

HAWAII STATE EMERGENCY RESPONSE COMMISSION  
MEETING #9

April 20, 1992  
1:00 p.m. - 5:00 p.m.  
DOD Multi-Purpose Room

MEMBERS PRESENT

*[Handwritten signature]*  
\_\_\_\_ John C. Lewin, Director  
DOH  
*[Handwritten initials]*  
\_\_\_\_ Yukio Kitagawa, Director  
BOA or Representative  
(GUSALO KINRO)

*[Handwritten initials]*  
\_\_\_\_ Keith Ahue, Director  
DLIR or Representative  
(RUSSELL CHARLTON)

*need binders*  
\_\_\_\_ Murray Towill, Director  
DBEDT or Representative  
( \_\_\_\_\_ )  
\_\_\_\_ Brian Choy, Director  
OEVO or Representative  
( \_\_\_\_\_ )

\_\_\_\_ Jerrold Michael, Dean  
School of Public Health,  
UH or Representative  
( \_\_\_\_\_ )

*ALEJANDRO LOMOSAS FRECHU*  
\_\_\_\_ Clifford Ikeda, LEPC *(EOL)*  
Co-Chair, Kauai CD or  
Representative  
( \_\_\_\_\_ )

\_\_\_\_ Harry Kim, LEPC Chairman,  
Hawaii CD or  
Representative  
( Harry Kim )

✓  
\_\_\_\_ Bruce S. Anderson, Deputy  
Director of Health, DOH *present*  
*[Handwritten signature]*  
\_\_\_\_ ~~Brigadier General~~  
Richardson, Adjutant  
General, DOD or  
Representative  
( ROY PRICE )

✓  
\_\_\_\_ William W. Paty, Director  
BLIR or Representative  
( Chip Chang )  
( *chip-in chang* )

✓  
\_\_\_\_ Rex D. Johnson, Director,  
DOT or Representative  
( Ralph E Moore )

✓  
\_\_\_\_ Jiggie Hommon, Manager  
Hawaii State Chapter  
American Red Cross or  
Representative  
( Marilyn Shigetani )

✓  
\_\_\_\_ George Kekuna, LEPC  
Deputy Director  
Designate, Oahu CD or  
Representative  
( [Handwritten signature] )

✓  
\_\_\_\_ Sel Menor, LEPC  
Co-Chairman, Maui CD or  
Representative  
( [Handwritten signature] )

OTHERS ATTENDING:

NAME/AGENCY	ADDRESS	TELEPHONE
CAPT. HENRY AKAU	HON. FIRE DEPT.	478-1461
CHRIS TAKENO OCDA	650 S KING ST	523-4121
CAPTAIN ED LINGO	Honolulu Police Dept	943-3364
TOM BATEY	STATE CIVIL DEFENSE	734-2161
HFD HENRY K KAACERAKA JR	1455 S. BERETANIA ST	9433406
Edward Kalinowski	Kapiolani Comm. College Dept. of Emerg. Med. Serv.	7349330
ALEX HO	650 S. KING ST.	523-4150
Rhonda Gayhe, Terry Corpus, Mark Ingolia, Claire Hong-Hick-Dott		
J. N. VINTON, PACIFIC RESOURCES, INC, P.O. BOX 3379, HONOLULU, 96842		547-3414
Judy So	State AG's Office	
25 TOTAL		

JOHN WAIHEE  
GOVERNOR OF HAWAII



JOHN C. LEWIN, M.D.  
DIRECTOR OF HEALTH

STATE OF HAWAII  
DEPARTMENT OF HEALTH  
P. O. BOX 3378  
HONOLULU, HAWAII 96801

In reply, please refer to:  
HEER OFFICE  
HSERC9.MIN-RG3

DRAFT MEETING SUMMARY  
HAWAII STATE EMERGENCY RESPONSE COMMISSION  
MEETING #9  
KINAU HALE BOARD ROOM, 1st FLOOR  
MONDAY APRIL 20, 1992, 1:00 p.m.

HSERC Commission Members and Representatives:

John C. Lewin, M.D., Chairman, HSERC, DOH  
Bruce Anderson, Ph.D., Vice Chairman, HSERC, DOH  
Roy Price for Major General Edward Richardson, DOD  
Gerald Kinro for Yukio Kitagawa, DOA  
Russell Charlton for Keith Ahue, DLIR  
Chipin Chang for William W. Paty, DLNR  
Ralph E. Moore for Rex D. Johnson, DOT  
Marilyn Shigetani for Jiggie Hommon, American Red Cross  
George Kekuna, Oahu Planning District  
Alejandro Lomosad for Clifford Ikeda, Kauai Planning District  
Sel Menor, Maui Planning District  
Harry Kim, Hawaii Planning District

Other Attendees:

Chris Takeno, OCD  
Capt. Henry Akua, HFD  
Capt. Ed Lingo, HPD  
Tom Batey, SCD  
Henry K. Kaacekami Jr., HFD  
Edward Kalinowski, KCC  
Alex Ho  
J.N. Vinton, PRI  
Judy So, State AG Office  
Mark Ingoglia, DOH/HEER  
Claire Hong, DOH/HEER  
Rhonda Goyke, DOH/HEER  
Terry Corpus, DOH/HEER

I. OPENING REMARKS

- A. HSERC Chairman, Dr. Lewin, called the meeting to order and outlined the agenda. The two major topics on the agenda were an update of other state programs and a presentation by the Attorney General's Office on "Chapter 92" (Sunshine Law) requirements of a state commission.
- B. HSERC HANDBOOKS were distributed. The Handbooks are for reference and should be brought to all future meetings.
- C. EPA was unable to attend the workshop due to budgetary constraints, but sent reference materials to be used in the workshop. In addition, Kathleen Shimmin has evaluated the list of "Roles & Responsibilities of the HSERC" as discussed in meeting #8 and has sent a letter of endorsement for these minimum SERC requirements (see attachment 1).
- D. Discussion of minutes from Meeting #8

Mr. Kim made one correction to the draft minutes. Page 5.H. should be clarified to state that the number of meetings should depend on the outcome of the orientation meeting. Mr. Price made a motion to **approve the minutes with the correction made by Mr. Kim. The motion was unanimously passed.**

- E. Input was requested regarding a refreshment fund for future meetings. Dr. Lewin stated that coffee and donuts would be supplied for the next meeting.
- F. Mr. Ingoglia informed the Committee that if an executive meeting was needed during the meeting to discuss issues with the Deputy Attorney General, the executive meeting must be announced during the open session, along with the reason for holding the executive session. The Commission determined that an executive meeting was not necessary.

II. Roles & Responsibilities of the HSERC

- A. The Industrial Training Systems Corporation video "Understanding Title III: Emergency Planning and Community Right to Know" was shown, as an overview of Title III.
- B. Rhonda Goyke presented an overview of other state programs (see attachment 2).
- C. Discussion

Mr. Ingoglia lead a discussion session. Mark encouraged the commission to formally accept the minimum requirement of a SERC as stated in SARA Title III. Mark also queried Commission members as to what additional responsibilities should be established to facilitate HSERC operations.

Dr. Anderson pointed out that HSERC administrative rules are not required due to the way Title III is constructed. State and county agencies have enforcement power under Title III but any money generated would go to the Federal Government since the Federal law is in place.

Mr. Kekuna inquired as to who spends the money generated by other states fee programs. Rhonda Goyke answered that the SERCs of states with fee structures determine what amount of funding is needed and what fees are reasonable. State Legislatures determine what activities will be financed by the fee system.

Mr. Kim pointed out that the Kansas SERC has stated that a real commitment has been made to strong leadership and a conviction that Title III must be a way of life. Mr. Kim stated that responsibilities are overwhelming and it is difficult to know where to begin.

Claire Hong suggested that a good place to start would be the workload analysis discussed during meeting #8. This workload analysis breaks the requirements down to the minimum and provides a status report regarding how the HSERC is doing in fulfilling the requirements.

Mr. Ingolia suggested that the best place to start is with the minimum requirements as stated in the law and to prioritize those requirements for implementation by the HSERC.

Mr. Kim suggested setting objectives. Mr. Kim stated that originally the objective of the HSERC was to complete the emergency response plan. Mr. Kim asked Commissioners what the HSERC's objectives should be now that the Plan is complete.

Dr. Anderson suggested that a commitment be made to the minimum responsibilities as Mark suggested and later augment the list. Dr. Lewin explained that what is needed is to prioritize the list, accept the responsibilities mandated by SARA Title III and try to fulfill the responsibilities as best as we can. Dr. Lewin asked commissioners for input.

Mr. Price stated that the State is actually in good shape with the existing infrastructure. What isn't needed is another agency superimposed on the existing structure causing duplication. The Fire Departments are the first responders and therefore the training effort should be focused on each county so that each county has first responders in the Fire Department who are adequately trained. However, Mr. Price further noted that data management needs to be improved. Clarification is needed regarding the county situation. As far as the goals and objectives of the HSERC and where our priorities lie, our priorities should be the 1st responders and the local fire departments.

Dr. Anderson agreed that attention does need to be given to the local level.

Mr. Kekuna stated that the County also has an existing infrastructure and the LEPC has just approved the City and County Emergency Response Plan submitted in February. However, cleanup of contamination is another problem altogether. Who should be responsible for cleanup and where are the money and resources coming from? What is needed is real investigators to investigate midnight dumpers and to educate the public. Also lacking are national standards for training. Everyone is offering different training courses and costs are often prohibitive.

Mr. Kim queried the Commissioners regarding their opinion on designating one LEPC district for the State.

Dr. Anderson stated that LEPC responsibilities needs to be tailored to each specific county according to their needs and local infrastructure.

For discussion purposes, Mr. Kim suggested changing the existing LEPC districts from four county districts to one LEPC district for the entire State. Mr. Kim further explained that all the work would remain the same except for the administrative responsibilities which would be the responsibility of the State. Mr. Kim explained that the work structure would remain as it is now except there would be no LEPC level.

Dr. Anderson asked Mr. Kim to clarify what he meant by administrative responsibilities.

Mr. Price stated that from a governmental point of view, one LEPC district is technically feasible, but from a community point of view it would not work. The law requires participation at a local level. In fact, the law states what types of people should be included. Interaction is needed with the community. Hawaii has an infrastructure, it was never intended for the LEPC to be an entity unto itself, but rather a community group.

Mr. Kim stated that in his opinion one district would be more efficient.

Mr. Moore stated that he believed that the Commission was loosing sight of its objective. SARA Title III's intent is to provide emergency planning and prevention, identify facilities and enforce the law. Mr. Moore further stated that the HSERC seems to be overlooking prevention and was concentrating solely on emergency response.

Mr. Menor stated that he feels that the Fire Departments and the SERC should do all the data management.

Dr. Anderson stated that time is needed to be reserved for the Deputy Attorney General to give her presentation. He asked for additional comments from commission members.

Mr. Price made the point that the Mayors could have rejected LEPC responsibility originally when the counties were designated as the LEPC districts.

Dr. Anderson stated that he felt that the Mayors originally had no idea of what was really involved. Dr. Anderson explained that there is only one State out of 50 which has a statewide LEPC, but we can look at Oregon to see how their LEPC is operating. Dr. Anderson asked for additional comments on Mark Ingoglia's suggestion that we vote on accepting the minimum requirements as stated in the law?

Mr. Kekuna stated that emergency response and hazardous waste are not combined at the state level and should be integrated.

Dr. Anderson stated that federally hazardous waste and emergency response were separate programs. Due to the shortage of time, Judy So was asked to present information on Chapter 92.

### III. Administrative Rules and Procedures

A. Presentation by Judy So, Deputy Attorney General, regarding Chapter 92 and Chapter 92F and how these law affect State Commissions (see attachment 3).

B. Question and Answer Session with Judy So

Mr. Ingolia stated that the HSERC has been waiting to form a technical advisory committee regarding a statewide data management system until after Judy So's presentation. Mark asked Judy how to form a subcommittee.

Ms. So answered by stating that when there is any doubt always use the Sunshine Law.

Dr. Anderson inquired as to how the HSERC should be operating.

Ms. So strongly recommended complying with the Sunshine Law.

Mr. Price asked that a review be done of how the commission members were designated.

Ms. So stated that the Memorandum dated April 23, 1987 was not an Executive Order (EO). Ms. So explained that EPCRA is very detailed as to what is required. The purpose of an EO is to implement EPCRA and establish a SERC. It is up to the HSERC to establish their own desired rules, technical responsibility is up to the Commission.

Dr. Anderson stated that we will be working with Judy to determine whether any additional steps are needed to properly establish the commission.

Dr. Lewin stated that without an EO, the Commission may lack certain authorities. However, an EO may not be needed. We will proceed as we are now. We will also ask Judy to provide information on Tort Liability.

Ms. So stated that she could give a talk on State Tort Liability or could circulate the information first than if needed give a talk.

Dr. Lewin stated that eventually the HSERC will be required to deal with difficult situations and would like Judy to attend future HSERC meetings to offer legal guidance.

Dr. Anderson stated that a request would be submitted to Warren Price formally requesting Judy's attendance at future meetings. The floor was then opened for additional questions or comments.

Mr. Moore inquired as to what private sector representation there was on the HSERC.

Dr. Anderson stated that the University of Hawaii as well as the Red Cross were Commission members.

Mr. Moore stated that training needs to be included in our goals and objectives. Who needs what level of training? Mr. Moore stated that enforcement should be discussed and set as an objective.

Dr. Anderson explained that the HSERC does not replace any enforcement action or authority of any agency already in place.

Dr. Lewin suggested that the staff meet before the next HSERC meeting to brainstorm regarding goals and objectives. The information would then be circulated to the Commission members for comment.

Dr. Anderson stated that specifying the roles of the HSERC verses the LEPC should be postponed until the HSERC establish its own goals and objectives.

Dr. Lewin stated that for the next meeting the following would be agenda items:

1. Followup from Judy So
  - a) Do we have an EO?
  - b) Is an EO required?
  - c) Circulate information on Tort Liability.
  - d) Clarify requirements of the LEPC regarding the Sunshine Law
2. Goals and Objectives of the HSERC

The timing of the next meeting was discussed and it was determined that the next meeting would be scheduled for July.

