

## ACT 267

H.B. NO. 2640

A Bill for an Act Relating to Hazardous Waste Brokers.

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

SECTION 1. The legislature finds that Hawaii's energy resources and physical environment must be managed and protected in a manner that ensures the health, safety, and welfare of the citizens of the State and preserves our limited natural resources for future generations. The 1993 energy and environmental summit was convened by the legislature on October 8, 1993, to identify issues and build broad-based support for initiatives that will move Hawaii forward in the areas of energy and the environment. This Act is the result of the collaborative efforts of the participants of the summit.

SECTION 2. Chapter 342J, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**“§342J- Brokers; notification; and identification numbers.** (a) Not later than forty-five days after the effective date of this section, any person who acts as a hazardous waste broker, with respect to any substance listed as hazardous waste or identified by its characteristics as hazardous waste under 40 C.F.R. Part 261, shall apply to the department for an identification number and shall file with the department a notification stating the location and general description of the hazardous waste handling activity of the broker. The initial notification from the broker shall include a notarized written statement from the owner, or owner's agent, of the facility or land to be used by the broker for hazardous waste handling activity acknowledging the hazardous waste handling activity of the broker.

(b) Not later than forty-five days after the adoption of any rule pursuant to this chapter that lists or identifies by characteristics any substance as hazardous waste, any person who acts as a hazardous waste broker with respect to such substance shall apply to the department for an identification number and shall file with the department a notification stating the location and general description of the hazardous waste handling activity of the broker. The initial notification from the broker shall include a notarized written statement from the owner, or owner's agent, of the facility or land to be used by the broker for hazardous waste handling activity acknowledging the hazardous waste handling activity of the broker. This subsection shall not apply to activities or hazardous waste as to which notification has been made in compliance with subsection (a).

(c) Each hazardous waste broker shall be issued only one identification number.

(d) Any person required by this section to provide notification to the department shall advise the department, by January 31 of each year following initial notification, of the following information, including any which may have changed during the prior year:

- (1) Location of business;
- (2) Name of business;
- (3) Mailing address;
- (4) Name of person who operates the facility at which hazardous waste is handled;
- (5) Name of owner of the facility at which hazardous waste is handled;
- (6) Name of owner of land at which hazardous waste is handled; and
- (7) A notarized written statement from the facility owner, or owner's agent, of the facility or land to be used by the broker for hazardous waste handling activity acknowledging the hazardous waste handling activity of the broker.

(e) This section shall not apply to owners or operators of hazardous waste treatment, storage, or disposal facilities."

SECTION 3. Section 342J-<sup>1</sup>, Hawaii Revised Statutes, is amended by adding a new definition to be appropriately inserted and to read as follows:

"Hazardous waste broker" means any person who:

- (1) Acts as an intermediary between:
  - (A) A generator and a transporter; or
  - (B) A generator and a person who treats, stores, or disposes of hazardous waste; or
  - (C) A generator and another broker;and
- (2) Performs one or more of the following:
  - (A) Mixes hazardous wastes of different U.S. Department of Transportation shipping descriptions by placing them into a single container or tank as defined in 40 C.F.R. Part 260 (provided that a broker who mixes hazardous waste must comply with all statutory and regulatory provisions applicable to generators);
  - (B) Packages or repackages hazardous waste;
  - (C) Labels, marks, or manifests hazardous waste;
  - (D) Performs waste characterization of hazardous waste; or
  - (E) Arranges the storage, treatment, transportation, disposal, or recycling of hazardous waste for a fee based upon the completion of the transaction."

SECTION 4. New statutory material is underscored.<sup>2</sup>

SECTION 5. This Act shall take effect upon its approval.

(Approved July 1, 1994.)

#### Notes

1. So in original.

2. Edited pursuant to HRS §23G-16.5.