

**Routine Program Changes
to
State of Hawai‘i Coastal Zone Management Program**

Request for Concurrence

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Submitted to: Office for Coastal Management
National Oceanic and Atmospheric Administration

Submitted by: State of Hawai‘i Office of Planning
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Introduction

In 1977, the Hawai‘i State Legislature enacted Hawai‘i Revised Statutes (HRS) Chapter 205A as the legal foundation for the Hawai‘i Coastal Zone Management (CZM) Program. The Legislature designed the Hawai‘i CZM Program to build upon the existing functions of agencies that comprise the network of the Hawai‘i CZM Program. HRS Chapter 205A requires state and county agencies to assure that their statutes, ordinances, rules and actions comply with Hawai‘i CZM Program objectives and policies. The Hawai‘i CZM Program provides the objectives, supporting policies, standards, and procedures to guide and regulate public and private uses in the coastal zone management area, which encompasses the entire state out to three miles seaward. The Hawai‘i CZM Program is implemented through the licensing, permitting and other administrative mechanisms created by the Hawai‘i CZM Act and the networked authorities.

Since its approval in 1978 by National Oceanic and Atmospheric Administration (NOAA), the Hawai‘i CZM Program has incorporated a wide array of state and local authorities and enforceable policies into its management framework. It has been recognized that statutory and regulatory changes from the Hawai‘i CZM network agencies are necessary to address new challenges, strengthen the management regime, clarify provisions, or otherwise modify management of activities affecting coastal resources. In order for these statutory and regulatory changes to be incorporated into the federally approved Hawai‘i CZM Program, they must be submitted for federal review and concurrence in accordance with 15 Code of Federal Regulations (CFR) Part 923. The State of Hawai‘i Office of Planning (OP), the lead agency of the Hawai‘i CZM Program, is submitting this request for NOAA Office for Coastal Management (OCM) concurrence of these statutory and regulatory changes as routine program changes (RPCs) to the Hawai‘i CZM Program. Once the enforceable policies approved by the NOAA OCM take effect, they will be applied to CZM federal consistency review by the Hawai‘i CZM Program.

In accordance with requirements for RPCs as set forth in 15 CFR § 923.84, and the guidelines from *Program Change Guidance: Coastal Zone Management Act and Changes to State and Territory Coastal Management Programs* July 1996, and its addendum dated November 2013, the Hawai‘i CZM Program has prepared the following analysis of the proposed RPCs, with the description of the policies that are already adopted, and take effect under the state and county agencies to:

- (1) Describe the statutory and regulatory changes on regulating the coastal uses, which are proposed to be incorporated into the Hawai‘i CZM Program;
- (2) Explain why the proffered statutory and regulatory changes to the Hawai‘i CZM Program are RPCs, but not substantial changes as described in 15 CFR § 923.80(d); and
- (3) Identify the effects of the statutory and regulatory changes on the Hawai‘i CZM Program.

Analysis of Incorporation

This request for OCM’s concurrence on RPCs to the Hawai‘i CZM Program includes the following statutory or regulatory changes:

- 1) Added HRS §§ 342D-61 and 342D-72 to HRS Chapter 342D to regulate the direct discharge to groundwater from household aerobic units, and require all cesspools in

- the state be upgraded or converted into more environmentally-friendly waste treatment systems or connected to a sewer system before January 1, 2050.
- 2) Adopted HAR Chapter 11-20, as amended, relating to public water systems, which is entirely federally mandated, to reduce the entry of fecal contamination into distribution systems.
 - 3) Adopted HAR Chapter 11-260.1 to Chapter 11-279.1, and repealed HAR Chapter 11-260 to Chapter 11-280 accordingly, primarily to align state regulations with updates to the US Environmental Protection Agency's (EPA's) federal hazardous waste management program.
 - 4) Adopted HAR Chapter 11-280.1 relating to Underground Storage Tanks (UST), to maintain EPA approval and funding for Hawaii EPA's national underground storage tank program. Hawaii is required to adopt these rules equivalent to and at least as stringent as the UST program's federal regulations found in 40 CFR 280.
 - 5) Adopted HAR Chapter 13-86.1 to regulate the harvest of sea cucumbers from state waters.
 - 6) Added HAR §§ 19-42-131, 19-42-136, 19-42-162 and 19-42-164 to HAR Chapter 19-42 relating Vessel and Harbor Controls, to regulate dumping of materials at sea, fueling, dredging, filling and construction, and construction of structures.
 - 7) Adopted City and County of Honolulu Chapter 20-3 relating to Water Quality, to apply to all development and land disturbing activities within the City and County of Honolulu, and establish minimum requirements for the selection, design, implementation and maintenance of best management practices to protect the municipal separate storm sewer system (MS4) and receiving waters from associated pollutants.
 - 8) Amended HRS § 171-58.5 and HRS § 205A-44(a) to prohibit the mining or taking of sand, dead coral or coral rubble, rocks, soil, other beach or marine deposits seaward from the shoreline, and from shoreline area with limited exceptions.
 - 9) Amended HRS § 205A-22 by requiring the counties to concurrently process subdivision and special management area (SMA) use permit under certain conditions to ensure that a SMA permit is processed before final subdivision approval.
 - 10) Amended County of Hawaii's Rule 9 relating to SMA, to include single-family residences with greater than 7,500 square feet of floor area as "development," which requires a SMA permit. Further, the cost threshold for SMA use permit was raised from \$125,000 to \$500,000 pursuant to HRS Chapter 205A-22, as amended.
 - 11) Amended HAR §§ 13-60.4-2, 13-60.4-3, and 13-60.4-5 relating to West Hawai'i Regional Fishery Management Area, to modify the geographical jurisdiction of chapter provisions, and prohibit activities within the selected areas, and amended HAR § 13-256-152 relating to Kahaluu Bay Ocean Waters, to designate swim and surf zones within Kahaluu Bay.
 - 12) Amended HRS § 342D-6.5 relating to Hawaiian loko i'a, to waive the requirement of obtaining water quality certification under HRS Chapter 342D from the State Department of Health for any person that has received a notice of authorization to proceed from the Department of Land and Natural Resources (DLNR) Office of Conservation and Coastal Lands under the statewide programmatic general permit for the restoration, repair, maintenance, and operation of loko i'a.

In accordance with the *Program Change Guidance July 1996*, indicators of a substantial program change include:

- 1) New or revised policies that address coastal uses or resources not previously managed may be substantial;
- 2) The extent to which the proposed change impacts the national interest reflected in the CZM Act; and
- 3) The extent to which the proposed change is similar to past program change requests that were treated as amendments.

The following analysis responds to the Five Program Areas identified in Subpart B-F of 15 CFR Part 923, CZM Program Regulations, and no substantial program changes are proposed from this request to the Hawai‘i CZM Program.

§923.80(d)(1) Uses Subject to Management – The Hawai‘i CZM Program, built upon the functions of existing agencies, provides criteria under the Hawai‘i CZM Program objectives and policies, and special management area guidelines for managing land uses and water uses within the coastal zone which have a significant impact on coastal water. As indicated in the request list at the end of this submittal, most statutory laws or administrative rules with the submittal for amendments or additions were previously approved by NOAA’s Office of Ocean and Coastal Resource Management (OCRM)¹ as RPCs to the Hawai‘i CZM Program. Adopted HAR Chapter 11-260.1 to Chapter 11-279.1, with the repeal of HAR Chapter 11-260 to Chapter 11-280 accordingly, primarily align state regulations with updates to EPA’s federal hazardous waste management program.

The submitted changes to the Hawai‘i CZM Program will not substantially change the land and water uses subject to management or the enforceable authorities or organizational structure within the coastal zone area. For example, adopted HAR Chapter 11-20, relating to public water systems, is entirely federally mandated. Its primary purpose is to reduce the entry of fecal contamination into distribution systems. As adopted, HAR §§ 19-42-131, 19-42-136, 19-42-162 and 19-42-164 under HAR Chapter 19-42, relating to Vessel and Harbor Controls, regulates dumping of materials at sea, fueling, dredging, filling and construction, and construction of structures.

Pursuant to HRS 205A-22, as amended, which was approved by NOAA OCRM as a RPC on January 18, 2013, County of Hawaii’s Rule 9 includes single-family residences with greater than 7,500 square feet of floor area as “development” for a SMA permit and raises the cost threshold from \$125,000 to \$500,000 between the SMA minor and major permits.

Amended HRS § 171-58.5 and § 205A-44(a) authorize the Department of Land and Natural Resources and the counties to prohibit the removal of sand and other beach or marine deposits seaward from the shoreline and the shoreline area, respectively, except for materials inadvertently taken, and create an exemption for public emergencies and traditional cultural practices.

§923.80(d)(2) Special Management Areas – The Hawai‘i CZM Program provides criteria for designating and managing areas of particular concern. The areas of particular concern include the Natural Area Reserves Systems, the Marine Life Conservation Districts, Estuarine and

¹ The Office of Ocean and Coastal Resource Management is the predecessor of the current Office for Coastal Management.

Wildlife Sanctuaries, and the Shoreline Setback Areas. The criteria to preserve and protect unique areas of Hawai‘i’s marine environment, designated by the DLNR, and for special controls on developments within special management areas administered by the counties will not be changed with the approval of the proposed RPCs.

For example, amended HRS § 205A-22 requires the counties to concurrently process subdivision and SMA use permits to ensure that a SMA use permit is processed before final subdivision approval. Amended HAR §§ 13-60.4-2, 13-60.4-3, and 13-60.4-5 relating to West Hawai‘i Regional Fishery Management Area modify the geographical jurisdiction of chapter provisions, and prohibit activities within the selected areas, and amended HAR § 13-256-152 relating to Kahaluu Bay Ocean Waters designates swim and surf zones, and regulates surf schools within Kahaluu Bay.

§923.80(d)(3) Boundaries – Requirements for defining Hawai‘i’s coastal zone boundary are provided in HRS Chapter 205A of Hawai‘i CZM Program. As defined in HRS § 205A-1, “Coastal zone management area” means all lands of the state and the area extending seaward from the shoreline to the limit of the state’s police power and management authority, including the United States territorial sea. The Hawai‘i CZM Program boundary will not be changed with the approval of the proposed RPCs.

§923.80(d)(4) Authorities and Organizations – The State retains techniques for control of land uses and water uses within the coastal zone and is organized to achieve this task through the network state and county agencies of the Hawai‘i CZM Program. No changes on the CZM network authorities come from this submittal, nor will the submittal affect or change the State’s overall management authorities, organizations, and responsibilities through the Hawai‘i CZM Program.

§923.80(d)(5) Coordination, Public Involvement and National Interest – The Hawai‘i CZM Program provides opportunities for involvement and participation from federal and state agencies, local governments, interested parties, and the general public in permitting processes, consistency determinations, and other similar decisions. No specific changes involving federal consistency procedures are being submitted under § 923.80(d)(5). The State’s management and process in coordination, public involvement and national interest will not be changed with the approval of the proposed RPCs.

The following pages provide the description of statutory and regulatory changes that are being submitted for NOAA OCM’s concurrence. The subject changes are also summarized in a chart format, with highlights on the policies that are added, modified and deleted, their effects on the CZM Program, and the date(s) of NOAA’s approval for previous changes.

Copies of subject changes in session laws, ordinances, and administrative rules submitted for OCM’s concurrence are enclosed in portable document format (PDF) with **Attachment I - Added**, **Attachment II – Modified**, and **Attachment III - Deleted**.

To go to specific policies on the request list, please review these three PDF documents by using bookmark links at www.planning.hawaii.gov/czm/federal-consistency.

Added Statutory and Regulatory Policies

1) HRS § 342D-61

Relating to: **Household Aerobic Unit Approval**

Adopted: 07/05/2017

Effective: 07/05/2017

RPC History: Amendments to HRS Chapter 342D, **Water Pollution**, were approved as RPCs by NOAA on July 18, 1990, June 7, 1993, August 25, 1993, October 17, 1997, January 22, 1999, September 18, 2001, and March 12, 2009, respectively.

Description of change: Enacted by Act 89, Session Laws of Hawaii (SLH) 2017, HRS § 342D-61 was added to HRS Chapter 342D to implement that the installation or use of household aerobic units that discharge directly to groundwater are prohibited in the state unless approved by the Director of the State Department of Health. The Director shall approve household aerobic units based on the National Sanitation Foundation/American National Standards Institute Standard 245 for class I aerobic units.

Please refer to **Attachment I** for added HRS § 342D-61.

2) HRS § 342D-72

Relating to: **Cesspools; Mandatory Upgrade, Conversion, or Connection**

Adopted: 07/01/2017

Effective: 07/01/2017

RPC History: Amendments to HRS Chapter 342D, **Water Pollution**, were approved as RPCs by NOAA on July 18, 1990, June 7, 1993, August 25, 1993, October 17, 1997, January 22, 1999, September 18, 2001, and March 12, 2009, respectively.

Description of change: Enacted by Act 125, SLH 2017, HRS § 342D-72 was added to HRS Chapter 342D to eliminate a major source of water pollution in the State by requiring that all cesspools in the State be upgraded or converted into more environmentally-friendly waste treatment systems or connected to a sewer system before January 1, 2050. Under the provision of this new subsection, the Director of the State Department of Health may grant exemptions from the requirements of upgrade or conversion, to property owners of cesspools that apply for an exemption and present documentation showing a legitimate reason that makes it infeasible to upgrade, convert or connect the cesspools.