Mr. Price made the motion to adjourn the meeting at 4:45 p.m.. The motion was unanimously passed.

This Draft Meeting Summary is submitted to the Hawaii State Emergency Response Commission.

Respectfully submitted,

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RHONDA K. GOYKE                      date





**STATE OF HAWAII**  
**DEPARTMENT OF HEALTH**

P. O. BOX 3378  
HONOLULU, HAWAII 96801

In reply, please refer to:  
HEER OFFICE  
HSERCAG9-RG3

**HAWAII STATE EMERGENCY RESPONSE COMMISSION (HSERC)**  
**Meeting #9**

Monday April 20, 1992  
1:00 p.m. - 5:00 p.m.

Department of Defense  
Multi Purpose Room, Building 306A  
3949 Diamond Head Road

**AGENDA**

- I. **Introductions (10 min)**
  - A. Opening Remarks
  - B. Discussion/Approval of Minutes from HSERC Meeting #8
  - C. Purpose of Meeting
    - 1. Clarify Roles & Responsibilities of HSERC
    - 2. Establish Administrative Rules & Procedures
    - 3. Establish Goals & Objectives of the HSERC
  - D. Schedule for the Day
  - E. Establish a HSERC Kitty
- II. **Roles & Responsibilities of HSERC (1 hr 45 min)**
  - A. Title III Introductory Video Tape (15 min)
  - B. Other State Programs (45 min)
  - C. Question & Answer Session (30 min)
  - D. Agreement of Responsibilities (15 min)
- III. **Administrative Rules & Procedures, in Consultation with the Deputy Attorney General to the Commission\* (1 hr 15 min)**
  - A. Presentation by the Attorney General's Office (30 min)  
"Legal Roles & Responsibilities of a Public Commission"
  - B. Question & Answer Session with the AG (15 min)
  - C. Establish Required Procedures (15 min)
  - D. Establish Additional Procedures (15 min)
- IV. **Goals & Objectives (45 min)**
  - A. Input on Draft Goals & Objectives (15 min)
  - B. Establish Additional Goals & Objectives (15 min)
  - C. Finalize Goals & Objectives of the HSERC (15 min)
- V. **Schedule Next HSERC Meeting (#10) (5 min)**

\* Executive (Closed) Session May Be Called During This Period

TELECOPIER TRANSMITTAL SHEET  
Civil Defense Division, State of Hawaii  
3949 Diamond Head Road  
Honolulu, Hawaii 96816-4495

Telecopier Number: (808) 737-4150

Verification Number: (808) 734-2161

RICOH FAX 70E

DATE: 3/24/92 TIME: 14:10

NUMBER OF PAGES (excluding transmittal sheet): 1

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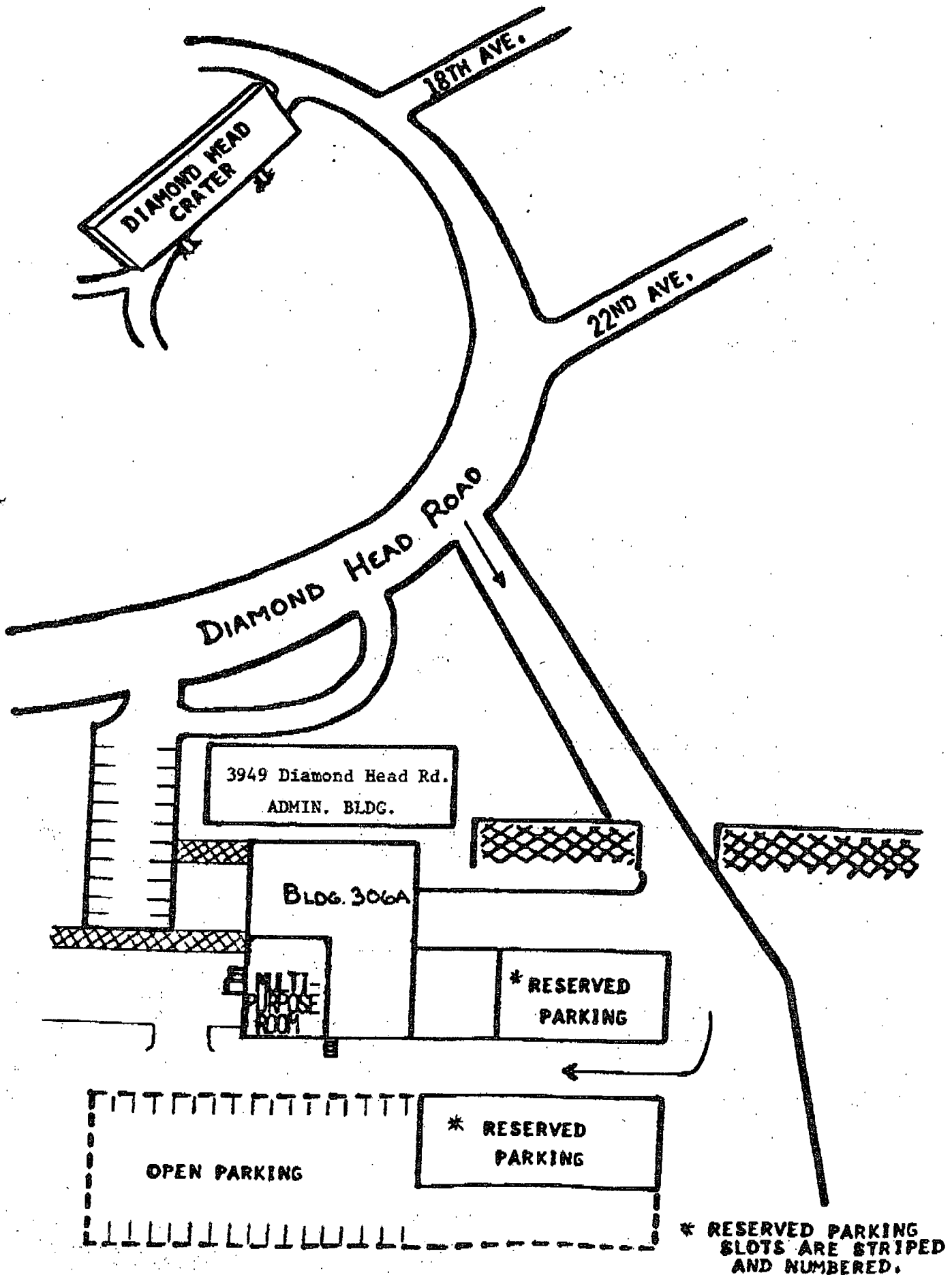
William Dawson

ATTN: RHONDA GOYKE

COMMENTS: SERC MTG APR 20 92. 1-5 PM

BLDG 306A / MULTIPURPOSE ROOM RESERVED POINT OF CONTACT

IS SGT ZAVALA 737-8625



sent  
4/16/92

JOHN WAIHEE  
GOVERNOR OF HAWAII



JOHN C. LEWIN, M.D.  
DIRECTOR OF HEALTH

STATE OF HAWAII  
DEPARTMENT OF HEALTH

P. O. BOX 3378  
HONOLULU, HAWAII 96801

In reply, please refer to:

FIVE WATERFRONT PLAZA, SUITE 250  
500 ALA MOANA BOULEVARD  
HONOLULU, HI 96813  
FAX # (808) 586-4370

FACSIMILE REQUEST AND COVER SHEET  
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DATE: 4/16/92 No. of pages (Incl. cover sheet): 4

TO: JUDY SO

Office/Phone/Mail Stop: AG/587-3050

FAX 587-3077

FROM: RHONDA GOYKE

Office/Phone/Mail Stop: HEER/586-4277

SUBJECT/MESSAGE: EX. ORDER ESTABLISHING THE

SEAL

SIGNATURE OF SENDER: Rhonda Goyke

NOTE: If this transmittal was incomplete or illegible, please call the sender's office.



EXECUTIVE CHAMBERS  
HONOLULU

'87 MAY -5 P2:12

*JK  
Copy to  
Bruce/Be*

JOHN WAIHEE  
GOVERNOR

April 23, 1987

MEMORANDUM

TO: Honorable John C. Lewin, Director  
Department of Health

FROM: Governor of Hawaii

SUBJECT: The Federal Emergency Planning and Community Right-To-Know  
Act of 1986

I hereby designate the Department of Health as the lead agency to implement Title III of the Federal Superfund Amendments and Reauthorization Act of 1986, entitled the Federal Emergency Planning and Community Right-To-Know Act of 1986.

I understand that the Department of Health has requested that \$150,000 be provided as initial funding for the support of three full-time positions in the Department of Health for the development of local hazardous materials emergency response plans. The funds being requested will also provide additional resources for appropriate contractual work such as inventories and surveys, as well as for meetings and workshops to develop these plans.

I also understand that, ultimately, a contingency fund must be established for ongoing contracts with private companies to provide hazardous spills clean up services. Although police, fire and civil defense staff would be first on the scene of a hazardous materials spill emergency, skilled and trained personnel with proper equipment and resources must still ultimately clean up the contaminated area. We cannot expect local or state personnel to do the clean up. Nevertheless, police, fire and civil defense personnel who would be first on the scene must still be trained and equipped to protect themselves from injury.

Please assist me in developing a list of recommended members for a State Commission on Emergency Preparedness as soon as possible. I appreciate your kokua in the implementation of Title III.

JOHN WAIHEE

COPY

JOHN WAIHEE  
GOVERNOR OF HAWAII



JOHN C. LEWIN, M.D.  
DIRECTOR OF HEALTH

STATE OF HAWAII  
DEPARTMENT OF HEALTH

P. O. BOX 3378  
HONOLULU, HAWAII 96801

In reply, please refer to:  
File:

June 5, 1987

MEMORANDUM

TO: Director of Health  
FROM: Environmental Epidemiologist  
SUBJECT: State Emergency Response Commission

On April 23, 1987, Governor Waihee designated the Department of Health as the State Emergency Response Commission to implement Title III of the Federal Superfund Amendments and Reauthorization Act of 1986. As Director, I presume that you are to chair the Commission.

The State Commission should have broad-based representation. State agencies concerned with issues relating to the environment, natural resources, emergency services, public health, occupational safety, and transportation all have important roles in Title III activities. In addition, private business organizations with interest and expertise in Title III issues should be included. Otherwise, Ms. Kathleen Shimmin, Chief, Office of Health and Emergency Planning, U.S. Environmental Protection Agency, and Mr. William Patterson, Hazardous Materials Specialist, Federal Emergency Management Agency, have advised me that the constituency of the Commission is largely up to the State.

Based on the above, I recommend that the State Commission include designated representatives from the following State departments:

Agriculture;  
Defense;  
Land and Natural Resources;  
Labor and Industrial Relations;  
Planning and Economic Development; and  
Transportation.

Dr. John C. Lewin  
June 5, 1987  
Page 2

Representatives from the University of Hawaii School of Public Health, the Hawaii Chapter of the American Red Cross, and perhaps other organizations involved in Title III activities should also be included. Federal agencies usually do not serve on the State commission. Representation by private sector groups should be discussed during the first meeting. A list of names should then be submitted to the Governor for his approval.

Ms. Shimmin and Mr. Patterson recommended that the directors of the organizations listed above rather than a representative serve on the State Commission. If a representative is appointed, they should have the authority to make policy decisions for the director.

Title III activities and requirements are outlined in the Fact Sheet (attached). In brief, the State Commission is responsible for coordinating the activities of local emergency planning committees, establishing procedures for receiving and processing public requests for information collected, and reviewing local emergency response plans. In addition to these activities, it would be appropriate that the State Commission review plans for responding to oil spills currently being developed by the Department of Health.

The State Commission must designate local emergency planning districts by July 17, 1987, and local emergency planning committees must be appointed within one month after a district is designated. In Hawaii, it would be most appropriate to designate each county as a local emergency planning district. However, it will still be necessary to identify local emergency planning committee members by August 17, 1987.

In addition to the designation of local emergency planning districts, there is a pressing need to establish a revolving contingency fund (approximately 100,000), similar to the Clean Island Council's fund for oil spills, to clean-up hazardous materials spills. These funds would be available for immediate use to facilitate timely clean-up until a responsible party can be identified, which would reimburse the fund.

I recommend that the agencies listed above be contacted as soon as possible and that the first meeting of the State Commission be scheduled for July 17, 1987.

Respectfully submitted:

Bruce S. Anderson, Ph.D.

Attachments

## FACSIMILE TRANSMISSION COVERSHEET

DATE April 13, 1992Total pages including cover sheet 3TO Rhonda GoykeHawaii Dept. of Health HEERFAX (808) 586-4370PHONE (808) 586-4277

FROM **Mike Ardito**  
**Office of Health & Emergency Planning**  
**U.S. EPA Region 9 H-1-2**  
**75 Hawthorne Street**  
**San Francisco California 94105**

FAX (415) 744-1796 PHONE (415) 744-2206

Notes Letter for Dr. Lewin. (Original copy  
is being sent through the mail.)

U.S. ENVIRONMENTAL PROTECTION AGENCY



JOHN WAIHEE  
GOVERNOR OF HAWAII



JOHN C. LEWIN, M.D.  
DIRECTOR OF HEALTH

STATE OF HAWAII  
DEPARTMENT OF HEALTH

P. O. BOX 3378  
HONOLULU, HAWAII 96801

In reply, please refer to:

FIVE WATERFRONT PLAZA, SUITE 250  
500 ALA MOANA BOULEVARD  
HONOLULU, HI 96813  
FAX # (808) 586-4370

FACSIMILE REQUEST AND COVER SHEET  
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DATE: 5/20/92 No. of pages (Incl. cover sheet): 4

TO: CHIPIN CHAN

Office/Phone/Mail Stop: DLNR

FAX 587-0219

FROM: RHONDA GOYKE

Office/Phone/Mail Stop: 586-4277

SUBJECT/MESSAGE: MAP + AGENDA FOR HSERL

MEETING TODAY

SIGNATURE OF SENDER: Rhonda Goyke

NOTE: If this transmittal was incomplete or illegible, please call the sender's office.

