"SDWA" means the federal Safe Drinking Water Act (Pub. L. 95-523, as amended by Pub. L. 95-1900; 42 U.S.C. 3001 et seq.).

"Site" means the land or water area where any facility or activity is physically located or conducted, including adjacent land used in connection with the facility or activity.

"State" means the State of Hawaii.

"State/EPA Agreement" means an agreement between the Regional Administrator and the State which coordinates EPA and State activities, responsibilities and programs.

"Storage" means the holding of hazardous waste for a temporary period, at the end of which the hazardous waste is treated, disposed, or stored elsewhere.

"Transfer facility" means any transportation-related facility including loading docks, parking areas, storage areas and other similar areas where shipments of hazardous waste are held during the normal course of transportation.

"Transporter" means a person engaged in the off-site

transportation of hazardous waste by air, rail, highway or water.

"Treatment" means any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any hazardous waste so as to neutralize such wastes, or so as to recover energy or material resources from the waste, or so as to render such waste non-hazardous, or less hazardous; safer to transport, store, or dispose of; or amenable for recovery, amenable for storage, or reduced in volume.

"UIC" means the Underground Injection Control Program under Part C of the federal Safe Drinking Water Act, including an approved program.

"Underground injection" means a well injection.

"Underground source of drinking water" or "USDW" means an aquifer or its portion:

- (a)(1) Which supplies any public water system; or
- (2) Which contains a sufficient quantity of ground water to supply a public water system; and
 - (i) Currently supplies drinking water for human consumption; or
 - (ii) Contains fewer than ten-thousand mg/l total dissolved solids; and
- (b) Which is not an exempted aquifer.

"USDW" means underground source of drinking water.

"Wastewater treatment unit" means a device which:

(a) Is part of a wastewater treatment facility which is subject to regulation under either section 402 or 307(b) of the federal Clean Water Act; and

(b) Receives and treats or stores an influent wastewater which is a hazardous waste as defined in section 11-261-3, or generates and accumulates a wastewater treatment sludge which is a hazardous waste as defined in section 11-261-3, or treats or stores a wastewater treatment sludge which is a hazardous waste as defined in section 11-261-3; and

(c) Meets the definition of tank or tank system in section 11-260-10. [Eff 3/18/94; 3/13/99; comp _____] (Auth: HRS §§342J-4, 342J-31, 342J-35) (Imp: 40 C.F.R. §270.2)

§11-270-3 [Reserved]

§11-270-4 Effect of a permit. (a) Compliance with a hazardous waste management permit during its term constitutes compliance, for purposes of enforcement, with chapter 342J, HRS and the rules adopted thereunder except for those requirements not included in the permit which:

- (1) Become effective by statute;
- (2) Are promulgated under chapter 11-268 restricting the placement of hazardous wastes in or on the land;

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- (3) Are promulgated under chapter 11-264 regarding leak detection systems for new and replacement surface impoundment, waste pile, and landfill units, and lateral expansions of surface impoundment, waste pile, and landfill units. The leak detection system requirements include double liners, CQA programs, monitoring, action leakage rates, and response action plans, and will be implemented through the procedures of section 11-270-42 Class 1 permit modifications; or
 - (4) Are promulgated under chapter 11-265, subchapter AA, BB, or CC limiting air emissions.
- (b) The issuance of a permit does not convey any property rights of any sort, or any exclusive privilege.
- (c) The issuance of a permit does not authorize any injury to persons or property or invasion of other private rights, or any infringement of State or local law, regulations, or ordinances. [Eff 3/18/94; am 3/13/99; comp]
(Auth: HRS §§342J-4, 342J-31, 342J-35) (Imp: 40 C.F.R. §270.4)

§11-270-5 [Reserved]

§11-270-6 References. (a) When used in chapter 11-270, the following publications are incorporated by reference: (See section 11-260-11 References)

(b) The references listed in subsection (a) are also available for inspection at the Office of the Federal Register, 1100 L Street, NW., Washington, DC 20408. These materials are incorporated as they exist on the effective date of this section. [Eff 3/18/94; am 3/13/99; comp] (Auth: HRS §§342J-4, 342J-31, 342J-35) (Imp: 40 C.F.R. §270.6)

SUBCHAPTER B

PERMIT APPLICATION

§11-270-10 General application requirements. (a) Permit application. Any person who is required to have a permit (including new applicants and permittees with expiring permits) shall complete, sign, and submit an application to the director as described in this section and sections 11-270-70 through 11-270-73. Persons currently authorized with interim status shall apply for permits when required by the director. Persons covered by hazardous waste management permits by rule (section 11-270-60), need not apply. Procedures for applications, issuance and administration of emergency permits are found exclusively in section 11-270-61. Procedures for application, issuance and administration of research, development, and demonstration

permits are found exclusively in section 11-270-65.

(b) Who applies? When a facility or activity is owned by one person but is operated by another person, it is the operator's duty to obtain a permit, except that the owner must also sign the permit application.

(c) Completeness. The director shall not issue a permit before receiving a complete application for a permit except for permits by rule, or emergency permits. An application for a permit is complete when the director receives an application form and any supplemental information which are completed to his satisfaction. An application for a permit is complete notwithstanding the failure of the owner or operator to submit the exposure information described in subsection (j). The director may deny a permit for the active life of a hazardous waste management facility or unit before receiving a complete application for a permit.

(d) Information requirements. All applicants for hazardous waste management permits shall provide information set forth in section 11-270-13 and applicable provisions in sections 11-270-14 through 11-270-29 to the director, using the application form provided by the director.

(e) Existing HWM facilities and interim status qualifications.

(1) Owners and operators of existing hazardous waste management facilities must submit Part A of their permit application no later than:

(i) [Reserved]

(ii) Thirty days after the date they first become subject to the standards set forth in chapter 11-265 or 11-266.

(iii) For generators generating greater than one-hundred kilograms but less than one-thousand kilograms of hazardous waste in a calendar month and treats, stores, or disposes of these wastes on-site, by the effective date of this subchapter.

(2) [Reserved]

(3) The director may by compliance order issued under section 342J-7, HRS extend the date by which the owner and operator of an existing hazardous waste management facility must submit Part A of their permit application.

(4) The owner or operator of an existing HWM facility may be required to submit Part B of their permit application. Any owner or operator shall be allowed at least six months from the date of request to submit Part B of the application. Any owner or operator of an existing HWM facility may voluntarily submit Part B of the application at any time. Notwithstanding the above, any owner or operator of an existing HWM facility must submit a Part B permit application in accordance with

the dates specified in section 11-270-73. Any owner or operator of a land disposal facility in existence on the effective date of statutory or rule amendments under chapter 342J, HRS that render the facility subject to the requirement to have a hazardous waste management permit must submit a Part B application in accordance with the dates specified in section 11-270-73.

- (5) Failure to furnish a requested Part B application on time, or to furnish in full the information required by the Part B application, is grounds for termination of interim status.
- (f) New HWM facilities.
 - (1) Except as provided in paragraph (f)(3), no person shall begin physical construction of a new HWM facility without having submitted Parts A and B of the permit application and having received a finally effective hazardous waste management permit.
 - (2) An application for a permit for a new HWM facility (including both Parts A and B) may be filed any time after promulgation of those standards in subchapter I et seq. of chapter 11-264 applicable to such facility. The application shall be filed with the director. Except as provided in paragraph (f)(3) of this section, all applications must be submitted at least one-hundred and eighty days before physical construction is expected to commence.
 - (3) Notwithstanding paragraph (f)(1) of this section, a person may construct a facility for the incineration of polychlorinated biphenyls pursuant to an approval issued by the Administrator under section (6)(e) of the federal Toxic Substances Control Act and any person owning or operating such a facility may, at any time after construction or operation of such facility has begun, file an application for a hazardous waste management permit to incinerate hazardous waste authorizing such facility to incinerate waste identified or listed under HRS chapter 342J.
- (g) Updating permit applications.
 - (1) If any owner or operator of a HWM facility has filed Part A of a permit application and has not yet filed Part B, the owner or operator shall file an amended Part A application:
 - (i) [Reserved]
 - (ii) With the director, no later than the effective date of amendments to provisions in chapter 11-261 listing or designating wastes as hazardous, if the facility is treating, storing, or disposing of any of those newly listed or designated wastes; or

- (iii) As necessary to comply with provisions of section 11-270-72 for changes during interim status. Revised Part A applications necessary to comply with the provisions of section 11-270-72 shall be filed with the director.
- (2) The owner or operator of a facility who fails to comply with the updating requirements of paragraph (g)(1) of this section does not receive interim status as to the wastes not covered by duly filed Part A applications.
- (h) Reapplications. Any HWM facility with an effective permit shall submit a new application at least one-hundred and eighty days before the expiration date of the effective permit, unless permission for a later date has been granted by the director. (The director shall not grant permission for applications to be submitted later than the expiration date of the existing permit.)
 - (i) Recordkeeping. Applicants shall keep records of all data used to complete permit applications and any supplemental information submitted under subsection 11-270-10(d), sections 11-270-13, and 11-270-14 through 11-270-21 for a period of at least three years from the date the application is signed.
 - (j) Exposure information.
 - (1) Any Part B permit application submitted by an owner or operator of a facility that stores, treats, or disposes of hazardous waste in a surface impoundment or a landfill must be accompanied by information, reasonably ascertainable by the owner or operator, on the potential for the public to be exposed to hazardous wastes or hazardous constituents through releases related to the unit. At a minimum, such information must address:
 - (i) Reasonably foreseeable potential releases from both normal operations and accidents at the unit, including releases associated with transportation to or from the unit;
 - (ii) The potential pathways of human exposure to hazardous wastes or constituents resulting from the releases described under subparagraph (j)(1)(i); and
 - (iii) The potential magnitude and nature of the human exposure resulting from such releases.
 - (2) Owners and operators of a landfill or a surface impoundment who have a RCRA permit or have already submitted a Part B application to EPA must submit the exposure information required in paragraph (j)(1) to the department, by the effective date of this rule, if they have not previously submitted this information to EPA.
 - (k) The director may require a permittee or an applicant to submit information in order to establish permit conditions under

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paragraph 11-270-32(b)(2) and subsection 11-270-50(d). [Eff 6/18/94; am 3/13/99; comp] (Auth: HRS §§342J-4, 342J-31, 342J-35) (Imp: 40 C.F.R. §270.10)

§11-270-11 Signatories to permit applications and reports.

(a) Applications. All permit applications shall be signed as follows:

(1) For a corporation: By a responsible corporate officer. For the purpose of this section, a responsible corporate officer means:

(i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decisionmaking functions for the corporation, or

(ii) The manager of one or more manufacturing, production or operating facilities employing more than two-hundred and fifty persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(2) For a partnership or sole proprietorship; by a general partner or the proprietor, respectively; or

(3) For a municipality, County, State, or federal agency or other public agency: by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a federal agency includes:

(i) The chief executive officer of the agency, or

(ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).