Please refer to **Attachment I** for added HRS § 342D-72.

3) HAR Chapter 11-20, as amended

Relating to: **Public Water Systems**

Adopted: 12/28/2017

Effective: 12/28/2017

RPC History: HAR Chapter 11-20, relating to Public Water Systems, as amended, was adopted and effective on December 28, 2017. This is the first-time request to NOAA to add HAR Chapter 11-20 as an RPC.

Description of change: HAR Chapter 11-20 applies to each public water system, unless the public water system meets all of the following conditions: (1) it consists only of distribution and storage facilities; (2) it obtains all of its water from, but is not owned or operated by, a public water system to which such rules apply; (3) it does not sell water to any person; and (4) it is not a carrier which conveys passengers in interstate commerce.

The Revised Total Coliform Rule (RTCR) was published in the Federal Register on February 13, 2013. The RTCR was subsequently codified in Title 40 CFR, primarily Parts 141 and 142. The initial compliance date for public water systems was April 1, 2016. The RTCR affects all public water systems in the state. Its primary purpose is to reduce the entry of fecal contamination into distribution systems. A total of 135 public water systems, serving approximately 1.5 million customers on the islands of Kauai, Oahu, Molokai, Lanai, Maui and Hawaii, must comply with the RTCR.

HAR Chapter 11-20, as amended, is entirely federally mandated.

Based on monitoring results, assessments will be required to address fecal contamination that could enter into public water systems.

Please refer to **Attachment I** for adopted HAR Chapter 11-20, as amended.

4) HAR Chapter 11-260.1, as amended

Relating to: **Hazardous Waste Management: General Provisions**

Adopted: 05/05/2017; 03/01/2018

Effective: 07/17/2017; 09/30/2018

RPC History: HAR Chapter 11-260, Hazardous Waste Management General Provisions, is repealed, and HAR Chapter 11-260.1, entitled “Hazardous Waste Management: General Provisions”, is adopted. HAR Chapter 11-260 was first approved by NOAA OCRM as a RPC to the Hawai‘i CZM Program on October 17, 1997.

Description of change: The adoption of HAR 11-260.1 updates rules regulating businesses that generate or handle hazardous wastes and used oil in Hawaii, primarily to align state regulations with updates to the U.S. EPA’s federal hazardous waste management program.

After HAR Chapter 260.1 took effect on July 17, 2017, the amendments to HAR Chapter 11-260.1 are in response to changes made by the EPA to the federal rules. The State of Hawaii adopts rules equivalent to two new EPA rules by amending the incorporation by reference of the federal regulations in Chapter 260.1 from the July 1, 2016 version of the CFR to the July 1, 2017 version. Numerous conforming changes and corrections have also been made. All changes made in HAR Chapter 260.1 do not affect the substantive content of the subject rules.

Please refer to **Attachment I** for adopted HAR Chapter 11-260.1, as amended.

5) HAR Chapter 11-261.1, as amended

Relating to: **Hazardous Waste Management: Identification and Listing of Hazardous Waste**

Adopted: 05/05/2017; 03/01/2018

Effective: 07/17/2017; 09/30/2018

RPC History: HAR Chapter 11-261, Hazardous Waste Management Identification and Listing of Hazardous Waste, is repealed, and HAR Chapter 11-261.1, entitled “Hazardous Waste Management: Identification and Listing of Hazardous Waste”, is adopted. HAR Chapter 11-261 was first approved by NOAA OCRM as a RPC to the Hawai‘i CZM Program on October 17, 1997.

Description of change: The adoption of HAR Chapter 11-261.1 updates rules regulating businesses that generate or handle hazardous wastes and used oil in Hawaii, primarily to align state regulations with updates to EPA’s federal hazardous waste management program.

After HAR Chapter 261.1 took effect on July 17, 2017, the amendments to HAR Chapter 11-261.1 are in response to changes made by the EPA to the federal rules. The State of Hawaii adopts rules equivalent to two new EPA rules by amending the incorporation by reference of the federal regulations in Chapter 261.1 from the July 1, 2016 version of the CFR to the July 1, 2017 version. Numerous conforming changes and corrections have also been made. All changes made in HAR Chapter 261.1 do not affect the substantive content of the subject rules.

Please refer to **Attachment I** for adopted HAR Chapter 11-261.1, as amended.

6) HAR Chapter 11-262.1, as amended

Relating to: **Hazardous Waste Management: Standards Applicable to Generators of Hazardous Waste**

Adopted: 05/05/2017; 03/01/2018

Effective: 07/17/2017; 09/30/2018

RPC History: HAR Chapter 11-262, Hazardous Waste Management Standards Applicable to Generators of Hazardous Waste, is repealed, and HAR Chapter 11-262.1, entitled “Hazardous Waste Management: Standards Applicable to Generators of Hazardous Waste”, is adopted. HAR Chapter 11-262 was first approved by NOAA OCRM as a RPC to the Hawai‘i CZM Program on October 17, 1997.

Description of change: The adoption of HAR Chapter 11-262.1 updates rules regulating businesses that generate or handle hazardous wastes and used oil in Hawaii, primarily to align state regulations with updates to EPA’s federal hazardous waste management program.

After HAR Chapter 262.1 took effect on July 17, 2017, the amendments to HAR Chapter 11-262.1 are in response to changes made by the EPA to the federal rules. The State of Hawaii adopts rules equivalent to two new EPA rules by amending the incorporation by reference of the federal regulations in Chapter 262.1 from the July 1, 2016 version of the CFR to the July 1, 2017 version. Numerous conforming changes and corrections have also been made. All changes made in HAR Chapter 262.1 do not affect the substantive content of the subject rules.

Please refer to **Attachment I** for adopted HAR Chapter 11-262.1, as amended.

7) HAR Chapter 11-263.1, as amended

Relating to: **Hazardous Waste Management: Standards Applicable to Transporters of Hazardous Waste**

Adopted: 05/05/2017; 03/01/2018

Effective: 07/17/2017; 09/30/2018

RPC History: HAR Chapter 11-263, Hazardous Waste Management Standards Applicable to Transporters of Hazardous Waste, is repealed, and HAR Chapter 11-263.1, entitled “Hazardous Waste Management: Standards Applicable to Transporters of Hazardous Waste”, is adopted. HAR Chapter 11-263 was first approved by NOAA OCRM as a RPC to the Hawai‘i CZM Program on October 17, 1997.

Description of change: The adoption of HAR Chapter 11-263.1 updates rules regulating businesses that generate or handle hazardous wastes and used oil in Hawaii, primarily to align state regulations with updates to EPA’s federal hazardous waste management program.

After HAR Chapter 263.1 took effect on July 17, 2017, the amendments to HAR Chapter 11-263.1 are in response to changes made by the EPA to the federal rules. The State of Hawaii adopts rules equivalent to two new EPA rules by amending the incorporation by reference of the federal regulations in Chapter 263.1 from the July 1, 2016 version of the CFR to the July 1, 2017 version. Numerous conforming changes and corrections have also been made. All changes made in HAR Chapter 263.1 do not affect the substantive content of the subject rules.

Please refer to **Attachment I** for adopted HAR Chapter 11-263.1, as amended.

8) HAR Chapter 11-264.1, as amended

Relating to: **Hazardous Waste Management: Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities**

Adopted: 05/05/2017; 03/01/2018

Effective: 07/17/2017; 09/30/2018

RPC History: HAR Chapter 11-264, Hazardous Waste Management Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities, is repealed, and HAR Chapter 11-264.1, entitled “Hazardous Waste Management: Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities”, is adopted. HAR Chapter 11-264 was first approved by NOAA OCRM as a RPC to the Hawai‘i CZM Program on October 17, 1997.

Description of change: The adoption of HAR 11-264.1 updates rules regulating businesses that generate or handle hazardous wastes and used oil in Hawaii, primarily to align state regulations with updates to EPA’s federal hazardous waste management program.

After HAR Chapter 264.1 took effect on July 17, 2017, the amendments to HAR Chapter 11-264.1 are in response to changes made by EPA to the federal rules. The State of Hawaii adopts rules equivalent to two new EPA rules by amending the incorporation by reference of the federal regulations in Chapter 264.1 from the July 1, 2016 version of the CFR to the July 1, 2017 version.

Numerous conforming changes and corrections have also been made. All changes made in HAR Chapter 264.1 do not affect the substantive content of the subject rules.

Please refer to **Attachment I** for adopted HAR Chapter 11-264.1, as amended.

9) HAR Chapter 11-265.1, as amended

Relating to: **Hazardous Waste Management: Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities**

Adopted: 05/05/2017; 03/01/2018

Effective: 07/17/2017; 09/30/2018

RPC History: HAR Chapter 11-265, Hazardous Waste Management Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities, is repealed, and HAR Chapter 11-265.1, entitled “Hazardous Waste Management: Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities”, is adopted. HAR Chapter 11-265 was first approved by NOAA OCRM as a RPC to the Hawai‘i CZM Program on October 17, 1997.

Description of change: The adoption of HAR Chapter 11-265.1 updates rules regulating businesses that generate or handle hazardous wastes and used oil in Hawaii, primarily to align state regulations with updates to EPA’s federal hazardous waste management program.

After HAR Chapter 265.1 took effect on July 17, 2017, the amendments to HAR Chapter 11-265.1 are in response to changes made by EPA to the federal rules. The State of Hawaii adopts rules equivalent to two new EPA rules by amending the incorporation by reference of the federal regulations in Chapter 265.1 from the July 1, 2016 version of the CFR to the July 1, 2017 version. Numerous conforming changes and corrections have also been made. All changes made in HAR Chapter 265.1 do not affect the substantive content of the subject rules.

Please refer to **Attachment I** for adopted HAR Chapter 11-265.1, as amended.

10) HAR Chapter 11-266.1, as amended

Relating to: **Hazardous Waste Management: Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities**

Adopted: 05/05/2017; 03/01/2018

Effective: 07/17/2017; 09/30/2018

RPC History: HAR Chapter 11-266, Hazardous Waste Management Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities, is repealed, and HAR Chapter 11-266.1, entitled “Hazardous Waste Management: Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities”, is adopted. HAR Chapter 11-266 was first approved by NOAA OCRM as a RPC to the Hawai‘i CZM Program on October 17, 1997.

Description of change: The adoption of HAR Chapter 11-266.1 updates rules regulating businesses that generate or handle hazardous wastes and used oil in Hawaii, primarily to align state regulations with updates to EPA’s federal hazardous waste management program.

After HAR Chapter 266.1 took effect on July 17, 2017, the amendments to HAR Chapter 11-266.1 are in response to changes made by EPA to the federal rules. The State of Hawaii adopts rules equivalent to two new EPA rules by amending the incorporation by reference of the federal regulations in Chapter 266.1 from the July 1, 2016 version of the CFR to the July 1, 2017 version. Numerous conforming changes and corrections have also been made. All changes made in HAR Chapter 266.1 do not affect the substantive content of the subject rules.

Please refer to **Attachment I** for adopted HAR Chapter 11-266.1, as amended.

11) HAR Chapter 11-268.1, as amended

Relating to: **Hazardous Waste Management: Land Disposal Restrictions**

Adopted: 05/05/2017; 03/01/2018

Effective: 07/17/2017; 09/30/2018

RPC History: HAR Chapter 11-268, Hazardous Waste Management Land Disposal Restrictions, is repealed, and HAR Chapter 11-268.1, entitled “Hazardous Waste Management: Land Disposal Restrictions”, is adopted. HAR Chapter 11-268 was first approved by NOAA OCRM as a RPC to the Hawai‘i CZM Program on October 17, 1997.

Description of change: The adoption of HAR Chapter 11-268.1 updates rules regulating businesses that generate or handle hazardous wastes and used oil in Hawaii, primarily to align state regulations with updates to EPA’s federal hazardous waste management program.

After HAR Chapter 268.1 took effect on July 17, 2017, the amendments to HAR Chapter 11-268.1 are in response to changes made by the EPA to the federal rules. The State of Hawaii adopts rules equivalent to two new EPA rules by amending the incorporation by reference of the federal regulations in Chapter 268.1 from the July 1, 2016 version of the CFR to the July 1, 2017 version. Numerous conforming changes and corrections have also been made. All changes made in HAR Chapter 268.1 do not affect the substantive content of the subject rules.

Please refer to **Attachment I** for adopted HAR Chapter 11-268.1, as amended.

12) HAR Chapter 11-270.1, as amended

Relating to: **Hazardous Waste Management: The Hazardous Waste Permit Program**

Adopted: 05/05/2017; 03/01/2018

Effective: 07/17/2017; 09/30/2018

RPC History: HAR Chapter 11-270, Hazardous Waste Management: The Hazardous Waste Permit Program, is repealed, and HAR Chapter 11-270.1, entitled “Hazardous Waste Management: The Hazardous Waste Permit Program”, is adopted. HAR Chapter 11-270 was first approved by NOAA OCRM as a RPC to the Hawai‘i CZM Program on October 17, 1997.

Description of change: The adoption of HAR Chapter 11-270.1 updates rules regulating businesses that generate or handle hazardous wastes and used oil in Hawaii, primarily to align state regulations with updates to EPA’s federal hazardous waste management program.