Rev. 7/29/91

JOHN WAIHEE  
GOVERNOR OF HAWAII



JOHN C. LEWIN, M.D.  
DIRECTOR OF HEALTH

STATE OF HAWAII  
DEPARTMENT OF HEALTH

P. O. BOX 3378  
HONOLULU, HAWAII 96801

In reply, please refer to:  
HEER OFFICE

March 5, 1992

HSERC MEMO.9-RG3

MEMORANDUM

To: The Hawaii State Emergency Response Commission  
(HSERC) Members

From: John C. Lewin, M.D., Chairman,  
The Hawaii State Emergency Response Commission

Subject: HSERC MEETING NOTICE #9

HSERC MEETING NOTICE

This is to invite you to attend the next meeting of the Hawaii State Emergency Response Commission (HSERC) to be held Tuesday April 7, 1992, 10:30 a.m. to 3:30 p.m.. The meeting will be held at the Department of Health's Kinau Hale Board Room, 1st Floor, 1250 Punchbowl Street.

Topics to be discussed include Roles & Responsibilities of the HSERC, Administrative Rules & Procedures, and the Goals & Objectives of the HSERC. Please bring your "Hawaii State Emergency Response Commission" 3-ring binders with you to the meeting. We will be updating the information contained in the binders which were originally distributed in 1988. If you are unable to locate your binders please call the HEER Office, so a binder can be provided for you.

Please find enclosed a copy of the meeting agenda, draft minutes from HSERC meeting #8, and the final Meeting Summary for HSERC meeting #7. Parking permits have been requested, for the commission, and you will be kept informed regarding the status of the permits. If you have any questions, please contact Rhonda Goyke at 586-4353.

Enclosures

1. Agenda
2. HSERC Draft Meeting Summary February 21, 1992
3. HSERC Final Meeting Summary January 14, 1991

JCL:RG

Sent  
4/14

JOHN WAIHEE  
GOVERNOR OF HAWAII



JOHN C. LEWIN, M.D.  
DIRECTOR OF HEALTH

STATE OF HAWAII  
DEPARTMENT OF HEALTH

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HONOLULU, HAWAII 96801

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TO: MARY ANN

Office/Phone/Mail Stop: RED CROSS / 734-2107

FAX 735-8626

FROM: RHONDA GOYKE

Office/Phone/Mail Stop: HEER / 586-4277

SUBJECT/MESSAGE: HSERC AGENDA & MAP

SIGNATURE OF SENDER: Rhonda Goyke

NOTE: If this transmittal was incomplete or illegible, please call the sender's office.

Send  
4/10/92  
19

JOHN WAIHEE  
GOVERNOR OF HAWAII



JOHN C. LEWIN, M.D.  
DIRECTOR OF HEALTH

STATE OF HAWAII  
DEPARTMENT OF HEALTH  
P. O. BOX 3378  
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DATE: 4/10/92 No. of pages (Incl. cover sheet): 4

TO: GERALD KIMRO

Office/Phone/Mail Stop: BOA / 973-9401

FAX 973-9418

FROM: RHONDA GOYKE

Office/Phone/Mail Stop: HEER / 586-4277

FAX 586-4370

SUBJECT/MESSAGE: HSERC MEETING

SIGNATURE OF SENDER: Rhonda Goyke

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Sent  
4/9/92  
JW



JOHN WAIHEE  
GOVERNOR OF HAWAII

JOHN C. LEWIN, M.D.  
DIRECTOR OF HEALTH

STATE OF HAWAII  
DEPARTMENT OF HEALTH

P. O. BOX 3378  
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DATE: 4/9/92 No. of pages (Incl. cover sheet): 2

TO: YUKIO KITAGAWA

Office/Phone/Mail Stop: BOA/973-9555

FAX 973-9613

FROM: RHONDA GOYKE

Office/Phone/Mail Stop: HEER/586-4277

FAX 586-4370

SUBJECT/MESSAGE: HSERC MEETING

SIGNATURE OF SENDER: Rhonda Goyke

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GOVERNOR OF HAWAII



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TO: MURRAY TOWILL

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TO: CLIFFORD IKEDA

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TO: SEL MENOR

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TO: HARRY KIM

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FAX: 935-6460

FROM: RHONDA GOYKE

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TO: GEORGE KEKUNIA

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TO: WILLIAM PATY

Office/Phone/Mail Stop: BLNR 1586-0401

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Office/Phone/Mail Stop: DOT/587-2150

FAX 587-2167 or 587-2168

FROM: RHONDA GOYKE

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## ATTACHMENT 4

ROLES-RG3

### STATE AND LOCAL ROLES UNDER SARA TITLE III

<u>SECTION OF LAW</u>	<u>RESPONSIBILITY</u>
Sec 301	<ul style="list-style-type: none"> <li>(a) Establish State Commission <span style="float: right;">State</span></li> <li>    Appoint local emergency planning committees <span style="float: right;">State</span></li> <li>    Supervise &amp; coordinate LEPC activities <span style="float: right;">State</span></li> <li>    Establish public request procedures <span style="float: right;">State</span></li> <li>    Designate information coordinator <span style="float: right;">State</span></li>   <li>(b) Establish Emergency Planning Districts <span style="float: right;">State</span></li>   <li>(c) Appoint committees/assure minimum representation <span style="float: right;">State</span></li> <li>    Committee to appoint chairperson <span style="float: right;">Local</span></li> <li>    Establish committee rules <span style="float: right;">Local</span></li> <li>    Establish committee procedures for public requests <span style="float: right;">Local</span></li> <li>    Designate committee information coordinator <span style="float: right;">Local</span></li> </ul>
Sec 302	<ul style="list-style-type: none"> <li>(b)(2) Designate and notify additionally covered facilities <span style="float: right;">State</span></li> <li>(d) Notify EPA of covered facilities <span style="float: right;">State</span></li> </ul>
Sec 303	<ul style="list-style-type: none"> <li>(a) Complete emergency plan <span style="float: right;">Local</span></li> <li>(b) Make recommendations on resources required to develop, implement and exercise plan <span style="float: right;">Local</span></li> <li>(e) Review and make recommendations on plan(s) <span style="float: right;">State</span></li> </ul>
Sec 311	<ul style="list-style-type: none"> <li>(c)(1) Provide MSDS upon request <span style="float: right;">Local</span></li> </ul>
Sec 312	<ul style="list-style-type: none"> <li>(e) Receive Tier II information <span style="float: right;">State &amp; Local</span></li> </ul>
Sec 313	<ul style="list-style-type: none"> <li>(a) Receive toxic chemical release forms <span style="float: right;">State</span></li> <li>(b)(2) Discretionary application to additional facilities <span style="float: right;">State</span></li> <li>(e) Petition for additional or deletion of listed chemicals <span style="float: right;">State</span></li> </ul>

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- N. CERCLA CHEMICAL LIST, TABLE 302.4 - LIST OF HAZARDOUS SUBSTANCES AND REPORTABLE QUANTITIES
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### Suggested Anecdote

The Ohio SERC reviews local emergency plans using NRT-1 and a Hazardous Materials Plan Cross Reference, which Ohio EMA developed directly from NRT-1. The Cross Reference is an outline which each LEPC is requested to submit along with its plan. It identifies the location within the plan itself of the planning elements and considerations listed in NRT-1, which were adopted as guidelines by the SERC. The Cross Reference thus serves as an indexed checklist of the essential plan components, and assists the LEPCs in developing their Title III plans. Ohio EMA also uses the Cross Reference to comment on planning elements during plan review.

### Slide 29:

In this final section of this module, we briefly examine the role of the SERCs and LEPCs in the development of state or local legislation that helps in implementing Title III. State and local legislation can be used to consolidate Title III planning efforts with existing state and local planning activities. Such legislation can help to coordinate planning efforts among various agencies or organizations, and at the same time, maximize the use of limited resources. Many states have already enacted such legislation or are considering doing so.

### Suggested Anecdote

The state of Maine enacted Public Law 464 in 1989 to implement, administer, and enforce SARA Title III. In addition to formally establishing the Title III planning structure, the legislation expands the obligations of the SERC, LEPCs, and covered facilities. Under the statute, the SERC must monitor and participate in LEPC exercises, review hazmat training courses, and collect an annual registration fee and an annual inventory fee for facilities reporting under sections 311-313. The law also requires facilities covered under section 302 to develop, and annually exercise and review, a comprehensive emergency plan and ensure that necessary emergency response equipment is available at the facility or from a nearby facility through a mutual aid agreement. LEPCs must incorporate these facility plans into their planning efforts and conduct annual reviews and exercises of their own plan. In 1990, Public Law 638 expanded the definition of facility to include transit facilities such as railroad and marine terminals, and authorized the state to conduct facility inspections to insure compliance and to investigate and present mandatory recommendations to facilities experiencing accidents.

**Slide 30:**

Now let's look at how SERCs and LEPCs can work in the legislative arena to develop such legislation. Legislation could simply incorporate the SERC/LEPC planning requirements within existing state authorities or designate state agency(ies) to administer State's Title III program. As illustrated by the Maine law, legislation could also enable SERCs and LEPCs to establish funding sources, through county or state budget or a fee system. SERCs and LEPCs should also work together to modify federal laws, to either better integrate them with existing state laws, or to establish more stringent requirements if necessary.

**Slide 31:**

There are three major components to the success of SERCs and LEPCs in the legislative development process: knowing the legislative process; identifying key legislators; and developing sample legislation.

**Slide 32:**

Understanding the legislative process involves knowing both the general framework for legislative activity in a given jurisdiction, as well as the specific Title III issues that are relevant to that particular jurisdiction.

In particular, the SERC and LEPC must know the appropriate time for introducing legislation and the appropriate committees into which the bill should be introduced. For example, knowing who to consult in the legislation development process will prove valuable in not alienating legislators who consider themselves important on Title III issues.

The importance of timing should not be underestimated. If a piece of new legislation is introduced at a time when industry is already being squeezed by other new requirements, the proposed legislation could be delayed by industry lobbying or uninterested legislators. The important factors involve generating support and focusing that support with a keen sense of timing.



**Slide 33:**

Knowing who the key legislators are, especially those legislators who are most influential on issues related to Title III, will help the process. For example, identifying the chairmen of relevant committees, and targeting those legislators during the legislative development process, will facilitate legislation being passed.

In addition, legislators should be invited to participate in the SERC activities so that they gain a better understanding of the program, and so that the SERCs may benefit from their institutional knowledge. To further these ends the key legislators might even be offered membership on the SERC. Also, especially in an election year, coordinate activities involving legislators with the LEPCs for their voting district.

**Slide 34:**

Another way a SERC or LEPC could help in the legislative process is by developing sample legislation. This activity involves the translation of identified Title III objectives into terms that are considered to be acceptable and realistic by the state's legislature.

Specifically, SERCs and LEPCs must:

- Identify the needs for the legislation -- what is the focus, what is the purpose, and how will our legislation match this focus and purpose?
- Review other states' laws -- can we incorporate elements of our program into existing programs or legislation, and can we model our program after existing programs so as to avoid reinventing the wheel?
- Draft sample legislation -- use the SERC/LEPC member organizations (e.g. elected officials, police, fire, environmental groups, and industry) to obtain broad-based support within the state. By doing so, the sample legislation will get as much input as needed, represent a consensus among a broad spectrum of groups, and as a result, have a better chance to be enacted. EPA Regional offices can provide assistance in developing sample legislation.

ATTACHMENT 1

***HAWAII***

***STATE EMERGENCY  
RESPONSE COMMISSION  
(HSERC)***

***HANDBOOK***

***APRIL 1992***

PRESENTATION "OTHER STATES EPCRA PROGRAMS"  
TO HSERC APRIL 20, 1992  
BY R. GOYKE

As staff to the HSERC, we were tasked to find out what other states are doing in regards to SARA Title III. We first attempted to have someone from EPA present this segment of the workshop but as Dr. Lewin explained, EPA was unable to join us today due to limited travel funds. Our second option was to have <sup>Jim</sup>~~James~~ Solyst from the National Governors Association update us on the status of other states, but unfortunately he had a conflict with his schedule. However, both agencies sent us a lot of information which I will be presenting a portion of today.

We first looked at how other states have designated their LEPCs. The most common division is by county or some combination there of, such as counties plus some cities, towns, or municipal districts. I have compiled relevant information from other states SERC in this handout "Status Report on Other State Emergency Response Commissions", we don't have time to go over all the information today but we will discuss the major issues raised by the HSERC in the last meeting. You may want to familiarize yourself with the information in the handout, some of the states have implemented some unique programs. <sup>status</sup> You can also refer to the National Governors Association "Emergency Planning & Community Right to Know Act: A status of State Action-1991" where I found much of this information and which goes into more detail } as well as a section of the SERC Handbook which presents other state program information.

Two basic problems seem to plague the states and must continue to be addressed:



1. ~~INFORMATION MANAGEMENT. How do states manage the ever-increasing amounts of data on hazardous chemicals that are collected under EPCRA & will be increasing under related federal laws?~~
  
2. ~~PROGRAM FUNDING. How do states fund expanded responsibilities during times of budget crunches?~~

During our last HSERC meeting it was decided that an advisory committee would be formed to research and make recommendations on a statewide data management system, so we will not be discussing that topic today in detail.

That leaves us with program funding. Fee systems have proven to be an effective method for raising revenue to administer state and local emergency planning and community right-to-know programs. Four years after states first enacted fee legislation, it is apparent that large amounts of money can be raised by assessing fees on facilities reporting information under EPCRA. For example, 5 states anticipate that more than \$1 million in fee revenue will be generated in fiscal 1992. The average annual revenue anticipated by the other 13 states with fee laws is \$225,000. (HANDOUT WITH DISCUSSION)

States' experiences with fees also have shown that the passage of fee legislation is a difficult and unpredictable process. Few states have managed to pass fee bills on the first attempt, and many have repeatedly introduced legislation that failed to be enacted. Although the obstacles are numerous, 18 states have EPCRA programs, and at least ten others plan to

introduce fee bills during the 1992 legislative session.

Funding chemical emergency prevention and preparedness activities has been the major EPCRA-related concern of state and local governments since the act was enacted in 1986. Early on, it became apparent that the broad mandates of the act, its ambitious deadlines, and the absence of federal financial assistance would impose serious burdens on state and local government resources. When the act was first passed, most states turned to existing program budgets, usually those of the emergency management and environmental regularity agencies. By the following year, most EPCRA programs were receiving their own appropriations from state general revenue.