(b) Reports. All reports required by permits and other information requested by the director shall be signed by a person described in subsection (a), or by a duly authorized representative of that person. A person is a duly authorized representative only if:

(1) The authorization is made in writing by a person described in subsection (a);

(2) The authorization specifies either an individual or a position having responsibility for overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, or position of equivalent responsibility. (A duly authorized representative may thus be either a named individual or any individual

occupying a named position); and

(3) The written authorization is submitted to the director.

(c) Changes to authorization. If an authorization under subsection (b) is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of subsection (b) must be submitted to the director prior to or together with any reports, information, or applications to be signed by an authorized representative.

(d) Certification. Any person signing a document under subsection (a) or (b) shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations." [Eff 6/18/94; comp]
(Auth: HRS §§342J-4, 342J-31, 342J-35) (Imp: 40 C.F.R. §270.11)

§11-270-12 Confidentiality of information. (a) In accordance with chapter 11-280, any information submitted to the department pursuant to these rules may be claimed as confidential by the submitter. Any such claim must be asserted at the time of submission in the manner described in the instructions, or, if there are no instructions, by stamping the words ``confidential business information'' on each page containing such information. If no claim is made at the time of submission, the department may make the information available to the public without further notice. If a claim is asserted, the information will be treated in accordance with chapter 11-280.

(b) Claims of confidentiality for the name and address of any permit applicant or permittee will be denied. [Eff 6/18/94; comp] (Auth: HRS §§342J-4, 342J-14, 342J-31, 342J-35) (Imp: 40 C.F.R. §270.12)

§11-270-13 Contents of Part A of the permit application. Part A of the hazardous waste management permit application shall include the following information:

(a) The activities conducted by the applicant which require it to obtain a permit under HRS chapter 342J.

(b) Name, mailing address, and location, including latitude and longitude of the facility for which the application is submitted.

(c) Up to four SIC codes which best reflect the principal products or services provided by the facility.

(d) The operator's name, address, telephone number, ownership status, and status as federal, state, private, public, or other entity.

(e) The name, address, and phone number of the owner of the facility.

(f) [Reserved]

(g) An indication of whether the facility is new or existing and whether it is a first or revised application.

(h) For existing facilities, (1) a scale drawing of the facility showing the location of all past, present, and future treatment, storage, and disposal areas; and (2) photographs of the facility clearly delineating all existing structures; existing treatment, storage, and disposal areas; and sites of future treatment, storage, and disposal areas.

(i) A description of the processes to be used for treating, storing, and disposing of hazardous waste, and the design capacity of these items.

(j) A specification of the hazardous wastes listed or designated under chapter 11-261 to be treated, stored, or disposed of at the facility, an estimate of the quantity of such wastes to be treated, stored, or disposed annually, and a general description of the processes to be used for such wastes.

(k) A listing of all permits or construction approvals received or applied for under any of the following programs:

- (1) Hazardous waste management program under the federal RCRA or HRS chapter 342J.
- (2) UIC program under the federal SWDA or equivalent State program.
- (3) NPDES program under the federal CWA or equivalent State program.
- (4) Prevention of significant deterioration (PSD) program under the federal Clean Air Act or equivalent State program.
- (5) Nonattainment program under the federal Clean Air Act or equivalent State program.
- (6) National Emission Standards for Hazardous Pollutants (NESHAPS) preconstruction approval under the federal Clean Air Act or equivalent State program.
- (7) Ocean dumping permits under the federal Marine Protection Research and Sanctuaries Act or equivalent State program.
- (8) Dredge or fill permits under section 404 of the federal CWA or equivalent State program.
- (9) Other relevant environmental permits, including federal and State permits.

(l) A topographic map (or other map if a topographic map is unavailable) extending one mile beyond the property boundaries of the source, depicting the facility and each of its intake and

discharge structures; each of its hazardous waste treatment, storage, or disposal facilities; each well where fluids from the facility are injected underground; and those wells, springs, other surface water bodies, and drinking water wells listed in public records or otherwise known to the applicant within .25 mile of the facility property boundary.

(m) A brief description of the nature of the business.

(n) For hazardous debris, a description of the debris category(ies) and contaminant category(ies) to be treated, stored, or disposed of at the facility. [Eff 6/18/94; comp] (Auth: HRS §§342J-4, 342J-31, 342J-35) (Imp: 40 C.F.R. §270.13)

§11-270-14 Contents of Part B: General requirements.

(a) Part B of the permit application consists of the general information requirements of this section, and the specific information requirements in sections 11-270-14 through 11-270-29 applicable to the facility. The Part B information requirements presented in sections 11-270-14 through 11-270-29 reflect the standards promulgated in chapter 11-264. These information requirements are necessary in order for the department to determine compliance with the chapter 11-264 standards. If owners and operators of HWM facilities can demonstrate that the information prescribed in Part B can not be provided to the extent required, the director may make allowance for submission of such information on a case-by-case basis. Information required in Part B shall be submitted to the director and signed in accordance with requirements in section 11-270-11. Certain technical data, such as design drawings and specifications, and engineering studies shall be certified by a registered professional engineer.

(b) General information requirements. The following information is required for all HWM facilities, except as section 11-264-1 provides otherwise:

- (1) A general description of the facility.
- (2) Chemical and physical analyses of the hazardous waste and hazardous debris to be handled at the facility. At a minimum, these analyses shall contain all the information which must be known to treat, store, or dispose of the wastes properly in accordance with chapter 11-264.
- (3) A copy of the waste analysis plan required by subsection 11-264-13(b) and, if applicable subsection 11-264-13(c).
- (4) A description of the security procedures and equipment required by section 11-264-14, or a justification demonstrating the reasons for requesting a waiver of this requirement.
- (5) A copy of the general inspection schedule required by

- subsection 11-264-15(b). Include, where applicable, as part of the inspection schedule, specific requirements in section 11-264-174, subsection 11-264-193(i), sections 11-264-195, 11-264-226, 11-264-254, 11-264-273, 11-264-303, 11-264-602, 11-264-1033, 11-264-1052, 11-264-1053, 11-264-1058, 11-264-1084, 11-264-1085, 11-264-1086, and 11-264-1088.
- (6) A justification of any request for a waiver(s) of the preparedness and prevention requirements of chapter 11-264, subchapter C.
 - (7) A copy of the contingency plan required by chapter 11-264, subchapter D. Note: Include, where applicable, as part of the contingency plan, specific requirements in sections 11-264-227, 11-264-255, and 11-264-200.
 - (8) A description of procedures, structures, or equipment used at the facility to:
 - (i) Prevent hazards in unloading operations (for example, ramps, special forklifts);
 - (ii) Prevent runoff from hazardous waste handling areas to other areas of the facility or environment, or to prevent flooding (for example, berms, dikes, trenches);
 - (iii) Prevent contamination of water supplies;
 - (iv) Mitigate effects of equipment failure and power outages;
 - (v) Prevent undue exposure of personnel to hazardous waste (for example, protective clothing); and
 - (vi) Prevent releases to atmosphere.
 - (9) A description of precautions to prevent accidental ignition or reaction of ignitable, reactive, or incompatible wastes as required to demonstrate compliance with section 11-264-17 including documentation demonstrating compliance with subsection 11-264-17(c).
 - (10) Traffic pattern, estimated volume (number, types of vehicles) and control (for example, show turns across traffic lanes, and stacking lanes (if appropriate); describe access road surfacing and load bearing capacity; show traffic control signals).
 - (11) Facility location information;
 - (i) In order to determine the applicability of the seismic standard the owner or operator of a new facility must identify the political jurisdiction (e.g., county, township, or election district) in which the facility is proposed to be located.
 - (ii) If the facility is proposed to be located on the Island of Hawaii, the owner or operator shall demonstrate compliance with the seismic standard. This demonstration may be made using either published geologic data or data obtained from

field investigations carried out by the applicant. The information provided must be of such quality to be acceptable to geologists experienced in identifying and evaluating seismic activity. The information submitted must show that either:

- (A) No faults which have had displacement in Holocene time are present, or no lineations which suggest the presence of a fault (which have displacement in Holocene time) within three-thousand feet of a facility are present, based on data from:
 - (1) Published geologic studies,
 - (2) Aerial reconnaissance of the area within a five-mile radius from the facility.
 - (3) An analysis of aerial photographs covering a three-thousand foot radius of the facility, and
 - (4) If needed to clarify the above data, a reconnaissance based on walking portions of the area within three-thousand feet of the facility, or
 - (B) If faults (to include lineations) which have had displacement in Holocene time are present within three-thousand feet of a facility, no faults pass within two-hundred feet of the portions of the facility where treatment, storage, or disposal of hazardous waste will be conducted, based on data from a comprehensive geologic analysis of the site. Unless a site analysis is otherwise conclusive concerning the absence of faults within two-hundred feet of such portions of the facility data shall be obtained from a subsurface exploration (trenching) of the area within a distance no less than two-hundred feet from portions of the facility where treatment, storage, or disposal of hazardous waste will be conducted. Such trenching shall be performed in a direction that is perpendicular to known faults (which have had displacement in Holocene time) passing within three-thousand feet of the portions of the facility where treatment, storage, or disposal of hazardous waste will be conducted. Such investigation shall document with supporting maps and other analyses, the location of faults found.
- (iii) Owners and operators of all facilities shall provide an identification of whether the facility is located within a one-hundred year floodplain.

This identification must indicate the source of data for such determination and include a copy of the relevant Federal Insurance Administration (FIA) flood map, if used, or the calculations and maps used where an FIA map is not available. Information shall also be provided identifying the one-hundred year flood level and any other special flooding factors (e.g., wave action) which must be considered in designing, constructing, operating, or maintaining the facility to withstand washout from a one-hundred year flood.

Where maps for the National Flood Insurance Program produced by the Federal Insurance Administration (FIA) of the Federal Emergency Management Agency are available, they will normally be determinative of whether a facility is located within or outside of the 100-year flood-plain. However, where the FIA map excludes an area (usually areas of the flood-plain less than 200 feet in width), these areas must be considered and a determination made as to whether they are in the 100-year floodplain. Where FIA maps are not available for a proposed facility location, the owner or operator must use equivalent mapping techniques to determine whether the facility is within the 100-year floodplain, and if so located, what the 100-year flood elevation would be.