After HAR Chapter 270.1 took effect on July 17, 2017, the amendments to HAR Chapter 11-270.1 are in response to changes made by EPA to the federal rules. The State of Hawaii adopts rules equivalent to two new EPA rules by amending the incorporation by reference of the federal regulations in Chapter 270.1 from the July 1, 2016 version of the CFR to the July 1, 2017 version. Numerous conforming changes and corrections have also been made. All changes made in HAR Chapter 270.1 do not affect the substantive content of the subject rules.

Please refer to **Attachment I** for adopted HAR Chapter 11-270.1, as amended.

13) HAR Chapter 11-271.1, as amended

Relating to: **Hazardous Waste Management: Permit Procedures**

Adopted: 05/05/2017; 03/01/2018

Effective: 07/17/2017; 09/30/2018

RPC History: HAR Chapter 11-271, Hazardous Waste Management Permit Procedures, is repealed, and HAR Chapter 11-271.1, entitled “Hazardous Waste Management: Permit Procedures”, is adopted. HAR Chapter 11-271 was first approved by NOAA OCRM as a RPC to the Hawai‘i CZM Program on October 17, 1997.

Description of change: The adoption of HAR Chapter 11-271.1 updates rules regulating businesses that generate or handle hazardous wastes and used oil in Hawaii, primarily to align state regulations with updates to EPA’s federal hazardous waste management program.

After HAR Chapter 271.1 took effect on July 17, 2017, the amendments to HAR Chapter 11-271.1 are in response to changes made by EPA to the federal rules. The State of Hawaii adopts rules equivalent to two new EPA rules by amending the incorporation by reference of the federal regulations in Chapter 271.1 from the July 1, 2016 version of the CFR to the July 1, 2017 version. Numerous conforming changes and corrections have also been made. All changes made in HAR Chapter 271.1 do not affect the substantive content of the subject rules.

Please refer to **Attachment I** for adopted HAR Chapter 11-271.1, as amended.

14) HAR § 11-273.1, as amended

Relating to: **Hazardous Waste Management: Standards for Universal Waste Management**

Adopted: 05/05/2017; 03/01/2018

Effective: 07/17/2017; 09/30/2018

RPC History: HAR Chapter 11-273, Hazardous Waste Management Standards for Universal Waste Management, is repealed, and HAR Chapter 11-273.1, entitled “Hazardous Waste Management: Standards for Universal Waste Management”, is adopted. This is a first-time request to NOAA to add HAR Chapter 11-273.1 as a RPC.

Description of change: The adoption of HAR Chapter 11-273.1 updates rules regulating businesses that generate or handle hazardous wastes and used oil in Hawaii, primarily to align state regulations with updates to EPA’s federal hazardous waste management program.

After HAR Chapter 273.1 took effect on July 17, 2017, the amendments to HAR Chapter 11-273.1 are in response to changes made by EPA to the federal rules. The State of Hawaii adopts rules equivalent to two new EPA rules by amending the incorporation by reference of the federal regulations in Chapter 273.1 from the July 1, 2016 version of the CFR to the July 1, 2017 version. Numerous conforming changes and corrections have also been made. All changes made in HAR Chapter 273.1 do not affect the substantive content of the subject rules.

Please refer to **Attachment I** for adopted HAR Chapter 11-273.1, as amended.

15) HAR Chapter 11-279.1, as amended

Relating to: **Hazardous Waste Management: Standards for the Management of Used Oil**

Adopted: 05/05/2017; 03/01/2018

Effective: 07/17/2017; 09/30/2018

RPC History: HAR Chapter 11-279, Hazardous Waste Management Standards for the Management of Used Oil, is repealed, and HAR Chapter 11-279.1, entitled “Hazardous Waste Management: Standards for the Management of Used Oil”, is adopted. HAR Chapter 11-279 was first approved by NOAA OCRM as a RPC to the Hawai‘i CZM Program on October 17, 1997.

Description of change: The adoption of HAR Chapter 11-279.1 updates rules regulating businesses that generate or handle hazardous wastes and used oil in Hawaii, primarily to align state regulations with updates to EPA’s federal hazardous waste management program.

After HAR Chapter 279.1 took effect on July 17, 2017, the amendments to HAR Chapter 11-279.1 are in response to changes made by EPA to the federal rules. The State of Hawaii adopts rules equivalent to two new EPA rules by amending the incorporation by reference of the federal regulations in Chapter 279.1 from the July 1, 2016 version of the CFR to the July 1, 2017 version. Numerous conforming changes and corrections have also been made. All changes made in HAR Chapter 279.1 do not affect the substantive content of the subject rules.

Please refer to **Attachment I** for adopted HAR Chapter 11-279.1, as amended.

16) HAR Chapter 11-280.1

Relating to: **Underground Storage Tanks**

Adopted: 06/22/2018

Effective: 07/15/2018

RPC History: RPC History: HAR Chapter 11-280.1, relating to Underground Storage Tanks, was adopted on June 22, 2018, and effective on July 15, 2018. This is the first-time request to NOAA to add HAR Chapter 11-280.1 as a RPC.

Description of change: Hawaii is an approved state for the EPA's national underground storage tank (UST) program implementing the Resource Conservation and Recovery Act (RCRA), Subtitle I. To maintain EPA approval and funding for this program, Hawaii is required by the Code of Federal Regulations, Title 40 Part 281 (40 CFR 281), to adopt state rules equivalent to and at least as stringent as the UST program's federal regulations, which are found in 40 CFR 280, by October 13, 2018.

The adopted HAR Chapter 11-280.1 incorporates material from current federal regulations with appropriate modifications, bringing the State of Hawaii Department of Health's (DOH's) regulations up to date with numerous changes in federal regulations.

The adopted rules add numerous requirements based on the 2015 federal rules. New requirements such as regular release detection equipment testing, walkthrough inspections, and proper operation and maintenance are key for preventing and quickly identifying releases. The 2015 federal rules also bring airport hydrant fuel distribution systems and UST systems with field-constructed tanks under full regulation.

In addition to changes consistent with the 2015 federal regulations, the State DOH amended the regulations to:

1. In ten years, require secondary containment and interstitial monitoring for all petroleum USTs and piping, except safe suction piping and tanks and piping associated with airport hydrant systems and field-constructed tanks.
2. Require repaired spill or overfill prevention equipment to be tested or inspected before return to use.
3. Require inspection/testing and maintenance of under-dispenser containment sensor and associated recordkeeping.
4. Update site cleanup criteria: Default Tier 1 Screening Levels table.
5. Require permits for airport hydrant systems and UST systems with field constructed tanks.
6. In twenty years, require secondary containment and interstitial monitoring or approved alternative tank design and release detection for airport hydrant systems and UST systems with field-constructed tanks installed before the effective date of the new regulations
7. Increase permit fees.
8. Remove appendices containing notification forms and field citations list
9. Reorganize the chapter for clarity.
10. Make clarifications and corrections.

Please refer to **Attachment I** for adopted HAR Chapter 11-280.1.

17) HAR Chapter 13-86.1

Relating to: Protected Marine Fisheries Resources Sea Cucumber Management

Adopted: 1/14/2016

Effective: 1/14/2016

RPC History: HAR Chapter 13-86.1, Sea Cucumber Management, was adopted and effective in the state on January 14, 2016. This is a first-time request to NOAA to add HAR Chapter 13-86.1 as a RPC.

Description of change: On June 26, 2015, the State of Hawaii Board of Land and Natural Resources (BLNR) promulgated emergency rules, HAR Chapter 13-86, prohibiting the take of sea cucumbers from state waters in response to the sudden emergence of a large-scale commercial sea cucumber harvesting operation on Maui and Oahu. The BLNR found that the emergency rule was necessary to prevent imminent peril to the State's natural resources. The subject emergency rule expired on October 26, 2015.

The BLNR adopted HAR Chapter 13-86.1 to regulate the harvest of sea cucumbers from state waters after the emergency rule expired. The new adopted rule would continue to prohibit the harvest of sea cucumber for commercial sale for consumption purposes, defined as “for food, medicine, or any other use whereby the sea cucumber is killed.” This new rule allows for the limited commercial harvest of two species of sea cucumber for aquarium purposes on Oahu only, and sets a daily individual bag limit, as well as an annual total catch limit for the fishery, to ensure that the level of aquarium take does not substantially increase. The new adopted rule allows for a small level of take for personal non-commercial use. Any person would be allowed to take up to five total sea cucumbers of any species. This provision is intended to accommodate existing low levels of sea cucumber harvest for personal consumption, which is not shown to have a negative impact on the marine resources. Any person violating any provision of this rule shall be subject to administrative penalties, criminal penalties and other penalty as provided by law.

The Hawai‘i CZM Program received comments dated August 2, 2016, from the DLNR that recommends adding HAR Chapter 13-86.1 as a RPC.

Please refer to **Attachment I** for adopted HAR Chapter 13-86.1.

18) HAR § 19-42-131

Relating to: Dumping of Materials at Sea

Adopted: 05/20/1982

Effective: 05/20/1982

RPC History: By establishing rules for regulating dumping of materials at sea, this enforceable policy enforces the CZM objectives and policies in protection of marine resources and coastal ecosystems. HAR § 19-42-131 was added under the authority of HRS §§ 266-2 and 266-3. HRS Chapter §§ 266-2 and 266-3 were approved by NOAA OCRM on July 1, 1984, October 31, 1985, and October 20, 1986, respectively.

Description of change: HAR § 19-42-131 was added for vessel and harbor controls. Pursuant to this added section, when any owner, agent or individual contemplates the dumping of sinkable materials at sea by hauling across, within or on the navigable and/or shore waters of the State, that person shall notify and obtain the permission of the department as specified in HAR §§ 19-42-161 and 19-42-162 prior to movement and shall not fail to perform any duty imposed thereby. All dumping at sea of sinkable objects or materials shall be done in the areas designated by the Secretary of the Army for such disposal and in accordance with the Corps of Engineers requirements and applicable state agency requirements. The dumping of floating objects is strictly prohibited.

Please refer to **Attachment I** for added HAR § 19-42-131

19) HAR § 19-42-136

Relating to: Fueling

Adopted: 05/20/1982

Effective: 05/20/1982

RPC History: By establishing rules for regulating fueling, this enforceable policy enforces the CZM Program objectives and policies in protection of marine resources and coastal ecosystems.

HAR § 19-42-136 was added under the authority of HRS §§ 266-2 and 266-3. HRS Chapter §§ 266-2 and 266-3 were approved by NOAA OCRM on July 1, 1984, October 31, 1985, and October 20, 1986, respectively.

Description of change: HAR § 19-42-136 was added for vessel and harbor controls. Pursuant to this added section, all fueling operations shall be done in compliance with the stricter of any applicable federal, state, and county rules. The fueling of vessels at a state commercial harbor where a marine fueling station has been established, or where authorized tank trucks or tank trailers are available shall be accomplished only at a station, or by tank trucks or tank trailers with a state permit. Fueling a vessel from a fuel barge or tanker barge shall be allowed only when it is done in accordance with operational procedures approved by the U. S. Coast Guard.

Please refer to **Attachment I** for added HAR § 19-42-136.

20) HAR § 19-42-161

Relating to: Dredging, Filling, and Construction

Adopted: 05/20/1982

Effective: 05/20/1982

RPC History: By establishing rules for regulating dredging, filling and construction within commercial harbors and entrance channels belonging to or controlled by the State, this enforceable policy enforces the CZM Program objectives and policies in protection of marine resources and coastal ecosystems. HAR § 19-42-161 was added under the authority of HRS §§ 266-2 and 266-3. HRS Chapter §§ 266-2 and 266-3 were approved by NOAA OCRM on July 1, 1984, October 31, 1985, and October 20, 1986, respectively.

Description of change: HAR §19-42-161, was added for vessel and harbor controls. Pursuant to this added section, any person, firm, or corporation desiring to perform any dredging, filling, or erecting of any construction within commercial harbors and entrance channels belonging to or controlled by the State, shall first obtain a permit therefor from the department.

Please refer to **Attachment I** for added HAR § 19-42-161.

21) HAR § 19-42-162

Relating to: Jurisdiction of other Agencies

Adopted: 05/20/1982

Effective: 05/20/1982

RPC History: By establishing rules for requiring the approval of other agencies before performing work within their jurisdiction, this enforceable policy enforces the CZM Program objectives and policies in protection of marine resources and coastal ecosystems. HAR § 19-42-162 was added under the authority of HRS §§ 266-2 and 266-3. HRS Chapter §§ 266-2 and 266-3 were approved by NOAA OCRM on July 1, 1984, October 31, 1985, and October 20, 1986, respectively.

Description of change: HAR §19-42-162, was added for vessel and harbor controls. Pursuant to this added section, the United States Army Corps of Engineers, the department of health, and the department of land and natural resources may have certain jurisdiction over navigable waters.

The approval of these agencies shall also be secured before performing work within their jurisdictions.

Please refer to **Attachment I** for added HAR § 19-42-162.

22) HAR § 19-42-164

Relating to: Construction of Structures

Adopted: 05/20/1982

Effective: 05/20/1982

RPC History: By establishing rules for regulating construction of structures, this enforceable policy enforces the CZM Program objectives and policies in protection of marine resources and coastal ecosystems. HAR § 19-42-164 was added under the authority of HRS §§ 266-2 and 266-3. HRS Chapter §§ 266-2 and 266-3 were approved by NOAA OCRM on July 1, 1984, October 31, 1985, and October 20, 1986, respectively.