As general revenue funds have become more scarce, fees have provided a predictable amount of money that is not subject to general appropriation budget cuts. Most important, fee revenue has allowed SERCs and LEPCs to undertake preparedness and planning activities that address critical state and local needs.

Three basic issues must be addressed when designing fee legislation - what the money will be used for, how much money is need, and how the money will be raised. The first consideration is whether funds will be used to support SERC activities, LEPC functions, or both. This issue determines the amount of money that needs to be raised and also identifies potential supporters. Obviously there is a correlation between the number of LEPCs to receive funds and the total level of funding needed. In addition, if LEPCs benefit from a fee system, it is likely that the local government and community group representatives that serve

on the committees will support fee legislation.

Three states with mature fee programs - Kansas, Wisconsin, and Ohio - have taken different approaches regarding the use of fee revenue. There are benefits and disadvantages to each of the approaches, depending on the needs of the state and the willingness of the business community to pay fees. In states without a history of fees to pay for environmental services, it may be practical to raise only the funds needed to administer the state program. However, the more funds raised, the more money there is to pass on to local government, whose representative will be voting on a fee bill.

The Kansas, Wisconsin, and Ohio approaches are representative of how states use fee-generated funds:

Kansas raises enough revenue to administer the state program but does not pass funds on to LEPCs. The funds are used to support data management, outreach efforts, technical assistance to LEPCs, and administration of the SERC.

The Wisconsin revenue is passed on to LEPCs. The LEPCs are to use the funds to prepare emergency response plans, conduct plan exercises and reviews, purchase emergency response equipment, and pay for general operation costs

Under the Ohio approach 60-75% of the funds are passed on to LEPCs, with 15-25% being kept by the SERC. The LEPCs are to use the funds to improve emergency

response plans, conduct plan exercised, undertake vulnerability and risk analyses and manage and disseminate data.

A 1989 National Governors Association survey found that the median amount states spend on SERC activities is \$200,000 annually and that the amount of money passed on to LEPCs ranges from \$10,000 to \$40,000, of the states that have fee systems. For example, Wisconsin uses a formula to determine LEPC grants that takes into account the county population, the number of planning facilities, and the number of reporting facilities. Ohio also employs an allocation formula. Therefore, a medium-sized state will require \$200,000 annually to administer SERC activities and \$10,000 to \$40,000 to support each LEPC. Thus, if the HSERC receives \$200,000 and each of the four LEPCs receives \$20,000, the total amount needed annually is roughly \$280,000.

State fee revenue can be generated through three different charges:

- 1) Emergency planning fees, usually a flat fee charged when a facility informs the SERC under Section 302 that it uses or stores one or more of the extremely hazardous chemicals in amounts greater than the federally designated quantities.
- 2) Right-to-know reporting fees, which apply to facilities that must submit forms under Sections 311 and 312. All states with a fee system charge a right-to-know fee.
- 3) A toxic chemical release form fee, usually charged for each substance regulated under Section 313. Five state fee systems include this charge.

The amount of money raised through these fees depends on how many facilities are assessed, the amount of the fee charged, and the level of compliance.

Since the number of facilities subject to fees is fairly constant, the key variables are the amount of the fee and the level of compliance. The amount of money charged varies by state, but the Pennsylvania charges are typical - a one-time emergency planning fee of \$100, a right-to-know fee of \$10 annually for each substance regulated by Section 312, and a toxic chemical release form fee of \$250 annually for each substance regulated under Section 313. The total charge cannot exceed \$5,000 per facility.

State officials estimate that the level of compliance achieved by fee programs is about 50%, but few states have firm compliance fees. States and industry realize that compliance needs to be improved in order to generate anticipated funds and to spread the burden evenly among regulated facilities. When Ohio officials surveyed LEPCs to determine the level of compliance the estimates were between 35-70%. This level was not acceptable to the Ohio facilities in compliance, as they were concerned that they would be expected to fund 100% of the EPCRA administrative costs. Therefore, in order to pass amendments to the state fee law, Ohio officials had to include compliance and enforcement provisions. The law now requires the SERC and LEPCs to estimate compliance annually and to develop compliance and enforcement procedures.

There are many obstacles to passing EPCRA fee systems, including an inherent opposition to taxes or fees of any nature, unfamiliarity with SARA and the associated acronyms, and the

belief that a federally mandated program should be federally funded. State officials with experience with fee legislation recommend that in order to overcome these obstacles, proponents of fee legislation should educate legislators and mobilize supporters.

An education campaign should be designed for state legislators and should focus on the concept that although EPCRA is federally mandated, the state program addresses state, regional, and local needs. Emphasis should be placed on how citizens and the response community will benefit from expanded emergency prevention and preparedness programs. For example, most state fee programs provide funding for first responders to receive additional training, while citizens can gain greater access to information provided through improved data management capabilities.

It should be stressed to legislators that many states already have fee systems that have proven to be very successful in raising funds without burdening industry. Other state experiences and laws also can be used to illustrate different fee options and approaches, such as those used by Kansas, Ohio, and Wisconsin.

It is essential that the use of acronyms - SARA, EPCRA, SERC, and LEPC - be kept to a minimum. The acronyms mean little to most citizens and legislators, while the terms themselves are descriptive and usually well received. Studies have shown that the term "local emergency planning committee" is particularly well received by citizens as it contains some very reassuring words.

Several groups are likely to support a fee law, including fire departments, police, rescue squads, local government, environmental and citizen groups, and local emergency planning committees. It is essential that these potentially powerful allies be involved in the development of a fee bill and are willing to provide support during legislative hearings.

The response community are perhaps the most important group to involve in the legislative process. They have chemical emergency management experience and are recognized as experts in the field. In addition, they typically have experience with state legislative issues and have developed relationships with legislative leaders.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, Ca. 94105-3901

April 13, 1992

Dr. John C. Lewin, Chairman  
Hawaii State Emergency Response Commission  
Department of Health  
P.O. Box 3378  
Honolulu, Hawaii 96801

Dear Dr. Lewin:

EPA sends words of encouragement to members of the Hawaii State Emergency Response Commission and the four Local Emergency Planning Committees who will be participating in a workshop April 20 to review their roles and responsibilities. The interest and commitment to renew the vision and efforts of the SERC and LEPCs is to be applauded.

The workplan, as provided at the Hawaii SERC meeting in February 1992, delineates the status and accomplishments of those endeavors. It is believed that the roles of the SERC and LEPCs as defined in that workplan fulfill the minimum requirements for implementation of the Emergency Planning and Community Right-to-Know Act.

EPCRA did not fade away after the first emergency plans were required of SERCs and LEPCs in October 1988. Matter of fact, the roles and responsibilities have expanded. New federal laws enacted over the last two years have widened the scope of hazmat planning and hazmat response. Beyond implementation of the various sections of EPCRA, many LEPCs are participating or preparing to work on Local Area Plans and the supplements to regional contingency plans for areas of risk as required by the Oil Pollution Act of 1990. The Area Committees for OPA are being established under the direction of a federal On-Scene Coordinator. With state and local officials (such as SERCs and LEPCs) these plans are being enhanced for state and local contingency planning and response.



Planning and prevention activities are being required of the Clean Air Act Amendments and the Pollution Prevention Act. In the future, for example, facilities will need to submit risk management plans to states and local emergency planners and make the plans available to the public.

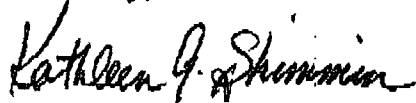
In another law passed in 1990, the Hazardous Materials Transportation and Uniform Safety Act will provide hazmat planning and training grants through the U.S. Department of Transportation. Seventy-five percent of the funds are earmarked to be used at the local level. In order to qualify, SERCs and LEPCs will need to certify compliance with the provisions of EPCRA.

EPA encourages the SERC and LEPCs to become familiar with these new laws to receive the full benefit of protecting their communities and environment.

If the Office of Health and Emergency Planning at EPA can be of any further assistance in supplying information about fulfilling the roles of the SERC and LEPCs, please let us know. The chemical emergency preparedness coordinator for Hawaii is Mike Ardito. He can be reached at (415) 744-2206. Mike regrets that due to tight travel budget constraints, EPA will be unable to attend the April 20 SERC/LEPC workshop and meeting. However, he has forwarded materials and information to be presented in EPA's absence.

Our office wishes the Hawaii SERC and LEPC members success and pride in accomplishing the goals of the continuing challenge to prevent or prepare for response to hazardous materials incidents. The residents and tourists of Hawaii will continue to value efforts to preserve their health in a fragile environment.

Sincerely,



Kathleen G. Shimmin  
Director  
Office of Health & Emergency Planning

cc: B. Anderson  
M. Ingolia

HAWAII STATE EMERGENCY RESPONSE COMMISSION

MEMBER LIST

April 17, 1992

John C. Lewin, M.D., Chairman  
Hawaii State Emergency Response Commission  
Department of Health  
P.O. Box 3378  
Honolulu, Hawaii 96801  
Ph: 586-4410

Bruce S. Anderson, Ph.D, Vice Chairman  
Hawaii State Emergency Response Commission  
Department of Health  
P.O. Box 3378  
Honolulu, Hawaii 96801  
Ph: 586-4424

Mr. Yukio Kitagawa, Chairperson  
Board of Agriculture  
P.O. Box 22159  
Honolulu, Hawaii 96822-0159  
Ph: 973-9555  
Representative: Dr. Po-Yung Lai, Head,  
Plant Industry Division  
Ph: 973-9401

Brigadier General Edward V. Richardson  
Department of Defense  
3949 Diamond Head Road  
Honolulu, Hawaii 96816-4495  
Ph: 734-2195  
Representatives: Thomas O. Batey, Chief  
Ph: 734-2161

Mr. Keith Ahue, Director  
Department of Labor and Industrial Relations  
830 Punchbowl Street  
Honolulu, Hawaii 96813  
Ph: 548-3150  
Representative: David M. Komori, Admin. Assistant  
Ph: 548-3903

Mr. William W. Paty, Director  
Board of Land and Natural Resources  
1151 Punchbowl Street, Room 130  
Honolulu, Hawaii 96813  
Ph: 587-0401

Murray Towill, Director  
Department of Business and Economic Development  
& Tourism  
P.O. Box 2359  
Honolulu, Hawaii 96804  
Ph: 586-2355

Mr. Rex D. Johnson, Director  
Department of Transportation  
869 Punchbowl Street  
Honolulu, Hawaii 96813  
Ph: 587-2156  
Representative: Ronald Hirano, Deputy Director  
Ph: 587-2156

Jerrold M. Michael, Dean  
School of Public Health  
University of Hawaii  
1960 East-West Road  
Ph: 956-8066  
Representative: Harlan H. Hashimoto  
Environmental Science and Engineering  
Ph: 956-5741

Ms. Jiggie Hommon, Manager  
Hawaii State Chapter  
American Red Cross  
P.O. Box 3948  
Honolulu, Hawaii 96812  
Ph: 734-2101

HSERC, Member List  
January 7, 1992  
Page 2

Mr. Brian Choy, Director  
Office of Environmental Quality Control  
550 Halekauwila Street, Room 301  
Honolulu, Hawaii 96813  
Ph: 586-4185

Mr. Clifford Ikeda  
Kauai LEPC Co-Chairman  
4396 Rice Street, Rm 107  
Lihue, Hawaii 96766  
Phone: 245-4001

Mr. Sel Menor, Co-Chairman  
Maui County Civil Defense Agency  
200 South High Street  
Wailuku, Hawaii 96793  
Ph: 243-7285

Mr. George Kekuna  
Deputy Director Designate  
Oahu Civil Defense Agency  
650 South King Street  
Honolulu, Hawaii 96813  
Ph: 523-4121

Mr. Harry Kim, Administrator  
Hawaii County Civil Defense Agency  
920 Ululani Street  
Hilo, Hawaii 96720  
Ph: 961-8229

JOHN WAIHEE  
GOVERNOR OF HAWAII



JOHN C. LEWIN, M.D.  
DIRECTOR OF HEALTH

STATE OF HAWAII  
DEPARTMENT OF HEALTH  
P. O. BOX 3378  
HONOLULU, HAWAII 96801

In reply, please refer to:  
HEER OFFICE  
DAJ.9FU-RG3

May 5, 1992

To: Judy So, Deputy Attorney General  
Department of Attorney General

From: Bruce S. Anderson, Ph.D. *Bruce S. Anderson*  
Deputy Director for Environmental Health

Subject: Followup to the Hawaii State Emergency Response Commission (HSERC) meeting held on April 20, 1992

We wanted to take this opportunity to thank you for your participation at the Hawaii State Emergency Response Commission (HSERC) meeting on April 20, 1992. Your presentation on the "Sunshine Law" and related commission law was informative and clarified many issues regarding the operation of a state commission.

As followup to the HSERC meeting we would like to clarify the following:

- 1) An official executive order was not issued by the Governor establishing the HSERC as a commission. You have indicated to staff that receipt of federal funding by the HSERC for hazardous materials training does provide the necessary criterion for the body to be recognized as a commission. We appreciate your determination on this issue.
- 2) In light of the above information, should an executive order be issued at this point in time?
- 3) Are the Local Emergency Planning Committees (LEPCs) a subcommittee of the HSERC? Is the Sunshine law applicable to the LEPCs?
- 4) Please provide an information packet on Tort Liability to Rhonda Goyke for distribution to the HSERC members.

To keep you up to date, Dr. Lewin will be formally requesting your attendance and assistance at future HSERC meetings as an advisor to the HSERC.

Thank you again for your assistance, we look forward to working with you in the future.