- (iv) Owners and operators of facilities located in the one-hundred year floodplain must provide the following information:
 - (A) Engineering analysis to indicate the various hydrodynamic and hydrostatic forces expected to result at the site as consequence of a one-hundred year flood.
 - (B) Structural or other engineering studies showing the design of operational units (e.g., tanks, incinerators) and flood protection devices (e.g., floodwalls, dikes) at the facility and how these will prevent washout.
 - (C) If applicable, and in lieu of clauses (b)(11)(iv)(A) and (b)(11)(iv)(B), a detailed description of procedures to be followed to remove hazardous waste to safety before the facility is flooded, including:
 - (1) Timing of such movement relative to flood levels, including estimated time to move the waste, to show that such

- movement can be completed before floodwaters reach the facility.
- (2) A description of the location(s) to which the waste will be moved and demonstration that those facilities will be eligible to receive hazardous waste in accordance with the rules under chapters 11-270, 11-271, and 11-264 through 11-266.
 - (3) The planned procedures, equipment, and personnel to be used and the means to ensure that such resources will be available in time for use.
 - (4) The potential for accidental discharges of the waste during movement.
- (v) Existing facilities NOT in compliance with subsection 11-264-18(b) shall provide a plan showing how the facility will be brought into compliance and a schedule for compliance.
- (12) An outline of both the introductory and continuing training programs by owners or operators to prepare persons to operate or maintain the HWM facility in a safe manner as required to demonstrate compliance with section 11-264-16. A brief description of how training will be designed to meet actual job tasks in accordance with requirements in paragraph 11-264-16(a)(3).
 - (13) A copy of the closure plan and, where applicable, the post-closure plan required by sections 11-264-112, 11-264-118, and 11-264-197. Include, where applicable, as part of the plans, specific requirements in sections 11-264-178, 11-264-197, 11-264-228, 11-264-258, 11-264-280, 11-264-310, 11-264-351, 11-264-601, and 11-264-603.
 - (14) For hazardous waste disposal units that have been closed, documentation that notices required under section 11-264-119 have been filed.
 - (15) The most recent closure cost estimate for the facility prepared in accordance with section 11-264-142 and a copy of the documentation required to demonstrate financial assurance under section 11-264-143. For a new facility, a copy of the required documentation may be submitted sixty days prior to the initial receipt of hazardous wastes, if that is later than the submission of the Part B.
 - (16) Where applicable, the most recent post-closure cost estimate for the facility prepared in accordance with section 11-264-144 plus a copy of the documentation required to demonstrate financial assurance under section 11-264-145. For a new facility, a copy of the required documentation may be submitted sixty days

prior to the initial receipt of hazardous wastes, if that is later than the submission of the Part B.

- (17) Where applicable, a copy of the insurance policy or other documentation which comprises compliance with the requirements of section 11-264-147. For a new facility, documentation showing the amount of insurance meeting the specification of subsection 11-264-147(a) and, if applicable, subsection 11-264-147(b), that the owner or operator plans to have in effect before initial receipt of hazardous waste for treatment, storage, or disposal. A request for a variance in the amount of required coverage, for a new or existing facility, may be submitted as specified in subsection 11-264-147(c).
- (18) [Reserved]
- (19) A topographic map showing a distance of one-thousand feet around the facility at a scale of 2.5 centimeters (1 inch) equal to not more than 61.0 meters (200 feet). Contours must be shown on the map. The contour interval must be sufficient to clearly show the pattern of surface water flow in the vicinity of and from each operational unit of the facility. For example, contours with an interval of 1.5 meters (5 feet), if relief is greater than 6.1 meters (20 feet), or an interval of 0.6 meters (2 feet), if relief is less than 6.1 meters (20 feet). Owners and operators of HWM facilities located in mountainous areas should use large contour intervals to adequately show topographic profiles of facilities. The map shall clearly show the following:
 - (i) Map scale and date.
 - (ii) One-hundred year floodplain area.
 - (iii) Surface waters including intermittent streams.
 - (iv) Surrounding land uses (residential, commercial, agricultural, recreational).
 - (v) A wind rose (i.e., prevailing wind-speed and direction).
 - (vi) Orientation of the map (north arrow).
 - (vii) Legal boundaries of the HWM facility site.
 - (viii) Access control (fences, gates).
 - (ix) Injection and withdrawal wells both on-site and off-site.
 - (x) Buildings; treatment, storage, or disposal operations; or other structure (recreation areas, runoff control systems, access and internal roads, storm, sanitary, and process sewerage systems, loading and unloading areas, fire control facilities, etc.).
 - (xi) Barriers for drainage or flood control.
 - (xii) Location of operational units within the HWM facility site, where hazardous waste is (or will be) treated, stored, or disposed (include

equipment cleanup areas).

For large HWM facilities the department will allow the use of other scales on a case-by-case basis.

- (20) Applicants may be required to submit such information as may be necessary to enable the director to carry out his or her duties under other State laws or applicable federal laws.
- (21) For land disposal facilities, if a case-by-case extension has been approved under section 11-268-5 or a petition has been approved under section 11-268-6, a copy of the notice of approval for the extension or petition is required.
- (22) A summary of the pre-application meeting, along with a list of attendees and their addresses, and copies of any written comments or materials submitted at the meeting, as required under section 11-271-31(c).

(c) Additional information requirements. The following additional information regarding protection of groundwater is required from owners or operators of hazardous waste facilities containing a regulated unit except as provided in subsection 11-264-90(b):

- (1) A summary of the ground-water monitoring data obtained during the interim status period under sections 11-265-90 through 11-265-94, where applicable.
- (2) Identification of the uppermost aquifer and aquifers hydraulically interconnected beneath the facility property, including ground-water flow direction and rate, and the basis for such identification (i.e., the information obtained from hydrogeologic investigations of the facility area).
- (3) On the topographic map required under paragraph (b)(19), a delineation of the waste management area, the property boundary, the proposed ``point of compliance'' as defined under section 11-264-95, the proposed location of ground-water monitoring wells as required under section 11-264-97, and, to the extent possible, the information required in paragraph (c)(2) of this section.
- (4) A description of any plume of contamination that has entered the ground water from a regulated unit at the time that the application was submitted that:
 - (i) Delineates the extent of the plume on the topographic map required under paragraph (b)(19);
 - (ii) Identifies the concentration of each Appendix IX, of chapter 11-264, constituent throughout the plume or identifies the maximum concentrations of each Appendix IX constituent in the plume.
- (5) Detailed plans and an engineering report describing the proposed ground water monitoring program to be implemented to meet the requirements of section 11-264-

97.

- (6) If the presence of hazardous constituents has not been detected in the ground water at the time of permit application, the owner or operator must submit sufficient information, supporting data, and analyses to establish a detection monitoring program which meets the requirements of section 11-264-98. This submission must address the following items specified under section 11-264-98:
 - (i) A proposed list of indicator parameters, waste constituents, or reaction products that can provide a reliable indication of the presence of hazardous constituents in the ground water;
 - (ii) A proposed ground-water monitoring system;
 - (iii) Background values for each proposed monitoring parameter or constituent, or procedures to calculate such values; and
 - (iv) A description of proposed sampling, analysis and statistical comparison procedures to be utilized in evaluating ground-water monitoring data.
- (7) If the presence of hazardous constituents has been detected in the ground water at the point of compliance at the time of the permit application, the owner or operator must submit sufficient information, supporting data, and analyses to establish a compliance monitoring program which meets the requirements of section 11-264-99. Except as provided in paragraph 11-264-98(h)(5), the owner or operator must also submit an engineering feasibility plan for a corrective action program necessary to meet the requirements of section 11-264-100, unless the owner or operator obtains written authorization in advance from the director to submit a proposed permit schedule for submittal of such a plan. To demonstrate compliance with section 11-264-99, the owner or operator must address the following items:
 - (i) A description of the wastes previously handled at the facility;
 - (ii) A characterization of the contaminated ground water, including concentrations of hazardous constituents;
 - (iii) A list of hazardous constituents for which compliance monitoring will be undertaken in accordance with sections 11-264-97 and 11-264-99;
 - (iv) Proposed concentration limits for each hazardous constituent, based on the criteria set forth in subsection 11-264-94(a), including a justification for establishing any alternate concentration limits;
 - (v) Detailed plans and an engineering report describing the proposed ground-water monitoring

- system, in accordance with the requirements of section 11-264-97; and
- (vi) A description of proposed sampling, analysis and statistical comparison procedures to be utilized in evaluating ground-water monitoring data.
- (8) If hazardous constituents have been measured in the ground water which exceed the concentration limits established under section 11-264-94 Table 1, or if ground water monitoring conducted at the time of permit application under sections 11-265-90 through 11-265-94 at the waste boundary indicates the presence of hazardous constituents from the facility in ground water over background concentrations, the owner or operator must submit sufficient information, supporting data, and analyses to establish a corrective action program which meets the requirements of section 11-264-100. However, an owner or operator is not required to submit information to establish a corrective action program if he demonstrates to the director that alternate concentration limits will protect human health and the environment after considering the criteria listed in subsection 11-264-94(b). An owner or operator who is not required to establish a corrective action program for this reason must instead submit sufficient information to establish a compliance monitoring program which meets the requirements of section 11-264-99 and paragraph (c)(6) of this section. To demonstrate compliance with section 11-264-100, the owner or operator must address, at a minimum, the following items:
- (i) A characterization of the contaminated ground water, including concentrations of hazardous constituents;
 - (ii) The concentration limit for each hazardous constituent found in the ground water as set forth in section 11-264-94;
 - (iii) Detailed plans and an engineering report describing the corrective action to be taken; and
 - (iv) A description of how the ground-water monitoring program will demonstrate the adequacy of the corrective action.
 - (v) The permit may contain a schedule for submittal of the information required in paragraphs (c)(8)(iii) and (c)(8)(iv) provided the owner or operator obtains written authorization from the director prior to submittal of the complete permit application.
- (d) Information requirements for solid waste management units.
- (1) The following information is required for each solid

waste management unit at a facility seeking a permit:

- (i) The location of the unit on the topographic map required under paragraph (b)(19).
 - (ii) Designation of type of unit.
 - (iii) General dimensions and structural description (supply any available drawings).
 - (iv) When the unit was operated.
 - (v) Specification of all wastes that have been managed at the unit, to the extent available.
- (2) The owner or operator of any facility containing one or more solid waste management units must submit all available information pertaining to any release of hazardous wastes or hazardous constituents from such unit or units.
- (3) The owner/operator must conduct and provide the results of sampling and analysis of groundwater, landsurface, and subsurface strata, surface water, or air, which may include the installation of wells, where the director ascertains it is necessary to complete a RCRA Facility Assessment (RFA) that will determine if a more complete investigation is necessary. [Eff 6/18/94; am 3/13/99; comp] (Auth: HRS §§342J-4, 342J-31, 342J-35) (Imp: 40 C.F.R. §270.14)

§11-270-15 Specific Part B information requirements for containers. Except as otherwise provided in section 11-264-170, owners or operators of facilities that store containers of hazardous waste must provide the following additional information:

(a) A description of the containment system to demonstrate compliance with section 11-264-175. Show at least the following:

- (1) Basic design parameters, dimensions, and materials of construction.
- (2) How the design promotes drainage or how containers are kept from contact with standing liquids in the containment system.
- (3) Capacity of the containment system relative to the number and volume of containers to be stored.
- (4) Provisions for preventing or managing run-on.
- (5) How accumulated liquids can be analyzed and removed to prevent overflow.