Description of change: HAR §19-42-164, was added for vessel and harbor controls. Pursuant to this added section, no buildings or structures of any nature shall be erected or constructed on state property, nor shall existing structures be modified, without obtaining the prior permission of the division and any other governmental agency as required by law. The division may require plans, specifications, and other pertinent data to accompany any request for construction or modification of state facilities.

Please refer to **Attachment I** for added HAR § 19-42-164.

23) City and County of Honolulu Rules Chapter 20-3

Relating to: Water Quality

Adopted: 08/16/2016

Effective: 08/16/2017

RPC History: Administrative Rules Title 20, Chapter 3, relating to Water Quality, City and County of Honolulu, is adopted August 16, 2016, and effective August 16, 2017. This is a first-time request to NOAA to add the City and County of Honolulu's Rules Chapter 20-3 as a RPC.

Description of change: Adoption of Chapter 20-3 will further the City and County of Honolulu's compliance with, and, performance of duties under Article XI, Section 1 of the Hawaii State Constitution, HRS Chapter 180C and Chapter 342D, Chapter 14 of the Revised Ordinances of Honolulu 1990 (as amended), and the City and County of Honolulu's National Pollutant Discharge Elimination System Permit, NPDES Permit No. HI S000002, 2015 (as amended).

Article XI, Section 1 of the Hawaii State Constitution, HRS Chapter 180C and Chapter 342D were approved as RPCs by NOAA on July 18, 1990.

Rules Chapter 20-3 relating to water quality apply to all development and land disturbing activities within the City and County of Honolulu, and establish minimum requirements for the selection, design, implementation and maintenance of best management practices to protect the municipal separate storm sewer system (MS4) and receiving waters from associated pollutants.

The pollutants of concern addressed by the subject rules include sediment, nutrients, trash, pathogens, pesticides, oil, grease, hazardous waste, toxic waste, metals, and organic compounds.

Please refer to **Attachment I** for adopted City and County of Honolulu Rules Chapter 20-3.

Modified Regulatory Policies

24) HRS § 171-58.5

Reference: Act 120, SLH 2013

Relating to: **Prohibitions**

Adopted: 06/14/2013

Effective: 06/29/2013

RPC History: HRS Chapter 171, “Public Lands, Management and Disposition Of” was enacted in 1978 for the federally approved Hawai‘i CZM Program. Amendments to HRS Chapter 171 were approved as RPCs on October 15, 1987, October 18, 1989, July 18, 1990, June 7, 1993, September 18, 2001, May 19, 2004, and January 18, 2013, respectively.

Description of change: The amendments to HRS § 171-58.5 were made by Act 120, SLH 2013. HRS § 171-58.5 Prohibitions, is a federally approved enforceable policy. The amendments to HRS § 171-58.5 delete the “one gallon per person per day” exception to the prohibition against the removal of sand and other beach or marine deposits seaward from the shoreline, and creates an exception from the prohibition for traditional cultural practices and the response to public emergencies.

Please refer to **Attachment II** for amendments to HRS § 171-58.5.

25) HRS § 205A-22

Reference: Act 239, SLH 2012

Relating to: **Definitions**

Adopted: 07/06/2012

Effective: 07/06/2012

RPC History: HRS Chapter 205A, Hawaii CZM Law, was enacted in 1977 for the federally approved Hawai‘i CZM Program. Amendments to HRS §§ 205A-1, 205A-2, 205A-3, 205A-4, 205A-5, 205A-6, 205A-22, 205A-23, 205A-26, 205A-27, 205A-29, 205A-30, 205A-31, and 205A-33, were approved by NOAA as RPCs on July 1, 1984. Amendments to HRS Chapter 205A were approved as RPCs on October 20, 1986, October 18, 1989, July 18, 1990, June 7, 1993, October 17, 1997, September 18, 2001, January 18, 2013, and September 30, 2016, respectively.

Description of change: The amendments to HRS § 205A-22 were made by Act 239, SLH 2012. HRS § 205A-22 **Definitions**, is a federally approved enforceable policy. HRS § 205A-22 was amended by requiring the counties to concurrently process subdivision and SMA use permits under certain conditions, to ensure that a SMA use permit is processed before final subdivision approval.

Please refer to **Attachment II** for amendments to HRS § 205A-22.

26) HRS § 205A-44(a)

Reference: Act 120, SLH 2013

Relating to: **Prohibitions**

Adopted: 06/14/2013

Effective: 06/29/2013

RPC History: HRS Chapter 205A, Hawaii CZM Law, was enacted in 1977 for the federally approved Hawai'i CZM Program. Amendments to HRS §§ 205A-1, 205A-2, 205A-3, 205A-4, 205A-5, 205A-6, 205A-22, 205A-23, 205A-26, 205A-27, 205A-29, 205A-30, 205A-31, and 205A-33, were approved by NOAA as RPCs on July 1, 1984. Amendments to HRS Chapter 205A were approved as RPCs on October 20, 1986, October 18, 1989, July 18, 1990, June 7, 1993, October 17, 1997, September 18, 2001, January 18, 2013, and September 30, 2016, respectively.

Description of change: The amendments to HRS § 205A-44(a) were made by Act 120, SLH 2013. HRS § 205A-44 Prohibitions, is a federally approved enforceable policy. The amendments to HRS § 205A-44(a) delete the “one gallon per person per day” exception to the prohibition against the removal of sand and other beach or marine deposits from the shoreline area, and create an exception to the prohibition for traditional cultural practices and the response to public emergencies.

Please refer to **Attachment II** for amendments to HRS § 205A-44(a).

27) HRS § 342D-6.5

Relating to: **Hawaiian loko i'a**

Adopted: 07/13/2015

Effective: 07/13/2015

RPC History: HRS Chapter 342 D relating Water Pollution was first approved by NOAA OCRM as a RPC to the Hawai'i CZM Program on July 18, 1990, and the amendments were concurred by NOAA OCRM on June 7, 1993, October 17, 1997, September 18, 2001, and March 12, 2009, respectively.

On April 23, 2013, NOAA OCRM approved a federal consistency general concurrence for minor federal permit activities for Hawaiian Fishpond Restoration, Repair, Maintenance and Reconstruction as a RPC to the Hawai'i CZM Program.

Description of change: Effected by Act 230, SLH 2015, the State of Hawaii Department of Health shall waive the requirement to obtain water quality certification under HRS Chapter 342D for any person that has received a notice of authorization to proceed from the Department of Land and Natural Resources Office of Conservation and Coastal Lands under the statewide programmatic general permit for the restoration, repair, maintenance, and operation of loko i'a. “Water quality certification” means state certification pursuant to section 401 of the federal Clean Water Act.

Please refer to **Attachment II** for amendments to HRS § 342D-6.5.

28) Special Management Area Rules of the County of Hawaii §§ 9-4(e)(2)(A) and(R), §§ 9-4(q)and (r), § 9-8, § 9-9, and §§ 9-10(a), (b), (d), (e), (f) and (i), § 9-11(b)

Relating to: **Special Management Area (SMA)**

Adopted date: 11/22/2017

Effective date: 12/4/2017

RPC History: County of Hawaii's Rule 9 relating to SMA was first approved as RPCs on June 7, 1993, and the amendments to Rule 9 were approved as RPCs on September 18, 2001, and March 12, 2009, respectively.

The cost threshold \$500,000 under HRS § 205A-22 in accordance with Act 153, SLH 2011 was approved as an enforceable policy by NOAA OCRM on January 18, 2013. Also, SMA rules Revised Ordinance of Honolulu §§ 25-1.3 and 25-3.3 and County of Kauai's SMA Rules §§ 1.4(F), (U) and (V) relating to the cost threshold \$500,000 and 7,500 square feet floor area, were approved as enforceable policies by NOAA on January 13, 2013.

Description of change: In accordance with Act 153, SLH 2011, HRS §205A-22 was amended by including single-family residences with greater than 7,500 square feet of floor area as "development," which requires the SMA permit. "Final subdivision approval" was added to the list of excluded "development," set forth in HRS §205A-22. Further, the cost threshold for the SMA use permit was raised from \$125,000 to \$500,000.

In addition, Act 153, SLH 2011 added a new subsection (19) to HRS §171-6, exempting the Division of Boating & Ocean Recreation (DOBOR), Department of Land and Natural Resources, from SMA permit requirements. The amendments to HRS § 205A-22, and HRS § 171-6(19) in accordance with Act 153, SLH 2011 were approved by NOAA OCM as RPCs on January 18, 2013.

In accordance with Act 153, SLH 2011, subsection 9-4(e)(2)(A) was amended by including single-family residences with greater than 7,500 square feet of floor area as "development," which requires the SMA permit. "Floor area" shall be the total area of all floors of a building associated with single-family residence.

Subsection 9-4(e)(2)(R) was added to exempt the DOBOR, Department of Land and Natural Resources, from SMA permit requirements.

Subsections 9-4(q) and (r) were amended by raising the cost threshold between the SMA use permit and SMA minor permit from \$125,000 to \$500,000.

Section 9-8 was amended by adding (c) to ensure that SMA minor, use and emergency permits or exemptions validly issued, subsequent to any amendment to HRS Chapter 205A but preceding any supportive amendment to Rule 9 shall continue to be considered valid.

Section 9-9 was amended to improve the efficiency of the County Planning Commission's review, approval and permitting processes granted upon it by HRS Chapter 205A, the Commission hereby delegates to the County Planning Director the authority to process assessments, determinations and conditions regarding SMA use requirements.

Subsections 9-10(a), (b), (d), (e), (f) and (i) and 9-11(b) were amended to raise the cost threshold between the SMA minor permit and SMA major permit from \$125,000 to \$500,000, and the SMA review and assessment application procedures.

Effect of change: For the efficiency of the County Planning Commission's review, approval and permitting processes granted upon it by HRS Chapter 205A, the County of Hawaii's Planning Commission hereby delegates to the County Planning Director the authority to process assessments, determinations, and conditions regarding SMA use requirements.

A development whose valuation is not in excess of \$500,000 and has no substantial adverse environmental or ecological effect, taking into account potential cumulative effects, does not require a SMA use permit. Increase in the cost threshold for the SMA use permit reduces the number of SMA use permit applications, and streamlines permit procedures. Single-family residences with greater than 7,500 square feet of floor area require a SMA permit. The county SMA rules and ordinances need to be amended in accordance with amendments to HRS § 205A-22, and HRS § 171-6, which were approved by NOAA OCM on January 18, 2013.

Please refer to **Attachment II** for amendments to County of Hawai'i Rule 9 relating to SMA

29) HAR §§ 13-60.4-2, 13-60.4-3, and 13-60.4-5,

Relating to: **West Hawai'i Regional Fishery Management Area, Hawai'i**

Adopted: 05/27/2016

Effective: 07/29/2016

RPC History: HAR Chapter 13-60.4 is based substantially upon Chapter 13-60.3, which was approved as a RPC to the Hawai'i CZM Program on September 18, 2001. Amendments to HAR §§ 13-60.3-2, 60.3-3, 60.3-4, 60.3-5 and 60.3-6 were approved to integrate into the Hawai'i CZM Program as RPCs on March 12, 2009. Chapter 13-60.4 was simultaneously adopted upon repeal of Chapter 13-60.3, and approved as a RPC by NOAA OCM to the Hawai'i CZM Program on September 30, 2016.

Description of change: HAR § 13-60.4-2 Geographical jurisdiction of chapter provisions was amended by adding "Ka'ūpūlehu marine reserve, identified on shore to the north by the northern boundary of the Ka'ūpūlehu ahupua'a, and to the south by the southern side of Kikaua Point". In the meantime, "Ka'ūpūlehu fish replenishment area, identified on shore to the north by the northern boundary of the Ka'ūpūlehu ahupua'a, and to the south by the southern side of Kikaua Point" was deleted from HAR § 13-60.4-2. "Marine reserve" was added together with fish replenishment areas and netting restricted areas to the boundaries of the West Hawai'i regional fishery management area. "Map of Fish Replenishment Area and Netting Restricted Area Boundaries, dated 9/21/11" was changed to "Map of Marine Reserve, Fish Replenishment Area, and Netting Restricted Area Boundaries, dated 12/12/12." Accordingly, "Table of Reference Coordinates to Fish Replenishment Area Boundaries, dated 9/21/11" was changed to "Table of Reference Coordinates to Marine Reserve and Fish Replenishment Area Boundaries, dated 12/12/12".

HAR § 13-60.4-3 was amended by adding a series of definitions, including "Deploy", "Fishing gear", "Hook-and-line", "Kona crab net", and "Marine reserve".

HAR § 13-60.4-5 Activities prohibited within the selected areas, was amended by adding subsection (d), (e) and (f) for persons taking any specimen of aquatic life, possessing any other specimen of marine life, possessing or using any fishing gear other than hook-and-line or kona crab nets or both, or deploying any fishing gears shoreward of the twenty-fathom depth contour within the Ka‘ūpūlehu marine reserve. Subsections (d) and (e) shall be effective until June 30, 2026, or until effective date of rules implementing a comprehensive fisheries management plan as developed, whichever occurs later.

The Hawai‘i CZM Program received comments dated August 2, 2016, from the DLNR that recommends integrating modified HAR Chapter 13-60.4 as a RPC.

Please refer to **Attachment II** for amendments to HAR §§ 13-60.4-2, 13-60.4-3 and 13-60.4-5.