BSA:RG

c: Sonia Faust, Deputy Attorney General



STATE OF HAWAII  
DEPARTMENT OF HEALTH

P. O. BOX 3378  
HONOLULU, HAWAII 96801

In reply, please refer to:  
HEER OFFICE

March 4, 1992

ADMINRLS.AG

To: Sonia Faust, Deputy Attorney General  
Attorney Generals Office

From: J. Mark Ingoglia, M.P.H., Manager, *J. Mark Ingoglia*  
Office of Hazard Evaluation and Emergency Response

Subject: Applicable Law, Administrative Rules, and Procedures of the Hawaii State  
Emergency Response Commission (HSERC)

The Hawaii State Emergency Response Commission (HSERC) was established in 1986, by the Governor, in response to the Emergency Planning and Community Right-To-Know Act of 1986, Section 301 (a copy of the law is attached for your information). The Department of Health was designated as the implementing agency. Since its inception in 1986 the Commission has met eight times and to date has not established formal administrative rules or policies. At this time the HSERC needs clarification on any laws, administrative rules or procedures that a public commission must follow. Dr. Lewin has requested that the Attorney General's office be asked for assistance in this matter. Due to the short time frame, I am contacting you directly, although we can provide an additional Director's request should you indicate the need.

Specifically, Dr. Lewin has requested the following assistance from the Office of the Attorney General:

1. An outline of the administrative rules that a commission must follow;
2. Staff briefing on the administrative rules and how they apply to the HSERC; and
3. A presentation of the Administrative rules by the AG to the HSERC at the next HSERC meeting scheduled for April 7, 1992 (draft Agenda attached).

In addition, could you advise us on the following questions which have been raised by the commission:

Ms. Faust  
March 4, 1992  
Page 2

1. Can the HSERC meet for a workshop without following the requirements of the "Sunshine Law" in regards to posting of the notice and mailing out the agenda?
2. How can a technical subcommittee be formed? What rules apply to the subcommittee?
3. What is the proper procedure for updating the HSERC mailing list for agenda notifications?

Please call me at 586-4248 if you have any questions and to arrange a time for the staff briefing. Thank you for your assistance.

c: Dr. John C. Lewin, Director of Health  
Dr. Bruce S. Anderson, Deputy Director of Health

#### Attachments

1. Emergency Planning and Community Right-To-Know Act of 1986.
2. HSERC meeting #9 Draft Agenda

JMI:RG



STATE OF HAWAII  
DEPARTMENT OF HEALTH

P. O. BOX 3378  
HONOLULU, HAWAII 96801

In reply, please refer to:  
HEER OFFICE

HAWAII STATE EMERGENCY RESPONSE COMMISSION (HSERC)

HSERCAG9-RG3

Meeting #9

~~Tuesday April 7, 1992~~  
MONDAY APRIL 20, 1992

~~10:30 a.m. - 3:30 p.m.~~

1:00 p.m. - 5:00 p.m.

Department of Health's  
Kinau Hale Board Room, 1st Floor  
1250 Punchbowl Street

AGENDA

- I. Introductions (<sup>10</sup>15 min)
  - A. Opening Remarks
  - B. Discussion/Approval of Minutes from HSERC Meeting #8
  - C. Purpose of Meeting
    1. Clarify Roles & Responsibilities of HSERC
    2. Establish Administrative Rules & Procedures
    3. Establish Goals & Objectives of the HSERC
  - D. Schedule for the Day
  - ~~E. Lunch~~
  - ~~F. Parking~~
  - G. Establish a HSERC Kitty
- II. Roles & Responsibilities of HSERC (<sup>hr 45 min</sup>2 hr ~~15 min~~)
  - A. Title III Introductory Video Tape (15 min)
  - B. Other State Programs & Discussion (~~60 min~~ 45 min)
  - C. Lunch/Question & Answer Session (45 min) 30 min
  - D. Agreement of Responsibilities (15 min)
- III. Administrative Rules & Procedures (1 hr 15 min) <sup>\*</sup>in consultation w/ Dept AG. to commission\*
  - A. Presentation by the Attorney General's Office (30 min)  
"Legal Roles & Responsibilities of a Public Commission"
  - B. Question & Answer Session with the AG (15 min)
  - C. Establish Required Procedures (15 min)
  - D. Establish Additional Procedures (15 min)
- IV. Goals & Objectives (~~1 hr~~ 45 min) <sup>15</sup>
  - A. Input on Draft Goals & Objectives (20 min) <sup>15</sup>
  - B. Establish Additional Goals & Objectives (20 min) <sup>15</sup>
  - C. Finalize Goals & Objectives of the HSERC (20 min)
- V. Schedule Next HSERC Meeting (#10) (<sup>5</sup>15 min)

\* Executive sessions <sup>(closed)</sup> of the Commission may be called during this period.

March 3, 1992

HSERCMEMO.9-RG3

MEMORANDUM

To: The Hawaii State Emergency Response Commission  
(HSERC) Members

From: John C. Lewin, M.D., Chairman,  
The Hawaii State Emergency Response Commission

Subject: HSERC MEETING NOTICE

HSERC MEETING NOTICE

This is to invite you to attend the next meeting of the Hawaii State Emergency Response Commission (HSERC) to be held Tuesday April 7, 1992, 10:30 a.m. to 3:30 p.m.. The meeting will be held at the Department of Health's Kinau Hale Board Room, 1st Floor, 1250 Punchbowl Street.

Topics to be discussed include Roles & Responsibilities of the HSERC, Administrative Rules & Procedures, and the Goals & Objectives of the HSERC. Please bring your "Hawaii State Emergency Response Commission" 3-ring binders with you to the meeting. We will be updating the information contained in the binders which were originally distributed in 1988. If you are unable to locate your binders please call the HEER Office, so a binder can be provided for your. Please find enclosed a copy of the meeting agenda, as well as the draft minutes from the last meeting (#8). <sup>and a draft meeting summary meeting #7.</sup> If you have any questions, please contact Rhonda Goyke at 586-4353.

Enclosures

1. Agenda *draft*
  2. HSERC Meeting Summary February 21, 1992
  3. *" meeting summary Jan. 14, 1991*
- ~~c: Bruce S. Anderson, Ph.D.~~

*↑ he is a member*

*Parking? "Will have permits for you" w/ what?*

*We are requesting parking passes*



JOHN WAIHEE  
GOVERNOR OF HAWAII



JOHN C. LEWIN, M.D.  
DIRECTOR OF HEALTH

STATE OF HAWAII  
DEPARTMENT OF HEALTH

P. O. BOX 3378  
HONOLULU, HAWAII 96801

In reply, please refer to:  
HEER OFFICE

March 4, 1992

ADMINRLS.AG

To: Sonia Faust, Deputy Attorney General  
Attorney Generals Office

From: J. Mark Ingoglia, M.P.H., Manager, *J. Mark Ingoglia*  
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Subject: Applicable Law, Administrative Rules, and Procedures of the Hawaii State  
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In addition, could you advise us on the following questions which have been raised by the commission:

Ms. Faust  
March 4, 1992  
Page 2

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3. What is the proper procedure for updating the HSERC mailing list for agenda notifications?

Please call me at 586-4248 if you have any questions and to arrange a time for the staff briefing. Thank you for your assistance.

c: Dr. John C. Lewin, Director of Health  
Dr. Bruce S. Anderson, Deputy Director of Health

#### Attachments

1. Emergency Planning and Community Right-To-Know Act of 1986.
2. HSERC meeting #9 Draft Agenda

JMI:RG



STATE OF HAWAII  
DEPARTMENT OF HEALTH

P. O. BOX 3378  
HONOLULU, HAWAII 96801

In reply, please refer to:  
HEER OFFICE

HAWAII STATE EMERGENCY RESPONSE COMMISSION (HSERC)  
Meeting #9

HSERCA09-RG3

Monday April 20, 1992  
1:00 p.m. - 5:00 p.m.

Department of Defense  
Multi Purpose Room, Building 306A  
3949 Diamond Head Road

**AGENDA**

- I. Introductions (10 min)
  - A. Opening Remarks
  - B. Discussion/Approval of Minutes from HSERC Meeting #8
  - C. Purpose of Meeting
    1. Clarify Roles & Responsibilities of HSERC
    2. Establish Administrative Rules & Procedures
    3. Establish Goals & Objectives of the HSERC
  - D. Schedule for the Day
  - E. Establish a HSERC Kitty
- II. Roles & Responsibilities of HSERC (1 hr 45 min)
  - A. Title III Introductory Video Tape (15 min)
  - B. Other State Programs (45 min)
  - C. Question & Answer Session (30 min)
  - D. Agreement of Responsibilities (15 min)
- III. Administrative Rules & Procedures, in Consultation with the Deputy Attorney General to the Commission\* (1 hr 15 min)
  - A. Presentation by the Attorney General's Office (30 min)  
"Legal Roles & Responsibilities of a Public Commission"
  - B. Question & Answer Session with the AG (15 min)
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  - D. Establish Additional Procedures (15 min)
- IV. Goals & Objectives (45 min)
  - A. Input on Draft Goals & Objectives (15 min)
  - B. Establish Additional Goals & Objectives (15 min)
  - C. Finalize Goals & Objectives of the HSERC (15 min)
- V. Schedule Next HSERC Meeting (#10) (5 min)

\* Executive (Closed) Session May Be Called During This Period

**BRIEF:**  
**Dr. Lewin**  
**Dr. Anderson**

HSERCAG9-RG3

**HAWAII STATE EMERGENCY RESPONSE COMMISSION (HSERC)**

**Meeting #9**

Monday April 20, 1992  
1:00 p.m. - 5:00 p.m.

Department of Defense  
Multi Purpose Room, Building 306A  
3949 Diamond Head Road

**AGENDA**

- I. Introductions (10 min) **DR. LEWIN**
  - A. Opening Remarks
    1. HSERC HANDBOOKS have been prepared which will hopefully provide guidance to the HSERC members. The HANDBOOK will hopefully act as a reference as well as a library for future HSERC developments. (SEE ATTACHMENT 1 FOR TABLE OF CONTENTS)
    2. The white binders are for HSERC members, other binders are for use at this meeting only, if non-SERC members would like a copy please arrange to borrow a binder for xeroxing or the DOH will provide you with a copy for a fee of \$30, if you choose to keep one of our extra copies.
    3. EPA was unable to attend our workshop due to restraints in their travel budget. Kathleen Shimmin has sent a letter in her absence endorsing our list of "Roles & Responsibilities" (SEE ATTACHMENT 2), EPA has also sent materials to be used at todays workshop.
  - B. Discussion/Approval of Minutes from HSERC Meeting #8
  - C. Purpose of Meeting: As requested in the February 21, 1992 HSERC meeting, we will be addressing the following issues today:
    1. Clarifying Roles & Responsibilities of the HSERC
    2. Establishing Administrative Rules & Procedures
    3. Establishing Goals & Objectives of the HSERC
    4. If time permits, discussion on how to achieve/fulfill established goals & objectives

## **BRIEF:**

**Dr. Lewin**

**Dr. Anderson**

**D. Schedule for the Day**

We must adhere to our rather tight schedule if we are to achieve the objectives set for this meeting.

**E. Establish a HSERC Kitty**

A refreshment fund is needed if coffee and perhaps donuts or an occasional lunch meeting is required. What would be a reasonable start up kitty and per meeting contribution?

**II. Roles & Responsibilities of HSERC (1 hr 45 min)**

**A. Title III Introductory Video Tape (15 min) DR. LEWIN INTRODUCES**

We thought a good place to start the workshop would be with a quick review of Title III, we will be starting a short video cassette entitled "Understanding Title III: Emergency Planning and Community Right to Know" prepared by Industrial Training Systems Corporation.

**B. Other State Programs (45 min) DR. LEWIN INTRODUCES RHONDA GOYKE  
(SEE ATTACHMENT 3 FOR OVERVIEW OF OTHER STATES)**

Specifically, the following will be discussed:

1. How other states designated LEPC divisions
2. Fee systems
3. Data management

**C. Question & Answer Session (30 min) DR. LEWIN LEADS**

**D. Agreement on Responsibilities (15 min) DR. LEWIN LEADS  
(SEE ATTACHMENT 4)**

**III. Administrative Rules & Procedures, in Consultation with the Deputy Attorney General to the Commission\* (1 hr 15 min)**

**A. Presentation by the Attorney General's Office (30 min)  
"Legal Roles & Responsibilities of a Public Commission"  
DR. LEWIN INTRODUCES JUDY SO**

**B. Question & Answer Session with the AG (15 min) JUDY SO LEADS**

**C. Establish Required (mandatory) Administrative Procedures (15 min)  
DR. LEWIN LEADS (based on recommendations from Judy So)**

**D. Establish Additional (optional) Administrative Procedures (15 min) DR. LEWIN LEADS**

**BRIEF:**

**Dr. Lewin**

**Dr. Anderson**

**IV. Goals & Objectives (45 min)**

**A. BRAINSTORMING on Goals & Objectives (15 min) DR. LEWIN LEADS**

**B. Discussion of Goals & Objectives (15 min) DR. LEWIN LEADS**

**C. Finalize Goals & Objectives of the HSERC (15 min) DR. LEWIN LEADS**

**D. If time permits, a discussion of how to achieve/fulfill the established goals & objectives**

**V. Schedule Next HSERC Meeting (#10) (5 min) DR. LEWIN LEADS**

**\* Executive (Closed) Session May Be Called During This Period**

ATTACHMENT 1

***HAWAII***

***STATE EMERGENCY  
RESPONSE COMMISSION  
(HSERC)***

***HANDBOOK***

***APRIL 1992***

## TABLE OF CONTENTS

- A. HAWAII STATE EMERGENCY RESPONSE COMMISSION (HSERC) MEMBERSHIP LIST
- B. FEDERAL SUPERFUND AMENDMENTS AND REAUTHORIZATION ACT OF 1986, TITLE III, EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW
- C. HSERC RESPONSIBILITIES
- D. TITLE III SUMMARY SHEET AND TITLE III FACT SHEET
- E. HAWAII STATE SARA TITLE III ADDRESS AND CONTACT LIST
- F. HAWAII STATE SARA TITLE III EMERGENCY NOTIFICATION GUIDELINE
- G. COMPILATION OF OTHER STATE SERCS
- H. HSERC ADMINISTRATIVE RULES AND PROCEDURES
- I. HSERC ESTABLISHED AND/OR DRAFT POLICIES
- J. HAWAII'S OIL AND HAZARDOUS MATERIALS EMERGENCY RESPONSE PLAN
- K. NRT-1, HAZARDOUS MATERIALS EMERGENCY PLANNING GUIDE
- L. NRT-1A, CRITERIA FOR REVIEW OF HAZARDOUS MATERIALS EMERGENCY PLANS
- M. TITLE III LIST OF LISTS, CONSOLIDATED LIST OF CHEMICALS SUBJECT TO REPORTING UNDER THE EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT
- N. CERCLA CHEMICAL LIST, TABLE 302.4 - LIST OF HAZARDOUS SUBSTANCES AND REPORTABLE QUANTITIES
- O. HSERC MAILING LIST
- P. LOCAL EMERGENCY PLANNING COMMITTEES MEMBERS LISTS
- Q. LEPC RESPONSIBILITIES



## FACSIMILE TRANSMISSION COVERSHEET

DATE April 13, 1992Total pages including cover sheet 3TO Rhonda GoykeHawaii Dept. of Health HEERFAX (808) 586-4370PHONE (808) 586-4277

FROM **Mike Ardito**  
**Office of Health & Emergency Planning**  
**U.S. EPA Region 9 H-1-2**  
**75 Hawthorne Street**  
**San Francisco California 94105**

FAX (415) 744-1796 PHONE (415) 744-2206

Notes Letter for Dr. Lewin. (Original copy  
is being sent through the mail.)