(b) For storage areas that store containers holding wastes that do not contain free liquids, a demonstration of compliance with subsection 11-264-175(c), including:

- (1) Test procedures and results or other documentation or information to show that the wastes do not contain free liquids; and
- (2) A description of how the storage area is designed or operated to drain and remove liquids or how containers

are kept from contact with standing liquids.

(c) Sketches, drawings, or data demonstrating compliance with section 11-264-176 (location of buffer zone and containers holding ignitable or reactive wastes) and subsection 11-264-177(c) (location of incompatible wastes), where applicable.

(d) Where incompatible wastes are stored or otherwise managed in containers, a description of the procedures used to ensure compliance with subsections 11-264-177(a) and (b), and 11-264-17(b) and (c).

(e) Information on air emission control equipment as required in section 11-270-27. [Eff 6/18/94; am 3/13/99; comp] (Auth: HRS §§342J-4, 342J-31, 342J-35) (Imp: 40 C.F.R. §270.15) (Imp: 40 C.F.R. §270.15)

§11-270-16 Specific Part B information requirements for tank systems. Except as otherwise provided in section 11-264-190, owners and operators of facilities that use tanks to store or treat hazardous waste must provide the following additional information:

(a) A written assessment that is reviewed and certified by an independent, qualified, registered professional engineer as to the structural integrity and suitability for handling hazardous waste of each tank system, as required under sections 11-264-191 and 11-264-192;

(b) Dimensions and capacity of each tank;

(c) Description of feed systems, safety cutoff, bypass systems, and pressure controls (e.g., vents);

(d) A diagram of piping, instrumentation, and process flow for each tank system;

(e) A description of materials and equipment used to provide external corrosion protection, as required under subparagraph 11-264-192(a)(3)(ii);

(f) For new tank systems, a detailed description of how the tank system(s) will be installed in compliance with subsections 11-264-192(b) through (e);

(g) Detailed plans and description of how the secondary containment system for each tank system is or will be designed, constructed, and operated to meet the requirements of subsections 11-264-193(a) through (f);

(h) For tank systems for which a variance from the requirements of section 11-264-193 is sought (as provided by subsection 11-264-193(g)):

(1) Detailed plans and engineering and hydrogeologic reports, as appropriate, describing alternate design and operating practices that will, in conjunction with location aspects, prevent the migration of any hazardous waste or hazardous constituents into the ground water or surface water during the life of the facility, or

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- (2) A detailed assessment of the substantial present or potential hazards posed to human health or the environment should a release enter the environment.
- (i) Description of controls and practices to prevent spills and overflows, as required under subsection 11-264-194(b); and
- (j) For tank systems in which ignitable, reactive, or incompatible wastes are to be stored or treated, a description of how operating procedures and tank system and facility design will achieve compliance with the requirements of sections 11-264-198 and 11-264-199.
- (k) Information on air emission control equipment as required in section 11-270-27. [Eff 6/18/94; am 3/13/99; comp] (Auth: HRS §§342J-4, 342J-31, 342J-35) (Imp: 40 C.F.R. §270.16)

§11-270-17 Specific Part B information requirements for surface impoundments. Except as otherwise provided in section 11-264-1, owners and operators of facilities that store, treat or dispose of hazardous waste in surface impoundments must provide the following additional information:

- (a) A list of the hazardous wastes placed or to be placed in each surface impoundment;
- (b) Detailed plans and an engineering report describing how the surface impoundment is designed and is or will be constructed, operated, and maintained to meet the requirements of sections 11-264-19, 11-264-221, 11-264-222, and 11-264-223, addressing the following items:
 - (1) The liner system (except for an existing portion of a surface impoundment). If an exemption from the requirement for a liner is sought as provided by subsection 11-264-221(b), submit detailed plans and engineering and hydrogeologic reports, as appropriate, describing alternate design and operating practices that will, in conjunction with location aspects, prevent the migration of any hazardous constituents into the ground water or surface water at any future time;
 - (2) The double liner and leak (leachate) detection, collection, and removal system, if the surface impoundment must meet the requirements of subsection 11-264-221(c). If an exemption from the requirements for double liners and a leak detection, collection, and removal system or alternative design is sought as provided by subsection 11-264-221(d), (e), or (f), submit appropriate information;
 - (3) If the leak detection system is located in a saturated zone, submit detailed plans and an engineering report explaining the leak detection system design and operation, and the location of the saturated zone in

- relation to the leak detection system;
- (4) The construction quality assurance (CQA) plan if required under section 11-264-19;
 - (5) Proposed action leakage rate, with rationale, if required under section 11-264-222, and response action plan, if required under section 11-264-223;
 - (6) Prevention of overtopping; and
 - (7) Structural integrity of dikes;
- (c) A description of how each surface impoundment, including the double liner system, leak detection system, cover system, and appurtenances for control of overtopping, will be inspected in order to meet the requirements of subsections 11-264-226(a), (b), and (d). This information must be included in the inspection plan submitted under paragraph 11-270-14(b)(5);
- (d) A certification by a qualified engineer which attests to the structural integrity of each dike, as required under subsection 11-264-226(c). For new units, the owner or operator must submit a statement by a qualified engineer that he will provide such a certification upon completion of construction in accordance with the plans and specifications;
- (e) A description of the procedure to be used for removing a surface impoundment from service, as required under subsections 11-264-227(b) and (c). This information should be included in the contingency plan submitted under paragraph 11-270-14(b)(7);
- (f) A description of how hazardous waste residues and contaminated materials will be removed from the unit at closure, as required under paragraph 11-264-228(a)(1). For any wastes not to be removed from the unit upon closure, the owner or operator must submit detailed-plans and an engineering report describing how paragraph 11-264-228(a)(2) and subsection 11-264-228(b) will be complied with. This information should be included in the closure plan and, where applicable, the post-closure plan submitted under paragraph 11-270-14(b)(13);
- (g) If ignitable or reactive wastes are to be placed in a surface impoundment, an explanation of how section 11-264-229 will be complied with;
- (h) If incompatible wastes, or incompatible wastes and materials will be placed in a surface impoundment, an explanation of how section 11-264-230 will be complied with.
- (i) A waste management plan for EPA Hazardous Waste Nos. FO20, FO21, FO22, FO23, FO26, and FO27 describing how the surface impoundment is or will be designed, constructed, operated, and maintained to meet the requirements of section 11-264-231. This submission must address the following items as specified in section 11-264-231:
- (1) The volume, physical, and chemical characteristics of the wastes, including their potential to migrate through soil or to volatilize or escape into the atmosphere;
 - (2) The attenuative properties of underlying and

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- surrounding soils or other materials;
- (3) The mobilizing properties of other materials co-disposed with these wastes; and
- (4) The effectiveness of additional treatment, design, or monitoring techniques.
- (j) Information on air emission control equipment as required in section 11-270-27. [Eff 6/18/94; am 3/13/99; comp] (Auth: HRS §§342J-4, 342J-31, 342J-35) (Imp: 40 C.F.R. §270.17)

§11-270-18 Specific Part B information requirements for waste piles. Except as otherwise provided in section 11-264-1, owners and operators of facilities that store or treat hazardous waste in waste piles must provide the following additional information:

(a) A list of hazardous wastes placed or to be placed in each waste pile;

(b) If an exemption is sought to section 11-264-251 and subchapter F of chapter 11-264 as provided by subsection 11-264-250(c) or paragraph 11-264-90(b)(2), an explanation of how the standards of subsection 11-264-250(c) will be complied with or detailed plans and an engineering report describing how the requirements of paragraph 11-264-90(b)(2) will be met.

(c) Detailed plans and an engineering report describing how the waste pile is designed and is or will be constructed, operated, and maintained to meet the requirements of sections 11-264-19, 11-264-251, 11-264-252, and 11-264-253, addressing the following items:

(1) (i) The liner system (except for an existing portion of a waste pile), if the waste pile must meet the requirements of subsection 11-264-251(a). If an exemption from the requirement for a liner is sought as provided by subsection 11-264-251(b), submit detailed plans, and engineering and hydrogeological reports, as appropriate, describing alternate designs and operating practices that will, in conjunction with location aspects, prevent the migration of any hazardous constituents into the ground water or surface water at any future time;

(ii) The double liner and leak (leachate) detection, collection, and removal system, if the waste pile must meet the requirements of subsection 11-264-251(c). If an exemption from the requirements for double liners and a leak detection, collection, and removal system or alternative design is sought as provided by subsection 11-264-251(d), (e), or (f), submit appropriate information;

(iii) If the leak detection system is located in a

saturated zone, submit detailed plans and an engineering report explaining the leak detection system design and operation, and the location of the saturated zone in relation to the leak detection system;

- (iv) The construction quality assurance (CQA) plan if required under section 11-264-19;
- (v) Proposed action leakage rate, with rationale, if required under section 11-264-252, and response action plan, if required under section 11-264-253;

- (2) Control of run-on;
- (3) Control of run-off;
- (4) Management of collection and holding units associated with run-on and run-off control systems; and
- (5) Control of wind dispersal of particulate matter, where applicable;

(d) A description of how each waste pile, including the double liner system, leachate collection and removal system, leak detection system, cover system, and appurtenances for control of run-on and run-off, will be inspected in order to meet the requirements of subsections 11-264-254(a), (b), and (c). This information must be included in the inspection plan submitted under paragraph 11-270-14(b)(5);

(e) If treatment is carried out on or in the pile, details of the process and equipment used, and the nature and quality of the residuals;

(f) If ignitable or reactive wastes are to be placed in a waste pile, an explanation of how the requirements of section 11-264-256 will be complied with;

(g) If incompatible wastes, or incompatible wastes and materials will be placed in a waste pile, an explanation of how section 11-264-257 will be complied with;

(h) A description of how hazardous waste residues and contaminated materials will be removed from the waste pile at closure, as required under subsection 11-264-258(a). For any waste not to be removed from the waste pile upon closure, the owner or operator must submit detailed plans and an engineering report describing how subsections 11-264-310(a) and (b) will be complied with. This information should be included in the closure plan and, where applicable, the post-closure plan submitted under paragraph 11-270-14(b)(13).

(i) A waste management plan for EPA Hazardous Waste Nos. F020, F021, F022, F023, F026, and F027 describing how a waste pile that is not enclosed (as defined in subsection 11-264-250(c)) is or will be designed, constructed, operated, and maintained to meet the requirements of section 11-264-259. This submission must address the following items as specified in section 11-264-259:

- (1) The volume, physical, and chemical characteristics of the wastes to be disposed in the waste pile, including

- their potential to migrate through soil or to volatilize or escape into the atmosphere;
- (2) The attenuative properties of underlying and surrounding soils or other materials;
 - (3) The mobilizing properties of other materials co-disposed with these wastes; and
 - (4) The effectiveness of additional treatment, design, or monitoring techniques. [Eff 6/18/94; comp] (Auth: HRS §§342J-4, 342J-31, 342J-35) (Imp: 40 C.F.R. §270.18)

§11-270-19 Specific Part B information requirements for incinerators. Except as section 11-264-340 provides otherwise, owners and operators of facilities that incinerate hazardous waste must fulfill the requirements of subsection (a), (b), or (c) of this section.