30) HAR § 13-256-152

Relating to: **Kahaluu Bay Ocean Waters**

Adopted: 04/22/2016

Effective: 04/22/2016

RPC History: HAR Chapter 13-256, Ocean Recreation Management Rules and Areas, was first approved by NOAA OCRM as a RPC to the Hawai‘i CZM Program on October 17, 1997. Amendments to HAR §§ 13-256-3 and 13-256-4, and HAR § 13-256-73.13 were approved by NOAA OCM as RPCs to the Hawai‘i CZM Program on September 30, 2016.

Description of change: The title of HAR § 13-256-152 was changed from “Kahaluu Bay Swimming Zone” to “Kahaluu Bay ocean waters”. The amendment to HAR § 13-256-152 modifies swim and surf designations, and limits commercial surf instruction in the Bay as well as introduces an updated exhibit map for Kahaluu Bay.

The amendment to HAR § 13-256-152 reorganizes Kahaluu Bay to clearly designate swim and surf zones, and regulates surf schools within Kahaluu Bay in order to limit the number of commercial surf schools allowed to operate in the bay and to enforce a teacher and student ratio for surfing instruction. The amendment also updates the rule to use Global Position System coordinates to describe zone designations and updates the corresponding exhibit to the rule to a current map.

Please refer to **Attachment II** for amendments to HAR § 13-256-152.

Deleted Regulatory Rules

31) HAR Chapter 11-260

Relating to: **Hazardous Waste Management: General Provisions**

Adopted: 05/05/2017

Effective: 07/17/2017

RPC History: HAR Chapter 11-260 was first approved by NOAA OCRM as a RPC to the Hawai‘i CZM Program on October 17, 1997. HAR Chapter 11-260, Hazardous Waste

Management General Provisions, is repealed, and HAR Chapter 11-260.1, entitled “Hazardous Waste Management: General Provisions”, is adopted.

Description of change: As a result of adoption of HAR Chapter 11-260.1, HAR Chapter 11-260 is repealed accordingly.

Please refer to **Attachment III** for repealed HAR Chapter 11-260.

32) HAR Chapter 11-261

Relating to: **Hazardous Waste Management: Identification and Listing of Hazardous Waste**

Adopted: 05/05/2017

Effective: 07/17/2017

RPC History: HAR Chapter 11-261 was first approved by NOAA OCRM as a RPC to the Hawai‘i CZM Program on October 17, 1997. HAR Chapter 11-261, Hazardous Waste Management Identification and Listing of Hazardous Waste, is repealed, and HAR Chapter 11-261.1, entitled “Hazardous Waste Management: Identification and Listing of Hazardous Waste”, is adopted.

Description of change: As a result of adoption of HAR Chapter 11-261.1, HAR Chapter 11-261 is repealed accordingly.

Please refer to **Attachment III** for repealed HAR Chapter 11-261.

33) HAR § 11-262

Relating to: **Hazardous Waste Management: Standards Applicable to Generators of Hazardous Waste**

Adopted: 05/05/2017

Effective: 07/17/2017

RPC History: HAR Chapter 11-262 was first approved by NOAA OCRM as a RPC to the Hawai‘i CZM Program on October 17, 1997. HAR Chapter 11-262, Hazardous Waste Management Standards Applicable to Generators of Hazardous Waste, is repealed, and HAR Chapter 11-262.1, entitled “Hazardous Waste Management: Standards Applicable to Generators of Hazardous Waste”, is adopted.

Description of change: As a result of adoption of HAR Chapter 11-262.1, HAR Chapter 11-262 is repealed accordingly.

Please refer to **Attachment III** for repealed HAR Chapter 11-262

34) HAR Chapter 11-263

Relating to: **Hazardous Waste Management: Standards Applicable to Transporters of Hazardous Waste**

Adopted: 05/05/2017

Effective: 07/17/2017

RPC History: HAR Chapter 11-263 was first approved by NOAA OCRM as a RPC to the Hawai‘i CZM Program on October 17, 1997. HAR Chapter 11-263, Hazardous Waste Management Standards Applicable to Transporters of Hazardous Waste, is repealed, and HAR Chapter 11-263.1, entitled “Hazardous Waste Management: Standards Applicable to Transporters of Hazardous Waste”, is adopted.

Description of change: As a result of adoption of HAR Chapter 11-263.1, HAR Chapter 11-263 is repealed accordingly.

Please refer to **Attachment III** for repealed HAR Chapter 11-263

35) HAR Chapter 11-264

Relating to: **Hazardous Waste Management: Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities**

Adopted: 05/05/2017

Effective: 07/17/2017

RPC History: HAR Chapter 11-264 was first approved by NOAA OCRM as a RPC to the Hawai‘i CZM Program on October 17, 1997. HAR Chapter 11-264, Hazardous Waste Management Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities, is repealed, and HAR Chapter 11-264.1, entitled “Hazardous Waste Management: Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities”, is adopted.

Description of change: As a result of adoption of HAR Chapter 11-264.1, HAR Chapter 11-264 is repealed accordingly.

Please refer to **Attachment III** for repealed HAR Chapter 11-264.

36) HAR Chapter 11-265

Relating to: **Hazardous Waste Management: Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities**

Adopted: 05/05/2017

Effective: 07/17/2017

RPC History: HAR Chapter 11-265 was first approved by NOAA OCRM as a RPC to the Hawai‘i CZM Program on October 17, 1997. HAR Chapter 11-265, Hazardous Waste Management Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities, is repealed, and HAR Chapter 11-265.1, entitled “Hazardous Waste Management: Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities”, is adopted.

Description of change: As a result of adoption of HAR Chapter 11-265.1, HAR Chapter 11-265 is repealed accordingly.

Please refer to **Attachment III** for repealed HAR Chapter 11-265.

37) HAR Chapter 11-266

Relating to: **Hazardous Waste Management: Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities**

Adopted: 05/05/2017

Effective: 07/17/2017

RPC History: HAR Chapter 11-266 was first approved by NOAA OCRM as a RPC to the Hawai‘i CZM Program on October 17, 1997. HAR Chapter 11-266, Hazardous Waste Management Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities, is repealed, and HAR Chapter 11-266.1, entitled “Hazardous Waste Management: Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities”, is adopted.

Description of change: As a result of adoption of HAR Chapter 11-266.1, HAR Chapter 11-266 is repealed accordingly.

Please refer to **Attachment III** for repealed HAR Chapter 11-266.

38) HAR Chapter 11-268

Relating to: **Hazardous Waste Management: Land Disposal Restrictions**

Adopted: 05/05/2017

Effective: 07/17/2017

RPC History: HAR Chapter 11-268 was first approved by NOAA OCRM as a RPC to the Hawai‘i CZM Program on October 17, 1997. HAR Chapter 11-268, Hazardous Waste Management Land Disposal Restrictions, is repealed, and HAR Chapter 11-268.1, entitled “Hazardous Waste Management: Land Disposal Restrictions”, is adopted.

Description of change: As a result of adoption of HAR Chapter 11-268.1, HAR Chapter 11-268 is repealed accordingly.

Please refer to **Attachment III** for repealed HAR Chapter 11-268.

39) HAR Chapter 11-270

Relating to: **Hazardous Waste Management: The Hazardous Waste Permit Program**

Adopted: 05/05/2017

Effective: 07/17/2017

RPC History: HAR Chapter 11-270 was first approved by NOAA OCRM as a RPC to the Hawai‘i CZM Program on October 17, 1997. HAR Chapter 11-270, Hazardous Waste Management: The Hazardous Waste Permit Program, is repealed, and HAR Chapter 11-270.1, entitled “Hazardous Waste Management: The Hazardous Waste Permit Program”, is adopted.

Description of change: As a result of adoption of HAR Chapter 11-270.1, HAR Chapter 11-270 is repealed accordingly.

Please refer to **Attachment III** for repealed HAR Chapter 11-270.

40) HAR Chapter 11-271

Relating to: **Hazardous Waste Management: Permit Procedures**

Adopted: 05/05/2017

Effective: 07/17/2017

RPC History: HAR Chapter 11-271 was first approved by NOAA OCRM as a RPC to the Hawai'i CZM Program on October 17, 1997. HAR Chapter 11-271, Hazardous Waste Management Permit Procedures, is repealed, and HAR Chapter 11-271.1, entitled "Hazardous Waste Management: Permit Procedures", is adopted.

Description of change: As a result of adoption of HAR Chapter 11-271.1, HAR Chapter 11-271 is repealed accordingly.

Please refer to **Attachment III** for repealed HAR Chapter 11-271.

41) HAR Chapter 11-279

Relating to: **Hazardous Waste Management: Standards for the Management of Used Oil**

Adopted: 05/05/2017

Effective: 07/17/2017

RPC History: HAR Chapter 11-279 was first approved by NOAA OCRM as a RPC to the Hawai'i CZM Program on October 17, 1997. HAR Chapter 11-279, Hazardous Waste Management Standards for the Management of Used Oil, is repealed, and HAR Chapter 11-279.1, entitled "Hazardous Waste Management: Standards for the Management of Used Oil", is adopted.

Description of change: As a result of adoption of HAR Chapter 11-279.1, HAR Chapter 11-279 is repealed accordingly.

Please refer to **Attachment III** for repealed HAR Chapter 11-279.

42) HAR Chapter 11-280

Relating to: **Hazardous Waste Management: Public Information**

Adopted: 05/05/2017

Effective: 07/17/2017

RPC History: HAR Chapter 11-280, Hazardous Waste Management Public Information, is repealed. HAR Chapter 11-280 was first approved by NOAA OCRM as a RPC to the Hawai'i CZM Program on October 17, 1997.

Description of change: All references to provisions of 40 CFR parts 124, 260 to 268, 270, 273 and 279 in 40 CFR have already been incorporated and amended in state analog chapters 11-271.1, 260.1, 261.1, 262.1, 263.1, 264.1, 265.1, 266.1, 268.1, 270.1, 273.1 and 279.1, which are submitted with repeal of HAR Chapter 280 for RPCs. The repeal of HAR Chapter 11-280 updates rules regulating businesses that generate or handle hazardous wastes and used oil in

Hawaii, primarily to align state regulations with updates to EPA’s federal hazardous waste management program.

Please refer to **Attachment III** for repealed HAR Chapter 11-280.

Conclusion

Program Change Guidance: Coastal Zone Management Act and Changes to State and Territory Coastal Management Programs, July 1996, states that a substantial change is a high threshold based on a case-by-case determination. Such determination is made by reviewing indicators of substantial change, such as whether new or revised enforceable policies address coastal uses or resources not previously managed, or major changes in the way a state CZM Program manages coastal uses or resources.

Pursuant to CZM Act § 306(e) and 15 CFR § 923.80, the Hawai‘i CZM Program finds that the statutory and regulatory changes submitted to NOAA’s OCM for approval

- 1) will not substantially change the enforceable authorities of Hawai‘i CZM Program, and coastal uses subject to management under the Hawai‘i CZM Program, or affect national interests in the state’s coastal zone;
- 2) will not substantially change the land and water uses subject to management, or the enforceable authorities or organizational structure within the coastal zone; and
- 3) will increase the ability of Hawai‘i CZM Program network agencies to manage, preserve, and sustain the coastal resources of the State of Hawai‘i.

According to the standards set forth by 15 CFR § 923.80(d), procedures set forth by 15 CFR § 923.84, and *Program Change Guidance of July 1996*, the Hawai‘i CZM Program submits the above statutory and regulatory changes as RPCs to the Hawai‘i CZM Program, and requests approval of these changes as enforceable policies from NOAA’s OCM.

