approval and the reasons therefor, and
an opportunity to demonstrate or
achieve compliance with such require-
ments, has been afforded to the oper-
ator of the facility or sewage system
and to the applicant for approval. How-
ever, approval may also be withdrawn
without such prior procedure in any
case in which the public health, inter-
est, or safety requires immediate ac-
tion, and in such case, the operator of
the facility or sewage system and the
applicant for approval shall promptly
thereafter be given notice of the with-
drawal and the reasons therefor and an
opportunity to show cause why the ap-
proval should be reinstated.

(e) The Plant Protection and Quar-
tantine Programs and Veterinary Serv-
dices, Animal, and Plant Health Inspec-
tion Service, will cooperate with other
Federal, State, and local agencies re-
sponsible for enforcing other statutes
and regulations governing disposal of
the regulated garbage to the end that
such disposal shall be adequate to pre-
vent the dissemination of plant pests
and livestock or poultry diseases and
comply with applicable laws for envi-
ronmental protection. The inspectors,
in maintaining surveillance over regu-
lated garbage movements and disposal,
shall coordinate their activities with
the activities of representatives of the
Environmental Protection Agency and
other Federal, State, and local agen-
cies also having jurisdiction over such
regulated garbage

§ 330.402 Garbage generated in Ha-
waii.

(a) Applicability. This section applies
to garbage generated in households,
commercial establishments, institu-
tions, and businesses prior to inter-
state movement from Hawaii, and in-
cludes used paper, discarded cans and
bottles, and food scraps. Such garbage
includes, and is commonly known as,
municipal solid waste.

(1) Industrial process wastes, mining
wastes, sewage sludge, incinerator ash,
or other wastes from Hawaii that the
Administrator determines do not pose
risks of introducing animal or plant
pests or diseases into the continental
United States are not regulated under
this section.

(2) The interstate movement from
Hawaii to the continental United
States of agricultural wastes and yard
waste (other than incidental amounts
(less than 3 percent) that may be
present in municipal solid waste de-
spite reasonable efforts to maintain
source separation) is prohibited.

(3) Garbage generated onboard any
means of conveyance during interstate
movement from Hawaii is regulated
under §330.401.

(b) Restrictions on interstate movement
of garbage. The interstate movement of
garbage generated in Hawaii to the
continental United States is regulated
as provided in this section.

(1) The garbage must be processed,
packaged, safeguarded, and disposed of
using a methodology that the Adminis-
trator has determined is adequate to
prevent the introduction or dissemina-
tion of plant pests into noninfested
areas of the United States.

(2) The garbage must be moved under
a compliance agreement in accordance
with §330.403. APHIS will only enter
into a compliance agreement when the
Administrator is satisfied that the
Agency has first satisfied all its obliga-
tions under the National Environ-
mental Policy Act and all applicable
Federal and State statutes to fully as-
sess the impacts associated with the
movement of garbage under the com-
piance agreement.

(3) All such garbage moved interstate
from Hawaii to any of the continental
United States must be moved in com-
pliance with all applicable laws for en-
vironmental protection.

§ 330.403 Compliance agreement and
cancellation.

(a) Any person engaged in the busi-
ness of handling or disposing of gar-
bage in accordance with this subpart
must first enter into a compliance
agreement with the Animal and Plant
Health Inspection Service (APHIS).
Compliance agreement forms (PPQ
Form 519) are available without charge
from local USDA/APHIS/Plant Protec-
tion and Quarantine offices, which are
listed in telephone directories.

(b) A person who enters into a com-
piance agreement, and employees or
agents of that person, must comply
with the following conditions and any