- (a) When seeking an exemption under subsection 11-264-340(b) or (c) (Ignitable, corrosive, or reactive wastes only):
 - (1) Documentation that the waste is listed as a hazardous waste in chapter 11-261, subchapter D, solely because it is ignitable (Hazard Code I) or corrosive (Hazard Code C) or both; or
 - (2) Documentation that the waste is listed as a hazardous waste in chapter 11-261, subchapter D, solely because it is reactive (Hazard Code R) for characteristics other than those listed in paragraphs 11-261-23(a)(4) and (5), and will not be burned when other hazardous wastes are present in the combustion zone; or
 - (3) Documentation that the waste is a hazardous waste solely because it possesses the characteristic of ignitability, corrosivity, or both, as determined by the tests for characteristics of hazardous waste under chapter 11-261, subchapter C; or
 - (4) Documentation that the waste is a hazardous waste solely because it possesses the reactivity characteristics listed in paragraph 11-261-23(a)(1), (2), (3), (6), (7), or (8), and that it will not be burned when other hazardous wastes are present in the combustion zone; or
- (b) Submit a trial burn plan or the results of a trial burn, including all required determinations, in accordance with section 11-270-62; or
- (c) In lieu of a trial burn, the applicant may submit the following information:
 - (1) An analysis of each waste or mixture of wastes to be burned including:
 - (i) Heat value of the waste in the form and composition in which it will be burned.
 - (ii) Viscosity (if applicable), or description of

- physical form of the waste.
- (iii) An identification of any hazardous organic constituents listed in chapter 11-261, Appendix VIII, which are present in the waste to be burned, except that the applicant need not analyze for constituents listed in chapter 11-261, Appendix VIII, which would reasonably not be expected to be found in the waste. The constituents excluded from analysis must be identified and the basis for their exclusion stated. The waste analysis must rely on analytical techniques specified in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846, as incorporated by reference in section 11-260-11 and section 11-270-6, or their equivalent.
 - (iv) An approximate quantification of the hazardous constituents identified in the waste, within the precision produced by the analytical methods specified in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846, as incorporated by reference in section 11-260-11 and section 11-270-6.
 - (v) A quantification of those hazardous constituents in the waste which may be designated as POHC's based on data submitted from other trial or operational burns which demonstrate compliance with the performance standards in section 11-264-343.
- (2) A detailed engineering description of the incinerator, including:
- (i) Manufacturer's name and model number of incinerator.
 - (ii) Type of incinerator.
 - (iii) Linear dimension of incinerator unit including cross sectional area of combustion chamber.
 - (iv) Description of auxiliary fuel system (type/feed).
 - (v) Capacity of prime mover.
 - (vi) Description of automatic waste feed cutoff system(s).
 - (vii) Stack gas monitoring and pollution control monitoring system.
 - (viii) Nozzle and burner design.
 - (ix) Construction materials.
 - (x) Location and description of temperature, pressure, and flow indicating devices and control devices.
- (3) A description and analysis of the waste to be burned compared with the waste for which data from operational or trial burns are provided to support the contention that a trial burn is not needed. The data should include those items listed in paragraph (c)(1). This

analysis should specify the POHC's which the applicant has identified in the waste for which a permit is sought, and any differences from the POHC's in the waste for which burn data are provided.

- (4) The design and operating conditions of the incinerator unit to be used, compared with that for which comparative burn data are available.
 - (5) A description of the results submitted from any previously conducted trial burn(s) including:
 - (i) Sampling and analysis techniques used to calculate performance standards in section 11-264-343,
 - (ii) Methods and results of monitoring temperatures, waste feed rates, carbon monoxide, and an appropriate indicator of combustion gas velocity (including a statement concerning the precision and accuracy of this measurement),
 - (6) The expected incinerator operation information to demonstrate compliance with sections 11-264-343 and 11-264-345 including:
 - (i) Expected carbon monoxide (CO) level in the stack exhaust gas.
 - (ii) Waste feed rate.
 - (iii) Combustion zone temperature.
 - (iv) Indication of combustion gas velocity.
 - (v) Expected stack gas volume, flow rate, and temperature.
 - (vi) Computed residence time for waste in the combustion zone.
 - (vii) Expected hydrochloric acid removal efficiency.
 - (viii) Expected fugitive emissions and their control procedures.
 - (ix) Proposed waste feed cut-off limits based on the identified significant operating parameters.
 - (7) Such supplemental information as the director finds necessary to achieve the purposes of this paragraph.
 - (8) Waste analysis data, including that submitted in paragraph (c)(1), sufficient to allow the director to specify as permit Principal Organic Hazardous Constituents (permit POHC's) those constituents for which destruction and removal efficiencies will be required.
- (d) The director shall approve a permit application without a trial burn if he finds that:
- (1) The wastes are sufficiently similar; and
 - (2) The incinerator units are sufficiently similar, and the data from other trial burns are adequate to specify (under section 11-264-345) operating conditions that will ensure that the performance standards in section 11-264-343 will be met by the incinerator. [Eff 6/18/94; am 3/13/99; comp] (Auth: HRS

§§342J-4, 342J-31, 342J-35) (Imp: 40 C.F.R. §270.19)

§11-270-20 Specific Part B information requirements for land treatment facilities. Except as otherwise provided in section 11-264-1, owners and operators of facilities that use land treatment to dispose of hazardous waste must provide the following additional information:

(a) A description of plans to conduct a treatment demonstration as required under section 11-264-272. The description must include the following information;

- (1) The wastes for which the demonstration will be made and the potential hazardous constituents in the waste;
- (2) The data sources to be used to make the demonstration (e.g., literature, laboratory data, field data, or operating data);
- (3) Any specific laboratory or field test that will be conducted, including:
 - (i) The type of test (e.g., column leaching, degradation);
 - (ii) Materials and methods, including analytical procedures;
 - (iii) Expected time for completion;
 - (iv) Characteristics of the unit that will be simulated in the demonstration, including treatment zone characteristics, climatic conditions, and operating practices.

(b) A description of a land treatment program, as required under section 11-264-271. This information must be submitted with the plans for the treatment demonstration, and updated following the treatment demonstration. The land treatment program must address the following items:

- (1) The wastes to be land treated;
- (2) Design measures and operating practices necessary to maximize treatment in accordance with subsection 11-264-273(a) including:
 - (i) Waste application method and rate;
 - (ii) Measures to control soil pH;
 - (iii) Enhancement of microbial or chemical reactions;
 - (iv) Control of moisture content;
- (3) Provisions for unsaturated zone monitoring, including:
 - (i) Sampling equipment, procedures, and frequency;
 - (ii) Procedures for selecting sampling locations;
 - (iii) Analytical procedures;
 - (iv) Chain of custody control;
 - (v) Procedures for establishing background values;
 - (vi) Statistical methods for interpreting results;
 - (vii) The justification for any hazardous constituents recommended for selection as principal hazardous constituents, in accordance with the criteria for

- such selection in subsection 11-264-278(a);
- (4) A list of hazardous constituents reasonably expected to be in, or derived from, the wastes to be land treated based on waste analysis performed pursuant to section 11-264-13;
 - (5) The proposed dimensions of the treatment zone;
- (c) A description of how the unit is or will be designed, constructed, operated, and maintained in order to meet the requirements of section 11-264-273. This submission must address the following items:
- (1) Control of run-on;
 - (2) Collection and control of run-off;
 - (3) Minimization of run-off of hazardous constituents from the treatment zone;
 - (4) Management of collection and holding facilities associated with run-on and run-off control systems;
 - (5) Periodic inspection of the unit. This information should be included in the inspection plan submitted under paragraph 11-270-14(b)(5);
 - (6) Control of wind dispersal of particulate matter, if applicable;
- (d) If food-chain crops are to be grown in or on the treatment zone of the land treatment unit, a description of how the demonstration required under subsection 11-264-276(a) will be conducted including:
- (1) Characteristics of the food-chain crop for which the demonstration will be made.
 - (2) Characteristics of the waste, treatment zone, and waste application method and rate to be used in the demonstration;
 - (3) Procedures for crop growth, sample collection, sample analysis, and data evaluation;
 - (4) Characteristics of the comparison crop including the location and conditions under which it was or will be grown;
- (e) If food-chain crops are to be grown, and cadmium is present in the land-treated waste, a description of how the requirements of subsection 11-264-276(b) will be complied with;
- (f) A description of the vegetative cover to be applied to closed portions of the facility, and a plan for maintaining such cover during the post-closure care period, as required under paragraphs 11-264-280(a)(8) and 11-264-280(c)(2). This information should be included in the closure plan and, where applicable, the post-closure care plan submitted under paragraph 11-270-14(b)(13);
- (g) If ignitable or reactive wastes will be placed in or on the treatment zone, an explanation of how the requirements of section 11-264-281 will be complied with;
- (h) If incompatible wastes, or incompatible wastes and materials, will be placed in or on the same treatment zone, an

explanation of how section 11-264-282 will be complied with.

(i) A waste management plan for EPA Hazardous Waste Nos. FO20, FO21, FO22, FO23, FO26, and FO27 describing how a land treatment facility is or will be designed, constructed, operated, and maintained to meet the requirements of section 11-264-283. This submission must address the following items as specified in section 11-264-283:

- (1) The volume, physical, and chemical characteristics of the wastes, including their potential to migrate through soil or to volatilize or escape into the atmosphere;
- (2) The attenuative properties of underlying and surrounding soils or other materials;
- (3) The mobilizing properties of other materials co-disposed with these wastes; and
- (4) The effectiveness of additional treatment, design, or monitoring techniques. [Eff 6/18/94; comp
] (Auth: HRS §§342J-4, 342J-31, 342J-35) (Imp: 40 C.F.R. §270.20)

§11-270-21 Specific Part B information requirements for landfills. Except as otherwise provided in section 11-264-1, owners and operators of facilities that dispose of hazardous waste in landfills must provide the following additional information:

(a) A list of the hazardous wastes placed or to be placed in each landfill or landfill cell;

(b) Detailed plans and an engineering report describing how the landfill is designed and is or will be constructed, operated, and maintained to meet the requirements of sections 11-264-19, 11-264-301, 11-264-302, and 11-264-303, addressing the following items:

- (1) (i) The liner system (except for an existing portion of a landfill), if the landfill must meet the requirements of subsection 11-264-301(a). If an exemption from the requirement for a liner is sought as provided by subsection 11-264-301(b), submit detailed plans, and engineering and hydrogeological reports, as appropriate, describing alternate designs and operating practices that will, in conjunction with location aspects, prevent the migration of any hazardous constituents into the ground water or surface water at any future time;
- (ii) The double liner and leak (leachate) detection, collection, and removal system, if the landfill must meet the requirements of subsection 11-264-301(c). If an exemption from the requirements for double liners and a leak detection, collection,