Request List for Routine Program Changes

Name/Description of State or Local Law/Regulation		Approved Incorporation into the Hawai'i CZM Program by NOAA OCM	State/Local Legal Citation	Changes to the Law/Regulation	Effect of Changes on the CZM Program	Date Adopted	Date Effective in State
			ADDED				
1	HRS Chapter 342D Water Pollution	Enacted 7/18/1990 Amended 6/7/1993; 8/25/1993; 10/17/1997; 1/22/1999; 9/18/2001; 3/12/2009	HRS § 342D-61 Household aerobic unit approval Act 89, SLH 2017	<ul style="list-style-type: none"> Added household aerobic unit approval 	<ul style="list-style-type: none"> Prohibits the installation or use of household aerobic units that discharge directly to groundwater in the state unless obtain an approval. Requires the DOH director to approve household aerobic units based on the National Sanitation Foundation Standards 	07/05/2017	7/05/2017
2	HRS Chapter 342D Water Pollution	Enacted 7/18/1990 Amended 6/7/1993; 8/25/1993; 10/17/1997; 1/22/1999; 9/18/2001; 3/12/2009	HRS § 342D-72 Cesspools; mandatory upgrade, conversion, or connection Act 125, SLH 2017	<ul style="list-style-type: none"> Added mandatory upgrade, conversion, or construction of cesspools 	<ul style="list-style-type: none"> Requires that all cesspools in the State be upgraded or converted into more environmentally-friendly waste treatment systems or connected to a sewer system before January 1, 2050. 	07/01/2017	07/01/2017
3	HAR Chapter 11-20 Public Water Systems	Pending OCM's approval	HAR Chapter 11-20 Public Water Systems, as amended	<ul style="list-style-type: none"> Added the rules regulating all public water systems in the state. Revisions to HAR Chapter 11-200 are entirely federally mandated. 	<ul style="list-style-type: none"> Affects all public water systems in the state. Reduces the entry of fecal contamination into distribution systems. A total of 135 public water systems, serving approximately 1.5 million customers on the islands of Kauai, Oahu, Molokai, Lanai, Maui and Hawaii, must comply 	12/28/2017	12/28/2017

Name/Description of State or Local Law/Regulation	Approved Incorporation into the Hawai'i CZM Program by NOAA OCM	State/Local Legal Citation	Changes to the Law/Regulation	Effect of Changes on the CZM Program	Date Adopted	Date Effective in State
				with the revised Total Coliform Rule.		
4 HAR Chapter 11-260.1 Hazardous Waste Management: General Provisions	Pending OCM's approval	HAR Chapter 11-260.1 Hazardous Waste Management: General Provisions, as amended	<ul style="list-style-type: none"> Added the updated rules regulating businesses that generate or handle hazardous wastes and used oil in Hawaii 	<ul style="list-style-type: none"> Aligns State regulations with updates to the EPA's federal hazardous waste management program. Applies new EPA rules by amending the incorporation by reference of the federal regulations in Chapter 260.1 from the July 1, 2016 version of the CFR to the July 1, 2017 version. 	05/05/2017 03/01/2018	07/17/2017 09/30/2018
5 HAR Chapter 11-261.1 Hazardous Waste Management: Identification and Listing of Hazardous Waste	Pending OCM's approval	HAR Chapter 11-261.1 Hazardous Waste Management: Identification and Listing of Hazardous Waste, as amended	<ul style="list-style-type: none"> Added the updated rules regulating businesses that generate or handle hazardous wastes and used oil in Hawaii 	<ul style="list-style-type: none"> Aligns State regulations with updates to the EPA's federal hazardous waste management program. Applies new EPA rules by amending the incorporation by reference of the federal regulations in Chapter 260.1 from the July 1, 2016 version of the CFR to the July 1, 2017 version. 	05/05/2017 03/01/2018	07/17/2017 09/30/2018
6 HAR Chapter 11-262.1 Hazardous Waste Management: Standards Applicable to Generators of Hazardous Waste	Pending OCM's approval	HAR Chapter 11-262.1 Hazardous Waste Management: Standards Applicable to Generators of Hazardous Waste, as amended	<ul style="list-style-type: none"> Added the updated rules regulating businesses that generate or handle hazardous wastes and used oil in Hawaii 	<ul style="list-style-type: none"> Aligns State regulations with updates to the EPA's federal hazardous waste management program. Applies new EPA rules by amending the incorporation by reference of the federal regulations in Chapter 260.1 from the July 1, 2016 version of the CFR to the July 1, 2017 version. 	05/05/2017 03/01/2018	07/17/2017 09/30/2018

Name/Description of State or Local Law/Regulation		Approved Incorporation into the Hawai'i CZM Program by NOAA OCM	State/Local Legal Citation	Changes to the Law/Regulation	Effect of Changes on the CZM Program	Date Adopted	Date Effective in State
7	HAR Chapter 11-263.1 Hazardous Waste Management: Standards Applicable to Transporters of Hazardous Waste	Pending OCM's approval	HAR Chapter 11-263.1 Hazardous Waste Management: Standards Applicable to Transporters of Hazardous Waste, as amended	<ul style="list-style-type: none"> Added the updated rules regulating businesses that generate or handle hazardous wastes and used oil in Hawaii 	<ul style="list-style-type: none"> Aligns State regulations with updates to the EPA's federal hazardous waste management program. Applies new EPA rules by amending the incorporation by reference of the federal regulations in Chapter 260.1 from the July 1, 2016 version of the CFR to the July 1, 2017 version. 	05/05/2017 03/01/2018	07/17/2017 09/30/2018
8	HAR Chapter 11-264.1 Hazardous Waste Management: Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities	Pending OCM's approval	HAR Chapter 11-264.1 Hazardous Waste Management: Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities, as amended	<ul style="list-style-type: none"> Added the updated rules regulating businesses that generate or handle hazardous wastes and used oil in Hawaii 	<ul style="list-style-type: none"> Aligns State regulations with updates to the EPA's federal hazardous waste management program. Applies new EPA rules by amending the incorporation by reference of the federal regulations in Chapter 260.1 from the July 1, 2016 version of the CFR to the July 1, 2017 version. 	05/05/2017 03/01/2018	07/17/2017 09/30/2018

Name/Description of State or Local Law/Regulation		Approved Incorporation into the Hawai'i CZM Program by NOAA OCM	State/Local Legal Citation	Changes to the Law/Regulation	Effect of Changes on the CZM Program	Date Adopted	Date Effective in State
9	HAR Chapter 11-265.1 Hazardous Waste Management: Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities	Pending OCM's approval	HAR Chapter 11-265.1 Hazardous Waste Management: Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities, as amended	<ul style="list-style-type: none"> Added the updated rules regulating businesses that generate or handle hazardous wastes and used oil in Hawaii 	<ul style="list-style-type: none"> Aligns State regulations with updates to the EPA's federal hazardous waste management program. Applies new EPA rules by amending the incorporation by reference of the federal regulations in Chapter 260.1 from the July 1, 2016 version of the CFR to the July 1, 2017 version. 	05/05/2017 03/01/2018	07/17/2017 09/30/2018
10	HAR Chapter 11-266.1 Hazardous Waste Management: Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities	Pending OCM's approval	HAR Chapter 11-266.1 Hazardous Waste Management: Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities, as amended	<ul style="list-style-type: none"> Added the updated rules regulating businesses that generate or handle hazardous wastes and used oil in Hawaii 	<ul style="list-style-type: none"> Aligns State regulations with updates to the EPA's federal hazardous waste management program. Applies new EPA rules by amending the incorporation by reference of the federal regulations in Chapter 260.1 from the July 1, 2016 version of the CFR to the July 1, 2017 version. 	05/05/2017 03/01/2018	07/17/2017 09/30/2018
11	HAR Chapter 11-268.1 Hazardous Waste Management: Land Disposal Restrictions	Pending OCM's approval	HAR Chapter 11-268.1 Hazardous Waste Management: Land Disposal Restrictions, as amended	<ul style="list-style-type: none"> Added the updated rules regulating businesses that generate or handle hazardous wastes and used oil in Hawaii 	<ul style="list-style-type: none"> Aligns State regulations with updates to the EPA's federal hazardous waste management program. Applies new EPA rules by amending the incorporation by reference of the federal regulations 	05/05/2017 03/01/2018	07/17/2017 09/30/2018

Name/Description of State or Local Law/Regulation		Approved Incorporation into the Hawai'i CZM Program by NOAA OCM	State/Local Legal Citation	Changes to the Law/Regulation	Effect of Changes on the CZM Program	Date Adopted	Date Effective in State
					in Chapter 260.1 from the July 1, 2016 version of the CFR to the July 1, 2017 version.		
12	HAR Chapter 11-270.1 Hazardous Waste Management: The Hazardous Waste Permit Program	Pending OCM's approval	HAR Chapter 11-270.1 Hazardous Waste Management: The Hazardous Waste Permit Program, as amended	<ul style="list-style-type: none"> Added the updated rules regulating businesses that generate or handle hazardous wastes and used oil in Hawaii 	<ul style="list-style-type: none"> Aligns State regulations with updates to the EPA's federal hazardous waste management program. Applies new EPA rules by amending the incorporation by reference of the federal regulations in Chapter 260.1 from the July 1, 2016 version of the CFR to the July 1, 2017 version. 	05/05/2017 03/01/2018	07/17/2017 09/30/2018
13	HAR Chapter 11-271.1 Hazardous Waste Management: Permit Procedures	Pending OCM's approval	HAR Chapter 11-271.1 Hazardous Waste Management: Permit Procedures, as amended	<ul style="list-style-type: none"> Added the updated rules regulating businesses that generate or handle hazardous wastes and used oil in Hawaii 	<ul style="list-style-type: none"> Aligns State regulations with updates to the EPA's federal hazardous waste management program. Applies new EPA rules by amending the incorporation by reference of the federal regulations in Chapter 260.1 from the July 1, 2016 version of the CFR to the July 1, 2017 version. 	05/05/2017 03/01/2018	07/17/2017 09/30/2018
14	HAR Chapter 11-273.1 Hazardous Waste Management: Standards for Universal Waste Management	Pending OCM's approval	HAR Chapter 11-273.1 Hazardous Waste Management: Standards for Universal Waste Management, as amended	<ul style="list-style-type: none"> Added the updated rules regulating businesses that generate or handle hazardous wastes and used oil in Hawaii 	<ul style="list-style-type: none"> Aligns State regulations with updates to the EPA's federal hazardous waste management program. Applies new EPA rules by amending the incorporation by reference of the federal regulations in Chapter 260.1 from the July 1, 2016 version of the CFR to the July 1, 2017 version. 	05/05/2017 03/01/2018	07/17/2017 09/30/2018

Name/Description of State or Local Law/Regulation		Approved Incorporation into the Hawai'i CZM Program by NOAA OCM	State/Local Legal Citation	Changes to the Law/Regulation	Effect of Changes on the CZM Program	Date Adopted	Date Effective in State
15	HAR Chapter 11-279.1 Hazardous Waste Management: Standards for the Management of Used Oil	Pending OCM's approval	HAR Chapter 11-279.1 Hazardous Waste Management: Standards for the Management of Used Oil, as amended	<ul style="list-style-type: none"> Added the updated rules regulating businesses that generate or handle hazardous wastes and used oil in Hawaii 	<ul style="list-style-type: none"> Aligns State regulations with updates to the EPA's federal hazardous waste management program. Applies new EPA rules by amending the incorporation by reference of the federal regulations in Chapter 260.1 from the July 1, 2016 version of the CFR to the July 1, 2017 version. 	05/05/2017 03/01/2018	07/17/2017 09/30/2018
16	HAR Chapter 11-280.1 Underground Storage Tanks	Pending OCM's approval	HAR Chapter 11-280.1 Underground Storage Tanks	<ul style="list-style-type: none"> Added the updated rules equivalent to and at least as stringent as the UST program's federal regulations 	<ul style="list-style-type: none"> Brings the State of Hawaii Department of Health UST regulations up to date with numerous changes in federal regulations. Brings airport hydrant fuel distribution systems and UST systems with field-construction tanks under full regulation. Adds an additional series of specific requirements, including interstitial monitoring for all petroleum USTs and piping, testing and inspection for repaired spill or overfill prevention equipment, and site cleanup criteria. 	06/22/2018	07/15/2018
17	HAR Chapter 13-86.1 Protected Marine Fisheries Resources Sea Cucumber Management	Pending OCM's approval	HAR Chapter 13-86.1 Protected Marine Fisheries Resources Sea Cucumber Management	<ul style="list-style-type: none"> Added the rules regulating the harvest of sea cucumbers from state waters. 	<ul style="list-style-type: none"> Prohibits the harvest of sea cucumber for commercial sale for consumption purposes. Accommodates existing low levels of sea cucumber harvest for personal consumption, which is not to have an impact on the marine 	1/14/2016	1/14/2016

Name/Description of State or Local Law/Regulation		Approved Incorporation into the Hawai'i CZM Program by NOAA OCM	State/Local Legal Citation	Changes to the Law/Regulation	Effect of Changes on the CZM Program	Date Adopted	Date Effective in State
					resources.		
18	HAR Chapter 19-42 Vessel and Harbor Controls	Pending OCM's approval	HAR § 19-42-131 Dumping of Materials at Sea	<ul style="list-style-type: none"> Added a new section for vessel and harbor controls for requirements of dumping of sinkable materials at sea by hauling across, within or on the navigable and/or shore waters of the State. 	<ul style="list-style-type: none"> By establishing rules for regulating dumping of materials at sea, this enforceable policy enforces the CZM Program objectives and policies in protection of marine resources and coastal ecosystems. 	05/20/1982	05/20/1982
19	HAR Chapter 19-42 Vessel and Harbor Controls	Pending OCM's approval	HAR § 19-42-136 Fueling	<ul style="list-style-type: none"> Added a new section for vessel and harbor controls to require all fueling operations shall be done in compliance with the stricter of any applicable federal, state, and county rules. 	<ul style="list-style-type: none"> By establishing rules for regulating fueling, this enforceable policy enforces the CZM Program objectives and policies in protection of marine resources and coastal ecosystems. 	05/20/1982	05/20/1982
20	HAR Chapter 19-42 Vessel and Harbor Controls	Pending OCM's approval	HAR § 19-42-161 Dredging, Filling, and Construction	<ul style="list-style-type: none"> Added a new section for vessel and harbor controls to require any person, firm, or corporation desiring to perform any dredging, filling, or erecting of any construction within commercial harbors and entrance channels belonging to or controlled by the State, shall first obtain a permit from the state department of transportation. 	<ul style="list-style-type: none"> By establishing rules for regulating dredging, filling and construction within commercial harbors and entrance channels belonging to or controlled by the State, this enforceable policy enforces the CZM Program objectives and policies in protection of marine resources and coastal ecosystems. 	05/20/1982	05/20/1982