U.S. ENVIRONMENTAL PROTECTION AGENCY



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, Ca. 94105-3901

April 13, 1992

Dr. John C. Lewin, Chairman  
Hawaii State Emergency Response Commission  
Department of Health  
P.O. Box 3378  
Honolulu, Hawaii 96801

Dear Dr. Lewin:

EPA sends words of encouragement to members of the Hawaii State Emergency Response Commission and the four Local Emergency Planning Committees who will be participating in a workshop April 20 to review their roles and responsibilities. The interest and commitment to renew the vision and efforts of the SERC and LEPCs is to be applauded.

The workplan, as provided at the Hawaii SERC meeting in February 1992, delineates the status and accomplishments of those endeavors. It is believed that the roles of the SERC and LEPCs as defined in that workplan fulfill the minimum requirements for implementation of the Emergency Planning and Community Right-to-Know Act.

EPCRA did not fade away after the first emergency plans were required of SERCs and LEPCs in October 1988. Matter of fact, the roles and responsibilities have expanded. New federal laws enacted over the last two years have widened the scope of hazmat planning and hazmat response. Beyond implementation of the various sections of EPCRA, many LEPCs are participating or preparing to work on Local Area Plans and the supplements to regional contingency plans for areas of risk as required by the Oil Pollution Act of 1990. The Area Committees for OPA are being established under the direction of a federal On-Scene Coordinator. With state and local officials (such as SERCs and LEPCs) these plans are being enhanced for state and local contingency planning and response.

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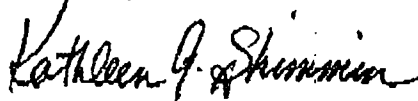
In another law passed in 1990, the Hazardous Materials Transportation and Uniform Safety Act will provide hazmat planning and training grants through the U.S. Department of Transportation. Seventy-five percent of the funds are earmarked to be used at the local level. In order to qualify, SERCs and LEPCs will need to certify compliance with the provisions of EPCRA.

EPA encourages the SERC and LEPCs to become familiar with these new laws to receive the full benefit of protecting their communities and environment.

If the Office of Health and Emergency Planning at EPA can be of any further assistance in supplying information about fulfilling the roles of the SERC and LEPCs, please let us know. The chemical emergency preparedness coordinator for Hawaii is Mike Ardito. He can be reached at (415) 744-2206. Mike regrets that due to tight travel budget constraints, EPA will be unable to attend the April 20 SERC/LEPC workshop and meeting. However, he has forwarded materials and information to be presented in EPA's absence.

Our office wishes the Hawaii SERC and LEPC members success and pride in accomplishing the goals of the continuing challenge to prevent or prepare for response to hazardous materials incidents. The residents and tourists of Hawaii will continue to value efforts to preserve their health in a fragile environment.

Sincerely,



Kathleen G. Shimmin  
Director  
Office of Health & Emergency Planning

cc: B. Anderson  
M. Ingolia

ATTACHMENT 4

ROLES-RO3

STATE AND LOCAL ROLES UNDER SARA TITLE III

<u>SECTION OF LAW</u>		<u>RESPONSIBILITY</u>	
Sec 301	(a)	Establish State Commission	State
		Appoint local emergency planning committees	State
		Supervise & coordinate LEPC activities	State
		Establish public request procedures	State
		Designate information coordinator	State
	(b)	Establish Emergency Planning Districts	State
	(c)	Appoint committees/assure minimum representation	State
		Committee to appoint chairperson	Local
		Establish committee rules	Local
		Establish committee procedures for public requests	Local
Designate committee information coordinator		Local	
Sec 302	(b)(2)	Designate and notify additionally covered facilities	State
	(d)	Notify EPA of covered facilities	State
Sec 303	(a)	Complete emergency plan	Local
	(b)	Make recommendations on resources required to develop, implement and exercise plan	Local
	(e)	Review and make recommendations on plan(s)	State
Sec 311	(c)(1)	Provide MSDS upon request	Local
Sec 312	(e)	Receive Tier II information	State & Local
Sec 313	(a)	Receive toxic chemical release forms	State
	(b)(2)	Discretionary application to additional facilities	State
	(e)	Petition for additional or deletion of listed chemicals	State

## SARA TITLE III

CURRENT STATUS:  
STATE & LOCAL ROLES & RESPONSIBILITIES  
WITH WORKLOAD ANALYSIS

<u>PRIORITIZED STATE OR HSERC MANDATORY RESPONSIBILITIES</u>	<u>STATUS</u>	<u>FTE (MINIMUM WORKLOAD)</u>
1. Establish State Commission	Accomplished	0
2. Establish Emergency Planning Districts	Accomplished	0
3. Appoint Local Emergency Planning Committees/Ensure Minimum Representation	Accomplished	0
4. Designate Information Coordinator	Accomplished	0
5. Receive Tier II Information	On Going	8 wks
6. Receive Toxic Chemical Release Forms	On Going	4 wks
7. Supervise & Coordinate LEPC Activities	On Going	3 wks
8. Annual HSERC Meeting	On Going	2 wks
9. Establish Public Request Procedures	Draft Completed	1 wk/final
10. Review and Make Recommendations on Emergency Plans Prepared by the LEPCs	Review Due	3 wks
11. May Designate and Notify Additionally Covered Fac. and Notify EPA of Such Facilities (Sec. 302)	As Needed	TBD
12. May Request Discretionary Fac. Info. (Sec. 312)	As Needed	TBD
13. May Petition EPA for Addition or Deletion of Listed Chemicals	As Needed	TBD
<b>ESTIMATED YEARLY TIME REQUIRED FOR MANDATORY HSERC REQUIREMENTS</b>	<b>21 wks</b>	<b>.55 FTE</b>
<u>OPTIONAL HSERC RESPONSIBILITIES</u>	<u>STATUS</u>	<u>FTE</u>
1. Fully implement Title III Data Management Plan	On Going UH Contract 9/30/92 complete date	4 wks
2. Public Outreach Project (UH \$70,000 contract, integrate into existing Data Management System)	On Going	4 wks
3. Emergency Response Exercises	On Going	2 wks
4. Staff the HSERC	On Going	3 wks
5. Facility coordination & information	To Do	3 wks
6. HSERC meeting every 6 months	To Do	2 wks
<b>ESTIMATED YEARLY TIME REQUIRED FOR OPTIONAL HSERC REQUIREMENTS</b>	<b>18 wks</b>	<b>.45 FTE</b>
<b>TOTAL FTE FOR HSERC</b>	<b>39 wks</b>	<b>1 FTE</b>

MANDATORY LOCAL OR LEPC RESPONSIBILITIESSTATUSFTE

	<u>STATUS</u>	<u>FTE</u>
1. Committee to Appoint Chair		
Oahu	Accomplished	0
Maui	Accomplished	0
Kauai	Accomplished	0
Hawaii	Accomplished	0
2. Initial Emergency Plan		
Oahu	Accomplished	0
Maui	Accomplished	0
Kauai	Accomplished	0
Hawaii	Accomplished	0
3. Receive Tier II Information		
Oahu	Accomplished	1 wk
Maui	Accomplished	1 wk
Kauai	Accomplished	1 wk
Hawaii	Accomplished	1 wk
4. Provide MSDS upon request		
Oahu	On Going	1 wk
Maui	On Going	1 wk
Kauai	On Going	1 wk
Hawaii	On Going	1 wk
5. Annual LEPC meeting		
Oahu	3/11/92	8 hrs
Maui	To Do	2 wks
Kauai	To Do	2 wks
Hawaii	To Do	2 wks
6. Annual Review & Update of Emerg. Plan		
A. General Requirements		
(1) Designate a community emergency coordinator	To Do	1 hr
(2) Revise plan annually	To Do	2 wks
(3) Identify community & facility equip. & person(s) responsible	To Do	1 wk
(4) Emergency release notification procedures	Accomplished	0
(5) Determine methods & procedures to be followed by:		
(a) facility owners & operators	Accomplished On Tier II's	0
(b) local emergency response personnel	Accomplished	0
(c) medical personnel	To Do	?
(6) Training:		State
(a) local emergency response personnel	On Going	.3 FTE
(b) medical personnel	To Do	??
(7) Emerg. exercises, methods & schedules	To Do	1 hr

Total LEPC time required for general emergency planning

Oahu	1 wk to finalize	.03 FTE
Maui	3 wks	.08 FTE
Kauai	3 wks	.08 FTE
Hawaii	3 wks	.08 FTE

B. Hazard Analysis Requirements - Note: This is the actual number of EHS facilities reporting to date (per FD & CD update 2/14/92). Enforcement has not been a priority for any of the counties except Maui.

(1) Identify

(a) Facilities	Accomplished	0
(b) Routes - (1 hr/EHS facility)		
Oahu 236	85% complete	1 wk
Maui 45	To Do	1 wk
Kauai 75	To Do	2 wks
Hawaii 12	To Do	12 hrs
(c) Additional facilities contributing to risk &/or subject to risk due to proximity (1 hr/fac)		
Oahu 236	85% complete	1 wk
Maui 45	To Do	1 wk
Kauai 75	To Do	2 wks
Hawaii 12	To Do	12 hrs
(2) Designate facility emergency coordinator	Accomplished	On Tier II's
(3) Determine release detection & area or population likely to be affected (8 hrs/fac.)		
Oahu 236 fac	85 % complete	7 wks
Maui 45	To Do (started)	9 wks
Kauai 75	To Do	15 wks
Hawaii 12	To Do	2.5 wks
(4) Evacuation plans (2 hrs/fac)		
Oahu 236	85 % complete	1.8 wks
Maui 45	To Do	2.5 wks
Kauai 75	To Do	3.8 wks
Hawaii 12	To Do	.5 wks

Time required for Hazard Analyses (facilities could be required to provide this information to the LEPC)

Oahu	11 wks	.3 FTE
Maui	14 wks	.35 FTE
Kauai	23 wks	.6 FTE
Hawaii	4 wks	.1 FTE

7. Establish Committee Rules

Oahu	To Do	3 wks
Maui	To Do	3 wks
Kauai	To Do	3 wks
Hawaii	To Do	3 wks

8. Establish Procedures for Public Request

Oahu	Draft	8 hrs/final
Maui	To Do	1 wk
Kauai	Accomplished	0
Hawaii	To Do	1 wk

9.	Designate Committee Information Coordinator		
	Oahu	Accomplished	0
	Maui	To Do	1 hr
	Kauai	Accomplished	0
	Hawaii	To Do	1 hr
10.	Make Recommendations on Resources Required to Develop, Implement and Exercise Plan		
	Oahu	To Do	1 wk
	Maui	To Do	1 wk
	Kauai	50 % Complete	.5 wk
	Hawaii	To Do	1 wk

**ESTIMATED YEARLY TIME REQUIRED FOR MANDATORY LEPC REQUIREMENTS**  
(based on 200 dy/yr=FTE)

**WITH Hazard Analyses**

Oahu	19 wks	.5 FTE
Maui	26 wks	.65 FTE
Kauai	34 wks	.85 FTE
Hawaii	16 wks	.4 FTE

**WITHOUT Hazard Analyses**

Oahu	8 wks	.2 FTE
Maui	12 wks	.3 FTE
Kauai	11 wks	.3 FTE
Hawaii	12 wks	.3 FTE

**OPTIONAL LEPC RESPONSIBILITIES**

**STATUS**

**FTE**

1.	Input Tier II Data according to Title III Data Management Plan		
	Oahu	FD Accomplished	4 wks
	Maui	FD Accomplished	4 wks
	Kauai	CD Accomplished	4 wks
	Hawaii	FD Partial	4 wks
2.	Upgrade computer system to CAMEO 3.0		
	Oahu FD	Accomplished	0
	CD	To Do (IBM D-Base4)	2 wks
	Maui FD	Accomplished	0
	CD	To Do (No Computer)	2 wks
	Kauai FD	To Do (No Computer)	2 wks
	CD	Accomplished	0
	Hawaii FD	To Do	2 wks
	CD	To Do	2 wks
3.	Emergency Plan Exercise (emphasis on plan)		
	Oahu	3/4/92	1 wk
	Maui	Partial	2 wks
	Kauai	Partial	2 wks
	Hawaii	Partial	2 wks
4.	LEPC meeting every 6 months		
	Oahu	To Do	2 wks
	Maui	To Do	2 wks
	Kauai	To Do	2 wks
	Hawaii	To Do	2 wks

**ESTIMATED YEARLY TIME REQUIRED FOR OPTIONAL LEPC RESPONSIBILITIES**

Oahu	10 wks	.25 FTE
Maui	10 wks	.25 FTE
Kauai	10 wks	.25 FTE
Hawaii	12 wks	.3 FTE



STATEWIDE TRAINING - STATE CIVIL DEFENSE	12 wks	.3 FTE
TOTAL LEPC FTE REQUIRED, without Haz. Anal.		
Oahu	18 wks	.45 FTE
Maui	22 wks	.55 FTE
Kauai	21 wks	.55 FTE
Hawaii	24 wks	.6 FTE
TOTAL LEPC FTE REQUIRED, including Haz. Anal.		
Oahu	29 wks	.75 FTE
Maui	36 wks	.9 FTE
Kauai	44 wks	1.1 FTE
Hawaii	28 wks	.7 FTE

JOHN WAIHEE  
GOVERNOR OF HAWAII



JOHN C. LEWIN, M.D.  
DIRECTOR OF HEALTH

STATE OF HAWAII  
DEPARTMENT OF HEALTH

P. O. BOX 3378  
HONOLULU, HAWAII 96801

In reply, please refer to:  
HEER OFFICE

HSERC7.MIN-RG3

MEETING SUMMARY  
HAWAII STATE EMERGENCY RESPONSE COMMISSION  
MEETING #7  
BOARD ROOM, 3RD FLOOR  
STATE DEPARTMENT OF HEALTH  
MONDAY, JANUARY 14, 1991 2:00 P.M.