- and removal system or alternative design is sought as provided by subsection 11-264-301(d), (e), or (f), submit appropriate information;
- (iii) If the leak detection system is located in a saturated zone, submit detailed plans and an engineering report explaining the leak detection system design and operation, and the location of the saturated zone in relation to the leak detection system;
 - (iv) The construction quality assurance (CQA) plan if required under section 11-264-19;
 - (v) Proposed action leakage rate, with rationale, if required under section 11-264-302, and response action plan, if required under section 11-264-303;
- (2) Control of run-on;
 - (3) Control of run-off;
 - (4) Management of collection and holding facilities associated with run-on and run-off control systems; and
 - (5) Control of wind dispersal of particulate matter, where applicable;
- (c) A description of how each landfill, including the double liner system, leachate collection and removal system, leak detection system, cover system, and appurtenances for control of run-on and run-off, will be inspected in order to meet the requirements of subsections 11-264-303(a), (b), and (c). This information must be included in the inspection plan submitted under paragraph 11-270-14(b)(5);
- (d) A description of how each landfill, including the liner and cover systems, will be inspected in order to meet the requirements of subsections 11-264-303(a) and (b). This information should be included in the inspection plan submitted under paragraph 11-270-14(b)(5).
- (e) Detailed plans and an engineering report describing the final cover which will be applied to each landfill or landfill cell at closure in accordance with subsection 11-264-310(a), and a description of how each landfill will be maintained and monitored after closure in accordance with subsection 11-264-310(b). This information should be included in the closure and post-closure plans submitted under paragraph 11-270-14(b)(13).
- (f) If ignitable or reactive wastes will be landfilled, an explanation of how the standards of section 11-264-312 will be complied with;
- (g) If incompatible wastes, or incompatible wastes and materials will be landfilled, an explanation of how section 11-264-313 will be complied with;
- (h) [Reserved]
- (i) If containers of hazardous waste are to be landfilled, an explanation of how the requirements of section 11-264-315 or section 11-264-316, as applicable, will be complied with.
- (j) A waste management plan for EPA Hazardous Waste Nos.

FO20, FO21, FO22, FO23, FO26, and FO27 describing how a landfill is or will be designed, constructed, operated, and maintained to meet the requirements of section 11-264-317. This submission must address the following items as specified in section 11-264-317:

- (1) The volume, physical, and chemical characteristics of the wastes, including their potential to migrate through soil or to volatilize or escape into the atmosphere;
- (2) The attenuative properties of underlying and surrounding soils or other materials;
- (3) The mobilizing properties of other materials co-disposed with these wastes; and
- (4) The effectiveness of additional treatment, design, or monitoring techniques. [Eff 6/18/94; comp
] (Auth: HRS §§342J-4, 342J-31, 342J-35) (Imp: 40 C.F.R. §270.21)

§11-270-22 Specific Part B information requirements for boilers and industrial furnaces burning hazardous waste.

- (a) Trial burns.
 - (1) General. Except as provided below, owners and operators that are subject to the standards to control organic emissions provided by section 11-266-104, standards to control particulate matter provided by section 11-266-105, standards to control metals emissions provided by section 11-266-106, or standards to control hydrogen chloride or chlorine gas emissions provided by section 11-266-107 must conduct a trial burn to demonstrate conformance with those standards and must submit a trial burn plan or the results of a trial burn, including all required determinations, in accordance with section 11-270-66.
 - (i) A trial burn to demonstrate conformance with a particular emission standard may be waived under provisions of sections 11-266-104 through 11-266-107 and paragraphs (a)(2) through (a)(5) of this section; and
 - (ii) The owner or operator may submit data in lieu of a trial burn, as prescribed in paragraph (a)(6).
 - (2) Waiver of trial burn for DRE.
 - (i) Boilers operated under special operating requirements. When seeking to be permitted under paragraph 11-266-104(a)(4) and section 11-266-110 that automatically waive the DRE trial burn, the owner or operator of a boiler must submit documentation that the boiler operates under the special operating requirements provided by section 11-266-110.
 - (ii) Boilers and industrial furnaces burning low risk

waste. When seeking to be permitted under the provisions for low risk waste provided by paragraph 11-266-104(a)(5) and subsection 11-266-109(a) that waive the DRE trial burn, the owner or operator must submit:

- (A) Documentation that the device is operated in conformance with the requirements of paragraph 11-266-109(a)(1).
- (B) Results of analyses of each waste to be burned, documenting the concentrations of nonmetal compounds listed in appendix VIII of chapter 11-261, except for those constituents that would reasonably not be expected to be in the waste. The constituents excluded from analysis must be identified and the basis for their exclusion explained. The analysis must rely on analytical techniques specified in Test Methods for Evaluating Solid Waste, Physical/Chemical Methods (incorporated by reference, see section 11-260-11).
- (C) Documentation of hazardous waste firing rates and calculations of reasonable, worst-case emission rates of each constituent identified in clause (a)(2)(ii)(B) of this section using procedures provided by subparagraph 11-266-109(a)(2)(ii).
- (D) Results of emissions dispersion modeling for emissions identified in clause (a)(2)(ii)(C) of this section using modeling procedures prescribed by subsection 11-266-106(h). The director will review the emission modeling conducted by the applicant to determine conformance with these procedures. The director will either approve the modeling or determine that alternate or supplementary modeling is appropriate.
- (E) Documentation that the maximum annual average ground level concentration of each constituent identified in clause (a)(2)(ii)(B) of this section quantified in conformance with clause (a)(2)(ii)(D) of this section does not exceed the allowable ambient level established in appendices IV or V of chapter 11-266. The acceptable ambient concentration for emitted constituents for which a specific Reference Air Concentration has not been established in appendix IV or Risk-Specific Dose has not been established in appendix V is 0.1 micrograms per cubic meter, as noted in the footnote to appendix

IV.

- (3) Waiver of trial burn for metals. When seeking to be permitted under the Tier I (or adjusted Tier I) metals feed rate screening limits provided by subsections 11-266-106(b) and (e) that control metals emissions without requiring a trial burn, the owner or operator must submit:
- (i) Documentation of the feed rate of hazardous waste, other fuels, and industrial furnace feed stocks;
 - (ii) Documentation of the concentration of each metal controlled by subsection 11-266-106 (b) or (e) in the hazardous waste, other fuels, and industrial furnace feedstocks, and calculations of the total feed rate of each metal;
 - (iii) Documentation of how the applicant will ensure that the Tier I feed rate screening limits provided by subsection 11-266-106 (b) or (e) will not be exceeded during the averaging period provided by that subsection;
 - (iv) Documentation to support the determination of the terrain-adjusted effective stack height, good engineering practice stack height, terrain type, and land use as provided by paragraphs 11-266-106(b)(3) through (b)(5);
 - (v) Documentation of compliance with the provisions of paragraph 11-266-106(b)(6), if applicable, for facilities with multiple stacks;
 - (vi) Documentation that the facility does not fail the criteria provided by paragraph 11-266-106(b)(7) for eligibility to comply with the screening limits; and
 - (vii) Proposed sampling and metals analysis plan for the hazardous waste, other fuels, and industrial furnace feed stocks.
- (4) Waiver of trial burn for particulate matter. When seeking to be permitted under the low risk waste provisions of subsection 11-266-109(b) which waives the particulate standard (and trial burn to demonstrate conformance with the particulate standard), applicants must submit documentation supporting conformance with subparagraph (a)(2)(ii) and paragraph (a)(3) of this section.
- (5) Waiver of trial burn for HCl and Cl₂. When seeking to be permitted under the Tier I (or adjusted Tier I) feed rate screening limits for total chloride and chlorine provided by paragraph 11-266-107(b)(1) and subsection 11-266-107(e) that control emissions of hydrogen chloride (HCl) and chlorine gas (Cl₂) without requiring a trial burn, the owner or operator must submit:
- (i) Documentation of the feed rate of hazardous waste,

- other fuels, and industrial furnace feed stocks;
 - (ii) Documentation of the levels of total chloride and chlorine in the hazardous waste, other fuels, and industrial furnace feedstocks, and calculations of the total feed rate of total chloride and chlorine;
 - (iii) Documentation of how the applicant will ensure that the Tier I (or adjusted Tier I) feed rate screening limits provided by paragraph 11-266-107(b)(1) or subsection 11-266-107(e) will not be exceeded during the averaging period provided by that paragraph or subsection;
 - (iv) Documentation to support the determination of the terrain-adjusted effective stack height, good engineering practice stack height, terrain type, and land use as provided by paragraph 11-266-107(b)(3);
 - (v) Documentation of compliance with the provisions of paragraph 11-266-107(b)(4), if applicable, for facilities with multiple stacks;
 - (vi) Documentation that the facility does not fail the criteria provided by paragraph 11-266-107(b)(3) for eligibility to comply with the screening limits; and
 - (vii) Proposed sampling and analysis plan for total chloride and chlorine for the hazardous waste, other fuels, and industrial furnace feedstocks.
- (6) Data in lieu of trial burn. The owner or operator may seek an exemption from the trial burn requirements to demonstrate conformance with sections 11-266-104 through 11-266-107 and section 11-270-66 by providing the information required by section 11-270-66 from previous compliance testing of the device in conformance with section 11-266-103, or from compliance testing or trial or operational burns of similar boilers or industrial furnaces burning similar hazardous wastes under similar conditions. If data from a similar device is used to support a trial burn waiver, the design and operating information required by section 11-270-66 must be provided for both the similar device and the device to which the data is to be applied, and a comparison of the design and operating information must be provided. The director shall approve a permit application without a trial burn if he finds that the hazardous wastes are sufficiently similar, the devices are sufficiently similar, the operating conditions are sufficiently similar, and the data from other compliance tests, trial burns, or operational burns are adequate to specify (under section 11-266-102) operating conditions that will

ensure conformance with subsection 11-266-102(c). In addition, the following information shall be submitted:

- (i) For a waiver from any trial burn:
 - (A) A description and analysis of the hazardous waste to be burned compared with the hazardous waste for which data from compliance testing, or operational or trial burns are provided to support the contention that a trial burn is not needed;
 - (B) The design and operating conditions of the boiler or industrial furnace to be used, compared with that for which comparative burn data are available; and
 - (C) Such supplemental information as the director finds necessary to achieve the purposes of this subsection.
- (ii) For a waiver of the DRE trial burn, the basis for selection of POHCs used in the other trial or operational burns which demonstrate compliance with the DRE performance standard in subsection 11-266-104(a). This analysis should specify the constituents in appendix VIII, chapter 11-261, that the applicant has identified in the hazardous waste for which a permit is sought, and any differences from the POHCs in the hazardous waste for which burn data are provided.