Name/Description of State or Local Law/Regulation		Approved Incorporation into the Hawai'i CZM Program by NOAA OCM	State/Local Legal Citation	Changes to the Law/Regulation	Effect of Changes on the CZM Program	Date Adopted	Date Effective in State
21	HAR Chapter 19-42 Vessel and Harbor Controls	Pending OCM's approval	HAR § 19-42-162 Jurisdiction of other Agencies	<ul style="list-style-type: none"> Added a new section for vessel and harbor controls to ensure that the United States Army Corps of Engineers, the department of health, and the department of land and natural resources may have certain jurisdiction over navigable waters. 	<ul style="list-style-type: none"> By establishing rules for requiring the approval of other agencies before performing work within their jurisdiction, this enforceable policy enforces the CZM Program objectives and policies in protection of marine resources and coastal ecosystems. 	05/20/1982	05/20/1982
22	HAR Chapter 19-42 Vessel and Harbor Controls	Pending OCM's approval	HAR § 19-42-164 Construction of Structures	<ul style="list-style-type: none"> Added a new section for vessel and harbor controls to ensure that no buildings or structures of any nature shall be erected or constructed on state property, nor shall existing structures be modified, without obtaining the prior permission of the division and any other governmental agency as required by law. 	<ul style="list-style-type: none"> By establishing rules for regulating construction of structure, this enforceable policy enforces the CZM Program objectives and policies in protection of marine resources and coastal ecosystems. 	05/20/1982	05/20/1982

Name/Description of State or Local Law/Regulation		Approved Incorporation into the Hawai'i CZM Program by NOAA OCM	State/Local Legal Citation	Changes to the Law/Regulation	Effect of Changes on the CZM Program	Date Adopted	Date Effective in State
23	City and County of Honolulu Rules Chapter 20-3 Water Quality	Pending OCM's approval	Rules Chapter 20-3 City and County of Honolulu Water Quality	<ul style="list-style-type: none"> New adopted rules Chapter 20-3 relating to water quality apply to all development and land disturbing activities within the City and County of Honolulu. 	<ul style="list-style-type: none"> Establishes minimum requirements for the selection, design, implementation and maintenance of best management practices to protect the municipal separate storm sewer system (MS4) and receiving waters from associated pollutants. 	08/16/2016	08/16/2017
			MODIFIED				
24	HRS Chapter 171 Public Lands, Management and Disposition of	Enacted 1978 Amended 10/15/1987; 10/18/1989; 7/18/1990; 6/7/1993; 9/18/2001; 1/18/2013	HRS § 171-58.5 Prohibitions Act 120, SLH 2013	<ul style="list-style-type: none"> Deleting "one gallon per person per day" exception to the prohibition against the removal of sand and other beach or marine deposits seaward from the shoreline, except for materials inadvertently taken, and create an exemption for public emergencies and traditional cultural practices. 	<ul style="list-style-type: none"> Authorizes the DLNR to prohibit the removal of sand and other beach or marine deposits seaward from the shoreline. Except for materials inadvertently taken and creates an exemption for public emergencies and traditional cultural practices. 	06/14/2013	06/29/2013
25	HRS Chapter 205A Coastal Zone Management	Enacted 1978 Amended 7/1/1984; 10/20/1986; 10/18/1989; 7/18/1990; 6/7/1993; 10/17/1997;	HRS §§ 205A-22 Definitions Act 239, SLH 2012	<ul style="list-style-type: none"> Require the counties to concurrently process subdivision and special management area use permits under certain conditions to ensure that a special management area use permit is processed before 	<ul style="list-style-type: none"> Authorizes the counties to concurrently process subdivision and special management area use permits Ensures that a special management area use permit is processed before final subdivision approval. 	07/06/2012	07/06/2012

Name/Description of State or Local Law/Regulation		Approved Incorporation into the Hawai'i CZM Program by NOAA OCM	State/Local Legal Citation	Changes to the Law/Regulation	Effect of Changes on the CZM Program	Date Adopted	Date Effective in State
		9/18/2001; 1/18/2013; 9/30/2016		final subdivision approval.			
26	HRS Chapter 205A Coastal Zone Management	Enacted 1978 Amended 7/1/1984; 10/20/1986; 10/18/1989; 7/18/1990; 6/7/1993; 10/17/1997; 9/18/2001; 1/18/2013; 9/30/2016	HRS § 205A-44(a) Prohibitions Act 120, SLH 2013	<ul style="list-style-type: none"> Deletes “one gallon per person per day” exception to the prohibition against the removal of sand and other beach or marine deposits from the shoreline area, except for materials inadvertently taken, and creates an exception for public emergencies and traditional cultural practices. 	<ul style="list-style-type: none"> Authorizes the counties to prohibit the removal of sand and other beach or marine deposits seaward from the shoreline. Except for materials inadvertently taken, and creates an exemption for public emergencies and traditional cultural practices. 	06/02/2010	06/29/2013
27	HRS Chapter 342D Water Pollution	Enacted 07/18/1990 Amended 06/07/1993; 10/17/1997; 9/18/2001; 03/12/2009	HRS § 342D-6.5 Hawaiian loko i‘a Act 230, SLH 2015	<ul style="list-style-type: none"> Waives the requirement to obtain water quality certification under HRS Chapter 342D for any person that have received notice of authorization to proceed from the Department of Land and Natural Resources Office of Conservation and Coastal Lands under the statewide programmatic general permit for the restoration, repair, maintenance, and operation of Hawaiian fishpond. 	<ul style="list-style-type: none"> Streamlines the permitting procedures, while enforcing the CZM Program objectives and policies in protection of marine resources and coastal ecosystems. 	07/13/2015	07/13/2015
28	County of Hawaii’s Rule 9 Special Management Area	Enacted 6/7/1993; Amended	SMA Rules of the County of Hawaii §§ 9-4(e)(2)(A)	<ul style="list-style-type: none"> Includes single-family residences with greater than 7,500 square feet of floor 	<ul style="list-style-type: none"> Streamlines the SMA permitting procedures. Improves the efficiency of the 	11/22/2017	12/4/2017

Name/Description of State or Local Law/Regulation	Approved Incorporation into the Hawai'i CZM Program by NOAA OCM	State/Local Legal Citation	Changes to the Law/Regulation	Effect of Changes on the CZM Program	Date Adopted	Date Effective in State
	9/18/2001; 3/12/2009; 1/18/2013	and(R), §§ 9-4(q)and (r), § 9-8, § 9-9, §§ 9-10(a), (b), (d), (e), (f) and (i), and § 9-11(b) Definitions; SMA Minor Permit; SMA Use Permit; Permits required for Development; Authority of the Development in the SMA; Assessment; Application.	<p>area as “development”.</p> <ul style="list-style-type: none"> • Exempts the DOBOR, Department of Land and Natural Resources, from SMA permit requirements. • Raises the cost threshold between the SMA use permit and SMA minor permit from \$125,000 to \$500,000. • Ensures that SMA minor, use and emergency permits or exemptions are validly issued. 	County of Hawaii Planning Commission’s review, approval and permitting processes.		
29 HAR Chapter 11-60.4 West Hawai'i Regional Fishery Management Area, Hawai'i	Enacted 09/30/2016	HAR §§ 13-60.4-2, 13-60.4-3, and 13-60.4-5 Geographical jurisdiction of chapter provisions; Definitions; Activities prohibited within selected areas	<ul style="list-style-type: none"> • Amended by adding “Ka’ūpūlehu marine reserve, identified on shore to the north by the northern boundary of the Ka’ūpūlehu ahupua’a, and to the south by the southern side of Kikaua Point. • Adding a series of definitions. • Amended by adding subsection (d), (e) and (f) for person to take any specimen of aquatic life, possess any other specimen of marine life, possess or use any fishing gear other than hook-and-line or kona crab nets or both, or deploy any fishing 	<ul style="list-style-type: none"> • Minimizes user conflicts and resource depletion in the West Hawai'i Regional Fishery Management Area. • Does not substantially change the land and water uses subject to management or the enforceable authorities or organizational structure within the coastal zone. 	05/27/2016	07/29/2016

Name/Description of State or Local Law/Regulation		Approved Incorporation into the Hawai'i CZM Program by NOAA OCM	State/Local Legal Citation	Changes to the Law/Regulation	Effect of Changes on the CZM Program	Date Adopted	Date Effective in State
				gears shoreward of the twenty-fathom depth contour within the Ka'ūpūlehu marine reserve.			
30	HAR Chapter 13-256 Ocean Recreation Management Rules and Areas	Enacted 10/17/1997 Amended 09/30/2016	HAR § 13-256-152 Kahaluu Bay Ocean Waters	<ul style="list-style-type: none"> Changes the title of "Kahaluu Bay Swimming Zone" to "Kahaluu Bay ocean waters". Modifies swim and surf designations, and limits commercial surf instruction in the Bay as well as introduces an updated exhibit map for Kahaluu Bay. 	<ul style="list-style-type: none"> Reorganizes Kahaluu Bay to clearly designate swim and surf zones, and regulates surf schools within Kahaluu Bay. Enforces the CZM Program objectives and policies in managing coastal recreational resources and economic uses. 	04/22/2016	04/22/2016
			DELETED				
31	HAR Chapter 11-260 Hazardous Waste Management: General Provisions	Enacted 10/17/1997	HAR Chapter 11-260 Hazardous Waste Management: General Provisions	<ul style="list-style-type: none"> Repealed HAR Chapter 11-260 	<ul style="list-style-type: none"> Adoption of HAR Chapter 11-260.1 with repeal of HAR Chapter 11-260 accordingly. 	05/05/2017	07/17/2017
32	HAR Chapter 11-261 Hazardous Waste Management: Identification and Listing of Hazardous Waste	Enacted 10/17/1997	HAR Chapter 11-261 Hazardous Waste Management: Identification and Listing of Hazardous Waste	<ul style="list-style-type: none"> Repealed HAR Chapter 11-261 	<ul style="list-style-type: none"> Adoption of HAR Chapter 11-261.1 with repeal of HAR Chapter 11-261 accordingly. 	05/05/2017	07/17/2017

Name/Description of State or Local Law/Regulation		Approved Incorporation into the Hawai'i CZM Program by NOAA OCM	State/Local Legal Citation	Changes to the Law/Regulation	Effect of Changes on the CZM Program	Date Adopted	Date Effective in State
33	HAR Chapter 11-262 Hazardous Waste Management: Standards Applicable to Generators of Hazardous Waste	Enacted 10/17/1997	HAR Chapter 11-262 Hazardous Waste Management: Standards Applicable to Generators of Hazardous Waste	<ul style="list-style-type: none"> Repealed HAR Chapter 11-262 	<ul style="list-style-type: none"> Adoption of HAR Chapter 11-262.1 with repeal of HAR Chapter 11-262 accordingly. 	05/05/2017	07/17/2017
34	HAR Chapter 11-263 Hazardous Waste Management: Standards Applicable to Transporters of Hazardous Waste	Enacted 10/17/1997	HAR Chapter 11-263 Hazardous Waste Management: Standards Applicable to Transporters of Hazardous Waste	<ul style="list-style-type: none"> Repealed HAR Chapter 11-263 	<ul style="list-style-type: none"> Adoption of HAR Chapter 11-263.1 with repeal of HAR Chapter 11-263 accordingly. 	05/05/2017	07/17/2017
35	HAR Chapter 11-264 Hazardous Waste Management: Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities	Enacted 10/17/1997	HAR Chapter 11-264 Hazardous Waste Management: Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities	<ul style="list-style-type: none"> Repealed HAR Chapter 11-264 	<ul style="list-style-type: none"> Adoption of HAR Chapter 11-264.1 with repeal of HAR Chapter 11-264 accordingly. 	05/05/2017	07/17/2017
36	HAR Chapter 11-265 Hazardous Waste Management: Interim Status Standards for Owners and	Enacted 10/17/1997	HAR Chapter 11-265 Hazardous Waste Management: Interim Status	<ul style="list-style-type: none"> Repealed HAR Chapter 11-265 	<ul style="list-style-type: none"> Adoption of HAR Chapter 11-265.1 with repeal of HAR Chapter 11-265 accordingly. 	05/05/2017	07/17/2017

Name/Description of State or Local Law/Regulation		Approved Incorporation into the Hawai'i CZM Program by NOAA OCM	State/Local Legal Citation	Changes to the Law/Regulation	Effect of Changes on the CZM Program	Date Adopted	Date Effective in State
	Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities		Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities				
37	HAR Chapter 11-266 Hazardous Waste Management: Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities	Enacted 10/17/1997	HAR Chapter 11-266 Hazardous Waste Management: Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities	<ul style="list-style-type: none"> • Repealed HAR Chapter 11-266 	<ul style="list-style-type: none"> • Adoption of HAR Chapter 11-266.1 with repeal of HAR Chapter 11-266 accordingly. 	05/05/2017	07/17/2017
38	HAR Chapter 11-268 Hazardous Waste Management: Land Disposal Restrictions	Enacted 10/17/1997	HAR Chapter 11-268 Hazardous Waste Management: Land Disposal Restrictions	<ul style="list-style-type: none"> • Repealed HAR Chapter 11-268 	<ul style="list-style-type: none"> • Adoption of HAR Chapter 11-268.1 with repeal of HAR Chapter 11-268 accordingly. 	05/05/2017	07/17/2017
39	HAR Chapter 11-270 Hazardous Waste Management: The Hazardous Waste Permit Program	Enacted 10/17/1997	HAR Chapter 11-270 Hazardous Waste Management: The Hazardous Waste Permit Program Provisions	<ul style="list-style-type: none"> • Repealed HAR Chapter 11-270 	<ul style="list-style-type: none"> • Adoption of HAR Chapter 11-270.1 with repeal of HAR Chapter 11-270 accordingly. 	05/05/2017	07/17/2017