HSERC Commission Members and Representatives:

Dr. John C. Lewin, Chairman, HSERC, DOH  
Bruce Anderson, PhD., Vice Chairman, HSERC, DOH  
Roy Price for Adjutant General Alexis Lum, DOD  
Gerald Kinro for Yukio Kitagawa, DOA  
Thomas Batey for Major Brigadier General Edward V. Richardson, DOD  
Jennifer Shishido for Mario R. Ramil, DLIR  
William W. Paty, DLNR  
Murry Towill, DBED  
Ronald Hirano for Edward Y. Hirata, DOT  
Harlan Hashimoto for Jerrold M. Michael, UH School of Public Health  
Jiggie Hommon, American Red Cross  
Chief Lomosad for Clifford Ikeda, Kauai LEPC Co-chairman  
Sel Menor, Maui LEPC Co-chairman  
George Kekuna, Oahu LEPC Chairman  
Harry Kim, Hawaii LEPC Chairman

Other Attendees:

Captain Richard C. Vlaun, USCG  
LCDR Gregory Jones, USCG  
LT Eric Mosher, USCG  
LTJ6 Larry Hewett, USCG  
Joe Reed, Oahu Civil Defense  
MG Alexis Lum, TAG  
Maurice Kaya, DBED  
Nell Cammack, OMPO  
Captain Heddaeus, PRI  
W. Aldenderfer, PRI  
Peter Freeman, PRI  
Susan Kushoki, PRI  
F. David Hoffman, VP Petroleum Operations, PRI

Chief Ron Davis, Maui County Fire Dept.  
John Bowen, University of Hawaii  
Cpt. Carter Davis, HFD  
Cpt. Michael Brede Sr., HPD  
Cpt. Edward Lingo, HPD  
Rusty Nall, PENCO  
Paul Young, State Fire Council  
Ralph Moore, State DOT  
Tom Batey, State Civil Defense  
Harding Fragas, Jr., Hawaii County Fire Dept.  
Kenneth Thong, C&C of Honolulu Transportation  
Stafford Kiguchi, PRI  
Gerald Kinro, DOA  
Dave Lyman, Hawaii Pilots Association  
Chi-pin Chang, DLNR  
Dave Tunison, PRI  
Robert Crowell, DOT Harbors  
Michael Choy, Hawaiian Electric Co.  
Bill Bonnet, Hawaiian Electric Co.  
Donald P. Astrab, Honolulu Board of Water Supply  
Sandra A. Simms, C&C of Honolulu Corporation Counsel's Office  
Alex Ho, C&C of Honolulu Public Works  
Mary Foote, Brewer Environmental Industries, Inc.  
Mark Ingoglia, DOH\HEER  
Philip Moravcik, DOH\HEER  
Bruce Schlieman, DOH\HEER

## I. OPENING REMARKS

HSERC Vice-chairman Dr. Anderson called the meeting to order, and outlined the agenda. Primary topics on the agenda included: State of Hawaii Chemical and Oil Emergency Preparedness Program; Regional Plans and Response Team Up-dates by the U.S. Coast Guard; Review of the Star Connecticut Incident; and finally, an open session for comments and discussion.

## II. WELCOME TO NEW HSERC MEMBERS

Dr. Bruce Anderson welcomed new HSERC members for attending the meeting. The Vice-chairman then introduced a 15 minute video tape on Emergency Planning and Community Right-to-know.

## III. STATE OF HAWAII'S CHEMICAL AND OIL EMERGENCY PREPAREDNESS PROGRAM

### A. SARA Title III Progress

Mr. Mark Ingoglia reported that of 267 facility reports that have been received by the DOH/HEER Office, 200 letters were sent out for corrections. Of these 200 letters, only 50% have been appropriately

corrected. During the end of January, the HEER Office will send out a reminder letter to facilities for submitting 1990 SARA Title III data by March 1, 1991. Kauai Title III facility data has been filed with the state on electronic media. All counties are conducting hazard analyses, and no estimate on a completion date is currently available.

Draft state and county plans are in place, and a Title III Data Management Plan utilizing CAMEO software has been established. The state has received a \$70,000 Title III Data Management Grant from U.S. EPA Headquarters for Community Right-to-know data access.

#### B. Local Emergency Planning Committees (LEPCs)

HLEPC: Mr. Harry Kim stated that the Big Island was not in compliance with SARA Title III. Furthermore, additional training and legislation are required to provide more resources for first responders. Mr. Kim also wanted to have the roles of the LEPCs and the HSERC defined.

KLEPC: Chief Lomosad reported that the Kauai LEPC should have a workable Emergency Response Plan by May of 1991. Chief Lomosad stated that 20 first responders have been trained to level A capability, and that at least one more should be trained in order to have three teams of 7 people each. Thus, each of the three teams could work an 8-hour shift so they could respond 24-hours a day. Chief Lomosad also indicated that a few more first responders should be trained for back-up, and that state funds would be sought for an emergency response vehicle.

OLEPC: Mr. George Kekuna stated the OLEPC goals for '91, and they include: site visits to 33 facilities, implement the IBM version of CAMEO, and meet in the near future for an LEPC up-date. Longer term goals were to increase education programs on hazardous materials handling, disposal, etc. Mr. Kekuna also stated that the LEPC wanted to emphasize public education and awareness programs on hazardous materials in the community. Comments offered were: OLEPC is not getting copies (CC'ed) on letters that cite their requests. Mr. Kekuna also requested the SERC to inform them about new SARA III rules. The question on how to dispose of explosive materials in the future was also raised. OLEPC also wanted to know the procedures for responding to spills clarified; such as the relationship between HFD Hazmat 1 and the DOH/HEER Office.

MLEPC: Mr. Sel Menor reported that a county Hazmat Officer has been hired, and is currently being trained. The Hazmat Officer will be working on the Maui County emergency response plan. The fire department has 8 people trained as first responders with slots available for 18 more. Mr. Menor stated that more training and resources for response personnel are required.

#### C. Spills Up-date

Mr. Philip Moravcik stated that the DOH/HEER Office has received 311 spill notifications during 1990, and that this represents a 100% increase from those received during 1989. Of the 311 spill notifications, 58% (182) were petroleum, and of these 54% (98) were ocean based spills. The majority of notifications originated from Oahu, which totaled 260. The Big Island had 17 notifications, Kauai and Maui each had 12, Lanai had 1, and Molokai had none. There were also 17 open ocean spill notifications.

Mr. Moravcik then provided a brief report on major spills and response cleanup operations, which included the following sites: Hilo copper, chromium, arsenate spill; Pearl City jet fuel pipeline leak; Maili oil barrel waste sites; Poamoho explosive waste detonation; Kawaihae Pioneer Lumber pentachlorophenol waste site; and Hawaiian Tuna Packers ammonia release.

#### D. Training, Exercises, and Activities

Mr. Bruce Schlieman reported on workshops and trainings that were conducted during 1990, and also announced trainings and exercises that have been scheduled for 1991. Among the up-coming trainings are: Chemistry of Hazardous Materials (to be held on Maui during March, 1991); Tactical Considerations for Hazardous Materials Response (also on Maui during April, 1991); Uniform Fire Code Workshop (1 session per county during May, 1991); and on Kauai, a U.S. EPA Tabletop Emergency Response Exercise is scheduled for May, 1991. In addition, the Department of Health is working with Kapiolani Community College on the feasibility of producing 8-hour Hazardous Materials awareness training videotapes.

#### E. Funding and Legislation

Dr. Anderson provided an update on Hawaii's Environmental Response Law. Dr. Anderson reported that the Response Law's revolving fund was encountering cost recovery problems. These problems stem from midnight dumping, and non-solvent responsible parties. Therefore, the state needs to identify other funding sources to supply the revolving fund so emergency public health and environmental hazards can be cleaned up and disposed of promptly. Dr. Anderson stated that \$500K will be requested from the 1991 legislative session for the next two years (\$250K per year). Dr. Anderson also reported that the Hawaii Environmental Response Law regulations are currently being revised, and that hopefully by the end of the 1991 legislative session draft rules will have been finalized.

### IV. REGIONAL PLANS AND RESPONSE TEAM UP-DATES BY THE U.S. COAST GUARD

#### A. Current Activities of the Oceania Regional Response Team

Lt. Eric Mosher provided an overview of the Oceanic Regional Response Team meeting that was held in Honolulu on December 17, and 18, 1990. The primary topic that was covered at the meeting was the Oil Pollution Act of 1990 (OPA). For the purposes of the HSERC meeting, Lt. Mosher focused on the role of State participation with regard to the OPA. Lt. Mosher stated that the OPA Liability Trust Fund has one billion dollars to cover cleanup costs and damages not compensated for by the spiller, and would include natural resource and economic damages. Payments of up to \$500 million per spill could be incurred by trustees for assessing damages to natural resources and in developing and implementing restoration, rehabilitation, replacement and acquisition plans. One million has been allocated to the U.S. Coast Guard's 14th District (which includes Hawaii). There are research and development funds (\$600K) available to through the OPA for oil spill studies. Lt. Mosher also reviewed the concept of the Area Response Committee (ARC), which will be comprised of federal, state, and local agency representatives. The ARC is tasked with developing an Area Contingency Plan, which should be adequate to remove a worst case discharge, and to mitigate or prevent a substantial threat of such a discharge from a vessel, offshore facility, or onshore facility.

Lt. Larry Hewett provided background information on the National Regional Response Team (NRRT). Lt. Hewett stated that the NRRT reviews LEPC plans, and keeps informed on the latest technological means of managing oil spills. Lt. Hewett recommended that the State agencies monitor the draft regulations for the OPA, and determine how the new law will affect the authorities, responsibilities, and resources of the various agencies. Lt. Hewett also stated that two work groups had been formed to identify preliminary constituents and responsibilities for developing an Area Contingency Plan (ACP) for Hawaii. One group will study the feasibility of using in-situ burning, bioremediation, and the use of dispersants on ocean oil spills. The other group will identify sensitive areas for the ACP.

## V. REVIEW OF THE STAR CONNECTICUT INCIDENT

### A. Star Connecticut Incident

Captain Richard C. Vlaun, U.S. Coast Guard, Federal On-scene Coordinator for the State of Hawaii, provided a chronological review of the Star Connecticut incident off Barbers Point. Captain Vlaun stated that the weather and sea conditions were calm on the day of the Star Connecticut grounding. When the Star Connecticut went aground, a six inch hole was opened up in the bow. Water flowed in, until the water column was about thirty feet in the tanker compartment. The large volume of water weighed the tanker down on the reef, and large water pumps had to be flown out by the Department of Defense, in order to pump the water out. On the high tide, the vessel was removed from the reef, and the hole in the bow was repaired. Luckily, no oil was lost from the Star Connecticut. Captain Vlaun then provided some information on programs to mitigate the possibility of marine oil spills from occurring in Hawaiian waters, which included the following: defined weather and sea criteria that would allow for the safe loading or off-loading procedures; pre-planned emergency action procedures; requirement for tug assistance for incoming and outgoing tankers; federal pilotage during docking and casting-off procedures; traffic system controller for marine navigation from Diamond Head to Barbers Point; identifying tanker routes; and installing more aids to navigation. Captain Vlaun stated that improvements were underway at PRI's Single Point Mooring, such as; the installation of quick release couplings, and the new requirement of maintaining a bridge watch during the loading and off-loading procedure.

### B. Mitigation measures for PRI's Single Point Mooring

Mr. F. David Hoffman, Vice President of Petroleum Operations for PRI, provided a presentation on PRI's Single Point Mooring (SPM) operations off Barbers Point. Mr. Hoffman began by stating that the SPM is safe and efficient, and is a proven state of the art technology for docking tankers. Mr. Hoffman said the Exxon Houston and the Star Connecticut incidents were caused by human error. The Exxon Houston broke away from the SPM after a tethering chain broke, and the Star Connecticut Captain had called at the SPM 7 other times without an incident. Mr. Hoffman stated that 85% of oil spills are caused by human error. Mitigation measures to be implemented at the SPM include: live bridge watch during loading and off-loading operations; a bow look-out; a tug astern and a stand-by tug available; tanker engines to remain on immediate stand-by, and the requirement to have the Master aboard the tanker when it is within the three mile limit. In addition, the Clean Islands Council, a petroleum consortium of which PRI is a member, has purchased additional oil spill response equipment, including a boat and a barge. According to Mr. Hoffman, the SPM receives 100 ships per year, of which 40 are product tankers like the Star Connecticut. Mr. Hoffman stated that the product tankers could be off-loaded at the Deep Draft Harbor, and that PRI has invested in a \$10 million dollar pipeline to the Deep Draft Harbor.

## VI. OPEN SESSION

### A. Announcements

EPA Chemical Preparedness and Prevention Office is coordinating the Peer Exchange Program for LEPC members. This allows LEPCs to exchange personnel. For more information, call Sarith Guerra at (202)962-3649, or; Kathy Jones at (202)475-8353.