(b) Alternative HC limit for industrial furnaces with organic matter in raw materials. Owners and operators of industrial furnaces requesting an alternative HC limit under subsection 11-266-104(f) shall submit the following information at a minimum:

- (1) Documentation that the furnace is designed and operated to minimize HC emissions from fuels and raw materials;
- (2) Documentation of the proposed baseline flue gas HC (and CO) concentration, including data on HC (and CO) levels during tests when the facility produced normal products under normal operating conditions from normal raw materials while burning normal fuels and when not burning hazardous waste;
- (3) Test burn protocol to confirm the baseline HC (and CO) level including information on the type and flow rate of all feedstreams, point of introduction of all feedstreams, total organic carbon content (or other appropriate measure of organic content) of all nonfuel feedstreams, and operating conditions that affect combustion of fuel(s) and destruction of hydrocarbon emissions from nonfuel sources;
- (4) Trial burn plan to:
 - (i) Demonstrate that flue gas HC (and CO) concentrations when burning hazardous waste do not

- exceed the baseline HC (and CO) level; and
- (ii) Identify the types and concentrations of organic compounds listed in appendix VIII, chapter 11-261, that are emitted when burning hazardous waste in conformance with procedures prescribed by the director;
- (5) Implementation plan to monitor over time changes in the operation of the facility that could reduce the baseline HC level and procedures to periodically confirm the baseline HC level; and
 - (6) Such other information as the director finds necessary to achieve the purposes of this subsection.
- (c) Alternative metals implementation approach. When seeking to be permitted under an alternative metals implementation approach under subsection 11-266-106(f), the owner or operator must submit documentation specifying how the approach ensures compliance with the metals emissions standards of subsection 11-266-106(c) or (d) and how the approach can be effectively implemented and monitored. Further, the owner or operator shall provide such other information that the director finds necessary to achieve the purposes of this subsection.
- (d) Automatic waste feed cutoff system. Owners and operators shall submit information describing the automatic waste feed cutoff system, including any pre-alarm systems that may be used.
- (e) Direct transfer. Owners and operators that use direct transfer operations to feed hazardous waste from transport vehicles (containers, as defined in section 11-266-111) directly to the boiler or industrial furnace shall submit information supporting conformance with the standards for direct transfer provided by section 11-266-111.
- (f) Residues. Owners and operators that claim that their residues are excluded from regulation under the provisions of section 11-266-112 must submit information adequate to demonstrate conformance with those provisions. [Eff 6/18/94; comp] (Auth: HRS §§342J-4, 342J-31, 342J-35) (Imp: 40 C.F.R. §270.22)

§11-270-23 Specific Part B information requirements for miscellaneous units. Except as otherwise provided in section 11-264-600, owners and operators of facilities that treat, store, or dispose of hazardous waste in miscellaneous units must provide the following additional information:

- (a) A detailed description of the unit being used or proposed for use, including the following:
 - (1) Physical characteristics, materials of construction, and dimensions of the unit;
 - (2) Detailed plans and engineering reports describing how the unit will be located, designed, constructed,

operated, maintained, monitored, inspected, and closed to comply with the requirements of sections 11-264-601 and 11-264-602; and

- (3) For disposal units, a detailed description of the plans to comply with the post-closure requirements of section 11-264-603.

(b) Detailed hydrologic, geologic, and meteorologic assessments and land-use maps for the region surrounding the site that address and ensure compliance of the unit with each factor in the environmental performance standards of section 11-264-601. If the applicant can demonstrate that he does not violate the environmental performance standards of section 11-264-601 and the director agrees with such demonstration, preliminary hydrologic, geologic, and meteorologic assessments will suffice.

(c) Information on the potential pathways of exposure of humans or environmental receptors to hazardous waste or hazardous constituents and on the potential magnitude and nature of such exposures.

(d) For any treatment unit, a report on a demonstration of the effectiveness of the treatment based on laboratory or field data.

(e) Any additional information determined by the director to be necessary for evaluation of compliance of the unit with the environmental performance standards of section 11-264-601. [Eff 6/18/94; comp] (Auth: HRS §§342J-4, 342J-31, 342J-35) (Imp: 40 C.F.R. §270.23)

§11-270-24 Specific Part B information requirements for process vents. Except as otherwise provided in section 11-264-1, owners and operators of facilities that have process vents to which subchapter AA of chapter 11-264 applies must provide the following additional information:

(a) For facilities that cannot install a closed-vent system and control device to comply with the provisions of chapter 11-264 subchapter AA on the effective date that the facility becomes subject to the provisions of chapter 11-264 or 11-265 subchapter AA, an implementation schedule as specified in paragraph 11-264-1033(a)(2).

(b) Documentation of compliance with the process vent standards in section 11-264-1032, including:

- (1) Information and data identifying all affected process vents, annual throughput and operating hours of each affected unit, estimated emission rates for each affected vent and for the overall facility (i.e., the total emissions for all affected vents at the facility), and the approximate location within the facility of each affected unit (e.g., identify the hazardous waste management units on a facility plot plan).

- (2) Information and data supporting estimates of vent emissions and emission reduction achieved by add-on control devices based on engineering calculations or source tests. For the purpose of determining compliance, estimates of vent emissions and emission reductions must be made using operating parameter values (e.g., temperatures, flow rates, or concentrations) that represent the conditions that exist when the waste management unit is operating at the highest load or capacity level reasonably expected to occur.
- (3) Information and data used to determine whether or not a process vent is subject to the requirements of section 11-264-1032.

(c) Where an owner or operator applies for permission to use a control device other than a thermal vapor incinerator, catalytic vapor incinerator, flare, boiler, process heater, condenser, or carbon adsorption system to comply with the requirements of section 11-264-1032, and chooses to use test data to determine the organic removal efficiency or the total organic compound concentration achieved by the control device, a performance test plan as specified in paragraph 11-264-1035(b)(3).

(d) Documentation of compliance with section 11-264-1033, including:

- (1) A list of all information references and sources used in preparing the documentation.
- (2) Records, including the dates, of each compliance test required by subsection 11-264-1033(k).
- (3) A design analysis, specifications, drawings, schematics, and piping and instrumentation diagrams based on the appropriate sections of ``APTI Course 415: Control of Gaseous Emissions'' (incorporated by reference as specified in section 11-260-11) or other engineering texts acceptable to the director that present basic control device design information. The design analysis shall address the vent stream characteristics and control device operation parameters as specified in subparagraph 11-264-1035(b)(4)(iii).
- (4) A statement signed and dated by the owner or operator certifying that the operating parameters used in the design analysis reasonably represent the conditions that exist when the hazardous waste management unit is or would be operating at the highest load or capacity level reasonably expected to occur.
- (5) A statement signed and dated by the owner or operator certifying that the control device is designed to operate at an efficiency of ninety-five weight percent or greater unless the total organic emission limits of subsection 11-264-1032(a) for affected process vents at

the facility can be attained by a control device involving vapor recovery at an efficiency less than ninety-five weight percent. [Eff 6/18/94; comp] (Auth: HRS §§342J-4, 342J-31, 342J-35) (Imp: 40 C.F.R. §270.24)

§11-270-25 Specific Part B information requirements for equipment. Except as otherwise provided in section 11-264-1, owners and operators of facilities that have equipment to which subchapter BB of chapter 11-264 applies must provide the following additional information:

(a) For each piece of equipment to which subchapter BB of chapter 11-264 applies:

- (1) Equipment identification number and hazardous waste management unit identification.
- (2) Approximate locations within the facility (e.g., identify the hazardous waste management unit on a facility plot plan).
- (3) Type of equipment (e.g., a pump or pipeline valve).
- (4) Percent by weight total organics in the hazardous waste stream at the equipment.
- (5) Hazardous waste state at the equipment (e.g., gas/vapor or liquid).
- (6) Method of compliance with the standard (e.g., ``monthly leak detection and repair'' or ``equipped with dual mechanical seals'').

(b) For facilities that cannot install a closed-vent system and control device to comply with the provisions of chapter 11-264 subchapter BB on the effective date that the facility becomes subject to the provisions of chapter 11-264 or 11-265 subchapter BB, an implementation schedule as specified in paragraph 11-264-1033(a)(2).

(c) Where an owner or operator applies for permission to use a control device other than a thermal vapor incinerator, catalytic vapor incinerator, flare, boiler, process heater, condenser, or carbon adsorption system and chooses to use test data to determine the organic removal efficiency or the total organic compound concentration achieved by the control device, a performance test plan as specified in paragraph 11-264-1035(b)(3).

(d) Documentation that demonstrates compliance with the equipment standards in sections 11-264-1052 to 11-264-1059. This documentation shall contain the records required under section 11-264-1064. The director may request further documentation before deciding if compliance has been demonstrated.

(e) Documentation to demonstrate compliance with section 11-264-1060 shall include the following information:

- (1) A list of all information references and sources used in preparing the documentation.

- (2) Records, including the dates, of each compliance test required by subsection 11-264-1033(j).
- (3) A design analysis, specifications, drawings, schematics, and piping and instrumentation diagrams based on the appropriate sections of ``ATPI Course 415: Control of Gaseous Emissions'' (incorporated by reference as specified in section 11-260-11) or other engineering texts acceptable to the director that present basic control device design information. The design analysis shall address the vent stream characteristics and control device operation parameters as specified in subparagraph 11-264-1035(b)(4)(iii).
- (4) A statement signed and dated by the owner or operator certifying that the operating parameters used in the design analysis reasonably represent the conditions that exist when the hazardous waste management unit is operating at the highest load or capacity level reasonably expected to occur.
- (5) A statement signed and dated by the owner or operator certifying that the control device is designed to operate at an efficiency of ninety-five weight percent or greater. [Eff 6/18/94; comp] (Auth: HRS §§342J-4, 342J-31, 342J-35) (Imp: 40 C.F.R. §270.25)

§11-270-26 Special Part B information requirements for drip pads. Except as otherwise provided by section 11-264-1, owners and operators of hazardous waste treatment, storage, or disposal facilities that collect, store, or treat hazardous waste on drip pads must provide the following additional information:

(a) A list of hazardous wastes placed or to be placed on each drip pad.

(b) If an exemption is sought to subchapter F of chapter 11-264, as provided by section 11-264-90, detailed plans and an engineering report describing how the requirements of paragraph 11-264-90(b)(2) will be met.