Name/Description of State or Local Law/Regulation		Approved Incorporation into the Hawai'i CZM Program by NOAA OCM	State/Local Legal Citation	Changes to the Law/Regulation	Effect of Changes on the CZM Program	Date Adopted	Date Effective in State
40	HAR Chapter 11-271 Hazardous Waste Management: Permit Procedures	Enacted 10/17/1997	HAR Chapter 11-271 Hazardous Waste Management: Permit Procedures	<ul style="list-style-type: none"> Repealed HAR Chapter 11-271 	<ul style="list-style-type: none"> Adoption of HAR Chapter 11-271.1 with repeal of HAR Chapter 11-271 accordingly. 	05/05/2017	07/17/2017
41	HAR Chapter 11-279 Hazardous Waste Management: Standards for the Management of Used Oil	Enacted 10/17/1997	HAR Chapter 11-279 Hazardous Waste Management: Standards for the Management of Used Oil	<ul style="list-style-type: none"> Repealed HAR Chapter 11-279 	<ul style="list-style-type: none"> Adoption of HAR Chapter 11-279.1 with repeal of HAR Chapter 11-279 accordingly. 	05/05/2017	07/17/2017
42	HAR Chapter 11-280 Hazardous Waste Management: Public Information	Enacted 10/17/1997	HAR Chapter 11-280 Hazardous Waste Management: Public Information	<ul style="list-style-type: none"> Repealed HAR Chapter 11-280 	<ul style="list-style-type: none"> Adoption of HAR Chapter 11-260.1, 261.1, 262.1, 263.1, 264.1, 265.1, 266.1, 268.1, 270.1, 273.1 and 279.1, with repeal of HAR Chapter 11-280 accordingly. 	05/05/2017	07/17/2017

Request for Incorporation of Changes to the Hawai'i Coastal Zone Management Program

Name/Description of State or Local Law/Regulation/Policy/Program Authority	Description of Changes	Date Adopted by State	Date Effective in State
ADDED			
1	HRS § 342D-61 Household aerobic unit approval	<ul style="list-style-type: none"> Added household aerobic unit approval 	07/05/2017 07/05/2017
2	HRS § 342D-72 Cesspools; mandatory upgrade, conversion, or connection	<ul style="list-style-type: none"> Added mandatory upgrade, conversion, or construction of cesspools 	07/01/2017 07/01/2017
3	HAR Chapter 11-20 Public Water Systems, as amended	<ul style="list-style-type: none"> Added the rules regulating all public water systems in the state. Revisions to HAR Chapter 11-200 are entirely federally mandated. 	12/28/2017 12/28/2017
4	HAR Chapter 11-260.1 Hazardous Waste Management: General Provisions, as amended	<ul style="list-style-type: none"> Added the updated rules regulating businesses that generate or handle hazardous wastes and used oil in Hawaii 	05/05/2017 03/01/2018 07/17/2017 09/30/2018
5	HAR Chapter 11-261.1 Hazardous Waste Management: Identification and Listing of Hazardous Waste, as amended	<ul style="list-style-type: none"> Added the updated rules regulating businesses that generate or handle hazardous wastes and used oil in Hawaii 	05/05/2017 03/01/2018 07/17/2017 09/30/2018
6	HAR Chapter 11-262.1 Hazardous Waste Management: Standards Applicable to Generators of Hazardous Waste, as amended	<ul style="list-style-type: none"> Added the updated rules regulating businesses that generate or handle hazardous wastes and used oil in Hawaii 	05/05/2017 03/01/2018 07/17/2017 09/30/2018
7	HAR Chapter 11-263.1 Hazardous Waste Management: Standards Applicable to Transporters of Hazardous Waste, as amended	<ul style="list-style-type: none"> Added the updated rules regulating businesses that generate or handle hazardous wastes and used oil in Hawaii 	05/05/2017 03/01/2018 07/17/2017 09/30/2018
8	HAR Chapter 11-264.1 Hazardous Waste Management: Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities, as amended	<ul style="list-style-type: none"> Added the updated rules regulating businesses that generate or handle hazardous wastes and used oil in Hawaii 	05/05/2017 03/01/2018 07/17/2017 09/30/2018
9	HAR Chapter 11-265.1 Hazardous Waste Management: Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities, as amended	<ul style="list-style-type: none"> Added the updated rules regulating businesses that generate or handle hazardous wastes and used oil in Hawaii 	05/05/2017 03/01/2018 07/17/2017 09/30/2018
10	HAR Chapter 11-266.1 Hazardous Waste Management: Standards for the Management of Specific Hazardous Wastes and Specific	<ul style="list-style-type: none"> Added the updated rules regulating businesses that generate or handle hazardous wastes and used oil in Hawaii 	05/05/2017 03/01/2018 07/17/2017 09/30/2018

Request for Incorporation of Changes to the Hawai'i Coastal Zone Management Program

Name/Description of State or Local Law/Regulation/Policy/Program Authority	Description of Changes	Date Adopted by State	Date Effective in State
11 HAR Chapter 11-268.1 Hazardous Waste Management: Land Disposal Restrictions, as amended	<ul style="list-style-type: none"> Added the updated rules regulating businesses that generate or handle hazardous wastes and used oil in Hawaii 	05/05/2017 03/01/2018	07/17/2017 09/30/2018
12 HAR Chapter 11-270.1 Hazardous Waste Management: The Hazardous Waste Permit Program, as amended	<ul style="list-style-type: none"> Added the updated rules regulating businesses that generate or handle hazardous wastes and used oil in Hawaii 	05/05/2017 03/01/2018	07/17/2017 09/30/2018
13 HAR Chapter 11-271.1 Hazardous Waste Management: Permit Procedures, as amended	<ul style="list-style-type: none"> Added the updated rules regulating businesses that generate or handle hazardous wastes and used oil in Hawaii 	05/05/2017 03/01/2018	07/17/2017 09/30/2018
14 HAR Chapter 11-273.1 Hazardous Waste Management: Standards for Universal Waste Management, as amended	<ul style="list-style-type: none"> Added the updated rules regulating businesses that generate or handle hazardous wastes and used oil in Hawaii 	05/05/2017 03/01/2018	07/17/2017 09/30/2018
15 HAR Chapter 11-279.1 Hazardous Waste Management: Standards for the Management of Used Oil, as amended	<ul style="list-style-type: none"> Added the updated rules regulating businesses that generate or handle hazardous wastes and used oil in Hawaii 	05/05/2017 03/01/2018	07/17/2017 09/30/2018
16 HAR Chapter 11-280.1 Underground Storage Tanks	<ul style="list-style-type: none"> Added the updated rules equivalent to and at least as stringent as the UST program's federal regulations 	06/22/2018	07/15/2018
17 HAR Chapter 13-86.1 Protected Marine Fisheries Resources Sea Cucumber Management	<ul style="list-style-type: none"> Added the rules regulating the harvest of sea cucumbers from state waters. 	01/14/2016	01/14/2016
18 HAR § 19-42-131 Dumping of Materials at Sea	<ul style="list-style-type: none"> Added a new section for vessel and harbor controls for requirements of dumping of sinkable materials at sea by hauling across, within or on the navigable and/or shore waters of the State. 	05/20/1982	05/20/1982
19 HAR § 19-42-136 Fueling	<ul style="list-style-type: none"> Added a new section for vessel and harbor controls to require all fueling operations shall be done in compliance with the stricter of any applicable federal, state, and county rules. 	05/20/1982	05/20/1982
20 HAR § 19-42-161 Dredging, Filling, and Construction	<ul style="list-style-type: none"> Added a new section for vessel and harbor controls to require any person, firm, or corporation desiring to perform any dredging, filling, or erecting of any construction within commercial harbors and entrance channels belonging to or controlled by the State, shall first obtain a permit from the state department of transportation. 	05/20/1982	05/20/1982

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Name/Description of State or Local Law/Regulation/Policy/Program Authority		Description of Changes	Date Adopted by State	Date Effective in State
21	HAR § 19-42-162 Jurisdiction of other Agencies	<ul style="list-style-type: none"> Added a new section for vessel and harbor controls to ensure that the United States Army Corps of Engineers, the department of health, and the department of land and natural resources may have certain jurisdiction over navigable waters. 	05/20/1982	05/20/1982
22	HAR § 19-42-164 Construction of Structures	<ul style="list-style-type: none"> Added a new section for vessel and harbor controls to ensure that no buildings or structures of any nature shall be erected or constructed on state property, nor shall existing structures be modified, without obtaining the prior permission of the division and any other governmental agency as required by law. 	05/20/1982	05/20/1982
23	City and County of Honolulu Rules Chapter 20-3 Water Quality	<ul style="list-style-type: none"> New adopted rules Chapter 20-3 relating to water quality apply to all development and land disturbing activities within the City and County of Honolulu. 	08/16/2016	08/16/2017
MODIFIED				
24	HRS § 171-58.5 Prohibitions	<ul style="list-style-type: none"> Authorized the DLNR to prohibit the removal of sand and other beach or marine deposits seaward from the shoreline, except for materials inadvertently taken, and created an exemption for public emergencies and traditional cultural practices. 	06/14/2013	06/29/2013
25	HRS § 205A-22 Definitions	<ul style="list-style-type: none"> Required the counties to concurrently process subdivision and special management area use permits under certain conditions to ensure that a special management area use permit is processed before final subdivision approval. 	07/06/2012	07/06/2012
26	HRS § 205A-44(a) Prohibitions	<ul style="list-style-type: none"> Authorized the counties to prohibit against the removal of sand and other beach or marine deposits from the shoreline area except for materials inadvertently taken, and created an exemption for public emergencies and traditional cultural practices. 	06/14/2013	06/29/2013

Request for Incorporation of Changes to the Hawai'i Coastal Zone Management Program

Name/Description of State or Local Law/Regulation/Policy/Program Authority	Description of Changes	Date Adopted by State	Date Effective in State
27	<p>HRS § 342D-6.5 Hawaiian loko i'a</p>	07/13/2015	07/13/2015
28	<p>SMA Rules of the County of Hawaii §§ 9-4(e)(2)(A) and(R), §§ 9-4(q) and (r), § 9-8, § 9-9, §§ 9-10(a), (b), (d), (e), (f) and (i), and § 9-11(b) Definitions; SMA Minor Permit; SMA Use Permit; Permits required for Development; Authority of the Development in the SMA; Assessment; Application.</p>	11/22/2017	12/4/2017
29	<p>HAR §§ 13-60.4-2, 13-60.4-3, and 13-60.4-5 Geographical jurisdiction of chapter provisions; Definitions; Activities prohibited within selected areas</p>	05/27/2016	07/29/2016
30	<p>HAR § 13-256-152 Kahaluu Bay Ocean Waters</p>	04/22/2016	04/22/2016

Request for Incorporation of Changes to the Hawai'i Coastal Zone Management Program

Name/Description of State or Local Law/Regulation/Policy/Program Authority	Description of Changes	Date Adopted by State	Date Effective in State
DELETED			
31	HAR Chapter 11-260 Hazardous Waste Management: General Provisions	• Repealed HAR Chapter 11-260	05/05/2017 07/17/2017
32	HAR Chapter 11-261 Hazardous Waste Management: Identification and Listing of Hazardous Waste	• Repealed HAR Chapter 11-261	05/05/2017 07/17/2017
33	HAR Chapter 11-262 Hazardous Waste Management: Standards Applicable to Generators of Hazardous Waste	• Repealed HAR Chapter 11-262	05/05/2017 07/17/2017
34	HAR Chapter 11-263 Hazardous Waste Management: Standards Applicable to Transporters of Hazardous Waste	• Repealed HAR Chapter 11-263	05/05/2017 07/17/2017
35	HAR Chapter 11-264 Hazardous Waste Management: Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities	• Repealed HAR Chapter 11-264	05/05/2017 07/17/2017
36	HAR Chapter 11-265 Hazardous Waste Management: Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities	• Repealed HAR Chapter 11-265	05/05/2017 07/17/2017
37	HAR Chapter 11-266 Hazardous Waste Management: Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities	• Repealed HAR Chapter 11-266	05/05/2017 07/17/2017
38	HAR Chapter 11-268 Hazardous Waste Management: Land Disposal Restrictions	• Repealed HAR Chapter 11-268	05/05/2017 07/17/2017
39	HAR Chapter 11-270 Hazardous Waste Management: The Hazardous Waste Permit Program Provisions	• Repealed HAR Chapter 11-270	05/05/2017 07/17/2017
40	HAR Chapter 11-271 Hazardous Waste Management: Permit Procedures	• Repealed HAR Chapter 11-271	05/05/2017 07/17/2017

Request for Incorporation of Changes to the Hawai'i Coastal Zone Management Program

Name/Description of State or Local Law/Regulation/Policy/Program Authority	Description of Changes	Date Adopted by State	Date Effective in State
41 HAR Chapter 11-279 Hazardous Waste Management: Standards for the Management of Used Oil	<ul style="list-style-type: none"> • Repealed HAR Chapter 11-279 	05/05/2017	07/17/2017
42 HAR Chapter 11-280 Hazardous Waste Management: Public Information	<ul style="list-style-type: none"> • Repealed HAR Chapter 11-280 	05/05/2017	07/17/2017