(c) Detailed plans and an engineering report describing how the drip pad is or will be designed, constructed, operated and maintained to meet the requirements of section 11-264-573, including the as-built drawings and specifications. This submission must address the following items as specified in section 11-264-571:

- (1) The design characteristics of the drip pad;
- (2) The liner system;
- (3) The leakage detection system, including the leak detection system and how it is designed to detect the failure of the drip pad or the presence of any releases of hazardous waste or accumulated liquid at the earliest practicable time;

- (4) Practices designed to maintain drip pads;
- (5) The associated collection system;
- (6) Control of run-on to the drip pad;
- (7) Control of run-off from the drip pad;
- (8) The interval at which drippage and other materials will be removed from the associated collection system and a statement demonstrating that the interval will be sufficient to prevent overflow onto the drip pad;
- (9) Procedures for cleaning the drip pad at least once every seven days to ensure the removal of any accumulated residues of waste or other materials, including but not limited to rinsing, washing with detergents or other appropriate solvents, or steam cleaning and provisions for documenting the date, time, and cleaning procedure used each time the pad is cleaned.
- (10) Operating practices and procedures that will be followed to ensure that tracking of hazardous waste or waste constituents off the drip pad due to activities by personnel or equipment is minimized;
- (11) Procedures for ensuring that, after removal from the treatment vessel, treated wood from pressure and non-pressure processes is held on the drip pad until drippage has ceased, including recordkeeping practices;
- (12) Provisions for ensuring that collection and holding units associated with the run-on and run-off control systems are emptied or otherwise managed as soon as possible after storms to maintain design capacity of the system.
- (13) If treatment is carried out on the drip pad, details of the process equipment used, and the nature and quality of the residuals.
- (14) A description of how each drip pad, including appurtenances for control of run-on and run-off, will be inspected in order to meet the requirements of section 11-264-573. This information should be included in the inspection plan submitted under paragraph 11-270-14(b)(5).
- (15) A certification signed by an independent qualified, registered professional engineer, stating that the drip pad design meets the requirements of subsections 11-264-573(a) through (f).
- (16) A description of how hazardous waste residues and contaminated materials will be removed from the drip pad at closure, as required under subsection 11-264-575(a). For any waste not to be removed from the drip pad upon closure, the owner or operator must submit detailed plans and an engineering report describing how subsections 11-264-310(a) and (b) will be complied with. This information should be included in the

closure plan and, where applicable, in the post-closure plan submitted under paragraph 11-270-14(b)(13). [Eff 6/18/94; comp] (Auth: HRS §§342J-4, 342J-31, 342J-35) (Imp: 40 C.F.R. §270.26)

§11-270-27 Specific Part B information requirements for air emission controls for tanks, surface impoundments, and containers. (a) Except as otherwise provided in section 11-264-1, owners and operators of tanks, surface impoundments, or containers that use air emission controls in accordance with the requirements of 11-264, subchapter CC shall provide the following additional information:

- (1) Documentation for each floating roof cover installed on a tank subject to section 11-264-1084(d)(1) or 11-264-1084(d)(2) that includes information prepared by the owner or operator or provided by the cover manufacturer or vendor describing the cover design, and certification by the owner or operator that the cover meets the applicable design specifications as listed in section 11-264-1084(e)(1) or 11-264-1084(f)(1).
- (2) Identification of each container area subject to the requirements of 11-264, subchapter CC and certification by the owner or operator that the requirements of this subchapter are met.
- (3) Documentation for each enclosure used to control air pollutant emissions from tanks or containers in accordance with the requirements of section 11-264-1084(d)(5) or 11-264-1086(e)(1)(ii) that includes records for the most recent set of calculations and measurements performed by the owner or operator to verify that the enclosure meets the criteria of a permanent total enclosure as specified in "Procedure T-Criteria for and Verification of a Permanent or Temporary Total Enclosure" under 40 CFR 52.741, appendix B.
- (4) Documentation for each floating membrane cover installed on a surface impoundment in accordance with the requirements of section 11-264-1085(c) that includes information prepared by the owner or operator or provided by the cover manufacturer or vendor describing the cover design, and certification by the owner or operator that the cover meets the specifications listed in section 11-264-1085(c)(1).
- (5) Documentation for each closed-vent system and control device installed in accordance with the requirements of section 11-264-1087 that includes design and performance information as specified in sections 11-270-24(c) and (d).
- (6) An emission monitoring plan for both Method 21 in 40

CFR part 60, appendix A and control device monitoring methods. This plan shall include the following information: monitoring point(s), monitoring methods for control devices, monitoring frequency, procedures for documenting exceedances, and procedures for mitigating noncompliances.

- (7) When an owner or operator of a facility subject to 11-265, subchapter CC cannot comply with 11-264, subchapter CC by the date of permit issuance, the schedule of implementation required under section 11-265-1082. [Eff 3/13/99; comp] (Auth: HRS §§342J-4, 342J-31, 342J-35) (Imp: 40 C.F.R. §270.27)

§11-270-28 [Reserved]

§11-270-29 Permit denial. The director may, pursuant to the procedures in chapter 11-271, deny the permit application either in its entirety or as to the active life of a hazardous waste management facility or unit only. [Eff 6/18/94; comp] (Auth: HRS §§342J-4, 342J-31, 342J-35) (Imp: 40 C.F.R. §270.29)

SUBCHAPTER C

PERMIT CONDITIONS

§11-270-30 Conditions applicable to all permits. The following conditions apply to all hazardous waste management permits, and shall be incorporated into the permits either expressly or by reference. If incorporated by reference, a specific citation to these rules must be given in the permit.

- (a) Duty to comply. The permittee must comply with all conditions of this permit, except that the permittee need not comply with the conditions of this permit to the extent and for the duration such noncompliance is authorized in an emergency permit. (See section 11-270-61). Any permit noncompliance, except under the terms of an emergency permit, constitutes a violation of chapter 342J, HRS and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.
- (b) Duty to reapply. If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and

- obtain a new permit.
- (c) Need to halt or reduce activity not a defense. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
 - (d) In the event of noncompliance with the permit, the permittee shall take all reasonable steps to minimize releases to the environment, and shall carry out such measures as are reasonable to prevent significant adverse impacts on human health or the environment.
 - (e) Proper operation and maintenance. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of the permit.
 - (f) Permit actions. This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.
 - (g) Property rights. The permit does not convey any property rights of any sort, or any exclusive privilege.
 - (h) Duty to provide information. The permittee shall furnish to the director, within a reasonable time, any relevant information which the director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the director, upon request, copies of records required to be kept by this permit.
 - (i) Inspection and entry. The permittee shall allow the director, or an authorized representative, upon the presentation of credentials and other documents as may be required by law to:
 - (1) Enter at reasonable times upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
 - (2) Have access to and copy, at reasonable times, any

- records that must be kept under the conditions of this permit;
- (3) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
 - (4) Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by chapter 342J, HRS or the rules adopted thereunder, any substances or parameters at any location.
- (j) Monitoring and records.
- (1) Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
 - (2) The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, the certification required by paragraph 11-264-73(b)(9), and records of all data used to complete the application for this permit, for a period of at least three years from the date of the sample, measurement, report, certification, or application. This period may be extended by request of the director at any time. The permittee shall maintain records from all ground-water monitoring wells and associated ground-water surface elevations, for the active life of the facility, and for disposal facilities for the post-closure care period as well.
 - (3) Records for monitoring information shall include:
 - (i) The date, exact place, and time of sampling or measurements;
 - (ii) The individual(s) who performed the sampling or measurements;
 - (iii) The date(s) analyses were performed;
 - (iv) The individual(s) who performed the analyses;
 - (v) The analytical techniques or methods used; and
 - (vi) The results of such analyses.
- (k) Signatory requirements. All applications, reports, or information submitted to the director shall be signed and certified (See section 11-270-11.)
- (l) Reporting requirements.
- (1) Planned changes. The permittee shall give notice to the director as soon as possible of any planned physical alterations or additions to the permitted facility.

- (2) Anticipated noncompliance. The permittee shall give advance notice to the director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements. For a new facility, the permittee may not treat, store, or dispose of hazardous waste; and for a facility being modified, the permittee may not treat, store, or dispose of hazardous waste in the modified portion of the facility except as provided in section 11-270-42, until:
 - (i) The permittee has submitted to the director by certified mail or hand delivery a letter signed by the permittee and a registered professional engineer stating that the facility has been constructed or modified in compliance with the permit; and
 - (ii) (A) The director has inspected the modified or newly constructed facility and finds it is in compliance with the conditions of the permit; or
 - (B) Within fifteen days of the date of submission of the letter in paragraph (1)(2)(i), the permittee has not received notice from the director of his or her intent to inspect, prior inspection is waived and the permittee may commence treatment, storage, or disposal of hazardous waste.
- (3) Transfers. This permit is not transferable to any person except after notice to the director. The director may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under chapter 342J, HRS or the rules adopted thereunder. (See section 11-270-40)
- (4) Monitoring reports. Monitoring results shall be reported at the intervals specified elsewhere in this permit.
- (5) Compliance schedules. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than fourteen days following each schedule date.
- (6) Twenty-four hour reporting.
 - (i) The permittee shall report any noncompliance which may endanger health or the environment orally within twenty-four hours from the time

- the permittee becomes aware of the circumstances, including:
- (A) Information concerning release of any hazardous waste that may cause an endangerment to public drinking water supplies.
 - (B) Any information of a release or discharge of hazardous waste or of a fire or explosion from the HWM facility, which could threaten the environment or human health outside the facility.
- (ii) The description of the occurrence and its cause shall include:
- (A) Name, address, and telephone number of the owner or operator;
 - (B) Name, address, and telephone number of the facility;
 - (C) Date, time, and type of incident;
 - (D) Name and quantity of material(s) involved;
 - (E) The extent of injuries, if any;
 - (F) An assessment of actual or potential hazards to the environment and human health outside the facility, where this is applicable; and
 - (G) Estimated quantity and disposition of recovered material that resulted from the incident.
- (iii) A written submission shall also be provided within five days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance. The director may waive the five day written notice requirement in favor of a written report within fifteen days.
- (7) Manifest discrepancy report: If a significant discrepancy in a manifest is discovered, the permittee must attempt to reconcile the discrepancy. If not resolved within fifteen days, the permittee must submit a letter report, including a copy of the manifest, to the director. (See section 11-264-72.)
- (8) Unmanifested waste report: This report must be

submitted to the director within fifteen days of receipt of unmanifested waste. (See section 11-264-76)

- (9) Biennial report: A biennial report must be submitted covering facility activities during odd numbered calendar years. (See section 11-264-75.)
 - (10) Other noncompliance. The permittee shall report all instances of noncompliance not reported under paragraphs (1)(4), (5), and (6), at the time monitoring reports are submitted. The reports shall contain the information listed in paragraph (1)(6).
 - (11) Other information. Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the director, it shall promptly submit such facts or information.
- (m) Information repository. The director may require the permittee to establish and maintain an information repository at any time, based on the factors set forth in section 11-271-33(b). The information repository will be governed by the provisions in sections 11-271-33(c) through (f). [Eff 6/18/94; am 3/13/99; comp] (Auth: HRS §§342J-4, 342J-31, 342J-35) (Imp: 40 C.F.R. §270.30)

§11-270-31 Requirements for recording and reporting of monitoring results. All permits shall specify:

- (a) Requirements concerning the proper use, maintenance, and installation, when appropriate, of monitoring equipment or methods (including biological monitoring methods when appropriate);
- (b) Required monitoring including type, intervals, and frequency sufficient to yield data which are representative of the monitored activity including, when appropriate, continuous monitoring;
- (c) Applicable reporting requirements based upon the impact of the regulated activity and as specified in chapters 11-264, 11-266 and 11-267. Reporting shall be no less frequent than specified in the above rules. [Eff 6/18/94; comp] (Auth: HRS §§342J-4, 342J-31, 342J-35) (Imp: 40 C.F.R. §270.31)