### B. Discussion

Dr. Anderson then opened the meeting up to comments and discourse. Mr. Price, Vice Adjutant General for the Hawaii State Civil Defense, stated that the HSERC was not operating like a commission, and that

there were no administrative rules to follow. Mr. Price also wanted to have meetings scheduled more regularly, and more frequently. Mr. Price suggested that the HSERC meet quarterly. Mr. Harry Kim, Chairman of the Hawaii LEPC, also commented on the lack of administrative procedures during the HSERC meetings. Mr. Kim also wanted to know who sets the agendas and the priorities for the HSERC meetings. Mr. Kim suggested that a stenographer should be hired to take down the minutes of the HSERC meetings. Mr. Kim thought the HSERC meetings were not following SARA Title III requirements, and that the HSERC meetings should be limited to SARA Title III business. Mr. George Kekuna, Chairman of the Oahu LEPC, wanted to know who was on the HSERC. Mr. Price and Mr. Kim requested the development of administrative rules for HSERC meetings, and Mr. Kim requested an HSERC meeting to establish LEPC and HSERC responsibilities with regard to SARA Title III requirements. Dr. Anderson then stated that at the next HSERC meeting, the respective responsibilities of the LEPC and the HSERC would be discussed, and that the agenda would be coordinated with the LEPCs. Dr. Anderson reiterated that the HSERC meetings were, by law, open to the public. Mr. Kim further stated that all requirements of a official commission should indeed be followed. Mr. Kim also suggested that an HSERC executive committee be formed to develop administrative procedures, and to identify the responsibilities of the LEPCs and the HSERC as required under SARA Title III.

Mr. Price then made a motion to adjourn the meeting at 4:35 pm, and it was seconded.

This finalized Meeting Summary is respectfully submitted to the Hawaii State Emergency Response Commission.

Respectfully submitted,

  
J. MARK INGOZIA

ATTACHMENT 3

STATUS REPORT ON OTHER STATE EMERGENCY RESPONSE COMMISSIONS (SERC)

<u>STATE</u>	<u>LEPC DIVISIONS</u>	<u>FEEES FOR FUNDING</u>	<u>DATA MANAGEMENT</u>	<u>HAZARD ANALYSIS</u>	<u>SPECIAL HELPS</u>	<u>OTHER INFORMATION</u>
ALABAMA	67 LEPCs by County	NO, but will be proposing legislation			Haz. materials advisory group was formed to assist the SERC. The SERC may receive grants, donations, or gifts of money, equip, supplies and services from any public, or private source to carry out its duties	SERC encourages establishing subcommittees, topics include: vulner. & haz. anal., community awareness, response & preparedness& training
ALASKA	10 LEPCs by Districts	NO	Under development	Under development	SERC is updating or preparing guidance documents for LEPCs to use in emerg. planning, data management, and public outreach	
ARIZONA	15 LEPCs by County	NO	Computer purchased for LEPCS, testing of the CAMEO DOS program for a subsequent statewide system			
ARKANSAS	75 LEPCs by County, plus Little Rock & N. Little Rock	NO				
CALIF	6 LEPCs by Mutual-aid districts	Fees collected through the haz. waste control account, \$1.5 million	A survey was conducted to determine the data management systems of local gov. agencies & to investigate statewide haz. mater. data collection		Booklet comparing State & Fed. requirements, live video conferences to help businesses comply, & monthly SERC meetings	



<u>STATE</u>	<u>LEPC DIVISIONS</u>	<u>FEEES FOR FUNDING</u>	<u>DATA MANAGEMENT</u>	<u>HAZARD ANALYSIS</u>	<u>SPECIAL HELPS</u>	<u>OTHER INFORMATION</u>
COLO	56 LEPCs by ?	NO, but See special helps			A one-time appropriation of \$22,000 for support & \$20,000 for assessment & an implementation study including recommendations for the legislature	
CONNECT	156 LEPCs by Towns	NO	SAS statist. software pkg	SERC developed haz. anal. guidance/ LEPCs should request vulner. analysis from facil. subject to section 302 or perform analyses themselves	SERC produced the "Emerg. Resource Manual" for quick ID of response resources available at nearby facilities	SERC made educ. a priority, compliance brochure & informative citizen's guide, workshops & conferences. Without sufficient funding for its own staff, the SERC relies upon the staff of its members
DELOW	3 LEPCs by County, plus Wilmington	YES \$150,000	Computerized database		Conducts outreach program designed to inform & educate the general public	
FLORIDA	11 LEPCs by Regional Division	YES \$2.3 Mill				
GEORGIA	2 LEPCs Atlanta/ Fullerton County, & the rest	No	One of 5 states in EPAs data management pilot project			
HAWAII	4 LEPCs by County	NO				

<u>STATE</u>	<u>LEPC DIVISIONS</u>	<u>FEEES FOR FUNDING</u>	<u>DATA MANAGEMENT</u>	<u>HAZARD ANALYSIS</u>	<u>SPECIAL HELPS</u>	<u>OTHER INFORMATION</u>
IDAHO	6 LEPCs by DOT Districts	NO	Centralized at the State, using DOT mainframe computer, 2 terminal each county, CAMEO	Temp. research/ planning position to provide direct assist. to counties on haz/vul. analysis	Training by county upon request, brochure of general info. for the public, large scale mailing, compliance workshops	
ILLINOIS	102 LEPCs by County Plus Chicago	NO			The Haz. Materials Advisory Board was formed to assist state & local gov. & industry in dealing with haz. materials	
INDIANA	92 LEPCs by County	YES \$500,000			A 24 member advisory committee assists the SERC	
IOWA	LEPCs by County	NO			Each county's public library will receive a complete set of Tier II data for public access	
KANSAS	105 LEPCs by County	YES \$220,000	HAZOX & J.T. Baker Chemical Library = MSDS & EPA Chem. Profiles, System will depend on state efforts	SERC developed a sample plan, suggests 2 methods for gathering info. for haz. anal. depending upon population	Training & outreach activities for lay LEPC members. Brochures, booklets & public service announ. on radio & TV	Key to success is strong leadership and a conviction that Title III must be a way of life. Some counties have written ordinances to give themselves enforcement powers
KENTUCKY	120 LEPCs by County	YES \$243,000			Public notices of addresses & meeting locations of LEPCs are published annually throughout the state	
LOUIS.	64 LEPCs by Parishes	YES \$290,064			The Dept. of Public Safety & Corrections serves as lead agency for the SERC	

<u>STATE</u>	<u>LEPC DIVISIONS</u>	<u>FEEES FOR FUNDING</u>	<u>DATA MANAGEMENT</u>	<u>HAZARD ANALYSIS</u>	<u>SPECIAL HELPS</u>	<u>OTHER INFORMATION</u>
MAINE	16 LEPCs by County	YES \$200,000 Plus			SERC has hired trainers, "train the trainer" technique	SERC should balance its needs with the scope of the subject facil. to establish a fee system that is reasonable for the facil. while assuring adequate funds to meet the needs of the SERC and LEPCs
MARYLND	23 LEPCs by County, plus 2 Cities	NO				
MASS.	351 LEPCs by City & Town	NO			DPH maintains a file on exempt facilities, published an "Employer's Guide to Title III of SARA", representatives of the Advisory Council are appointed by the Governor for two years	
MICHIGAN	83 LEPCs by County & 14 Municipal	NO, except Calhoun County which has a fee system			Washtenaw County passed its own right-to-know program, local health dept. has the auth. to require reporting, inspect, assess penalties, & to charge inspection fees	
MINN.	7 LEPCs by Regional Division	YES \$1.5 Mill Plus			SERC staffed by Depart. of Public Safety, expands section 311 & 312 reporting requirements, deposits of local plans in designated county libraries	
MISS.	82 LEPCs by County	NO				

<u>STATE</u>	<u>LEPC DIVISIONS</u>	<u>FEEES FOR FUNDING</u>	<u>DATA MANAGEMENT</u>	<u>HAZARD ANALYSIS</u>	<u>SPECIAL HELPS</u>	<u>OTHER INFORMATION</u>
MISSOURI	12 Multi-County, St. Louis City & 57 single County LEPCs	NO			State Law added special reporting requirement for explosives, and a system for marking the location of haz. chem.	
MONTANA	56 LEPCs by County	NO				
NEBRASKA	93 LEPCs by County	NO				
NEVADA	16 LEPCs by County	YES \$300,000				Monies collected the Yuccan Mnt. Low-Level Radioactive Waste Compact must be used to conduct a study on the development of a statewide system of radio communications in emerg. relating to the transport of haz. mat. in the state
NEW HAMPSH	230 LEPCs by Municipal Division	NO			Activities in the following areas: Incident response plan & SOP, dev. of a resource ID program, dev. of a community haz. ID program, programs for local awareness, training & planning, workshops, grant assistance, & Legis. issues.	

<u>STATE</u>	<u>LEPC DIVISIONS</u>	<u>FEEES FOR FUNDING</u>	<u>DATA MANAGEMENT</u>	<u>HAZARD ANALYSIS</u>	<u>SPECIAL HELPS</u>	<u>OTHER INFORMATION</u>
NEW JERSEY	588 LEPCS by County & Municipal Divisions	YES, regulated facilities are assess a fee of \$2 per employee, minimum of \$50 per employer				Guidelines for prep of LEPC Plans, using "Standardized Text," LEPCs modify the text where their local operations differ
NEW MEXICO	33 LEPCs by County	YES \$39,000				
NEW YORK	57 LEPCs by County, plus NY City	NO, Legis. that would provide funds has been passed by the state assembly but not the state senate	A computer lab has been established at the state fire academy for CAMEO training			The SERC has prepared guidance, computer software, and audiovisual aids to support LEPCs in their planning efforts
N.CAROL.	6 LEPCs by Region (15-18 Counties Each)	NO				Each LEPC has a coordinator and a trainer, a SARA Planner position has been added for implementation
N.DAKOTA	53 LEPCs by County	YES \$200-250,000	Computer system was developed to manage all the reporting, facility contacts, & other infor. to assist state & local planners			

<u>STATE</u>	<u>LEPC DIVISIONS</u>	<u>FEEES FOR FUNDING</u>	<u>DATA MANAGEMENT</u>	<u>HAZARD ANALYSIS</u>	<u>SPECIAL HELPS</u>	<u>OTHER INFORMATION</u>
OHIO	87 LEPCs by County	YES \$2.0 Mill LEPCs must go through SERC application process to receive Title III funding	Ohio EPA is respon. under state law, CAMEO & ARCHIE	SERC developed a "Cross Reference" that is an indexed checklist for the reviewers of the essential plan components, & assists LEPC in developing their plan	Planning to develop a technical assistance and guidance program for LEPCs, has developed a training and outreach program for LEPC members on compliance	SERC must also prepare a separate plan for the state, the state offers 15% discount on the fee to facilities that submit chem data by computer tape or diskette
OKLA	79 LEPCs by County & Federal installations	YES \$164,000			County plans include an annex containing site-specific information	
OREGON	1, but City & County submit plans which will be integrated into the state plan	YES, progs finan using haz sub possession fee revenues, a separate petroleum load fee provides funds for emer. response teams	state fire marshal's office receives & incorporated most of the info into an existing database, the computer system combines MSDS & Tier II infor. haz. chem info is access from 4 national database & additional database are to be added		A statewide haz mat incident reporting system is in place & data is used for planning & funding decisions	
PENN.	67 LEPCs by County	YES \$1.2 Mill Plus	Emer. Operations database will also be used for Title III, the system will portray statewide site locations on digitized maps,	capable of "zooming in" to specific sites, with graphic displays and backup data for each facility		SERC devel a model emerg plan, a general framework, the plan is available on diskette to help LEPCS automate the planning process

<u>STATE</u>	<u>LEPC DIVISIONS</u>	<u>FEES FOR FUNDING</u>	<u>DATA MANAGEMENT</u>	<u>HAZARD ANALYSIS</u>	<u>SPECIAL HELPS</u>	<u>OTHER INFORMATION</u>
PUERTO RICO	9 LEPCs by CD Zones	NO				
RHODE ISLAND	8 LEPCs by Mutual-aid Districts	NO, but the state has proposed legislation that would allow the SERC to establish & collect fees	Developing a database that will contain facility info. concerning emer planning, chem inventories, & annual emissions, this info will eventually be accessible to 1st responders with a modem & PC			
S.CAROL	46 LEPCs by County	NO				
S.DAKOTA	66 LEPCs by County	NO				SERC members: 7 private citizens
TENN.	95 LEPCs by County	NO				
TEXAS	254 LEPCs by County	YES \$150,000			Adopted "Texas Tier II" forms	
UTAH	29 LEPCs by County & 2 Cities	NO				
VERMONT	9 LEPCS, 6-1 County, plus 3 multi-county	Yes \$180,000 plus				

<u>STATE</u>	<u>LEPC DIVISIONS</u>	<u>FEES FOR FUNDING</u>	<u>DATA MANAGEMENT</u>	<u>HAZARD ANALYSIS</u>	<u>SPECIAL HELPS</u>	<u>OTHER INFORMATION</u>
VIRGIN ISLANDS	3 LEPCS, St. Croix St. Thomas ST. Johns	NO				
VIRGINIA	73 LEPCS by County, 18 City, 2 Town, & 21 joint emerg planning districts, for a total of 114 LEPCS	NO	SERC responsible for the database, LEPC access with modem. Using the Emergency Information System/Chemical version software as the data mngment standard	SERC found using generic information on chem. haz more useful and effective, (MSDS ON DISC database)	Provides training & tech. assist. to LEPCs and the regulated Community. Developed outreach materials that have helped LEPCs recognize their responsibilities & provides assist. in fulfilling those responsibilities	Success depends on effective outreach campaign. LEPC roles goes far beyond Plan preparation
WASHING.	39 LEPCs by County & 25 City	NO				
W.VIRGIN.	40-1 County & 4-2 County LEPCs	YES, for 1992 a fee system will support the Title III program				
WISCON.	72 LEPCs by County	YES \$1.4 Mill Plus, the fees fund an emer planning grant prog for LEPCs & 6 full-time positions			LEPCs must qualify for the grants: meet once a quarter, complete their plan, conduct an exercise annually, making progress on off-site fac plans, complete other required activities	



<u>STATE</u>	<u>LEPC DIVISIONS</u>	<u>FEEES FOR FUNDING</u>	<u>DATA MANAGEMENT</u>	<u>HAZARD ANALYSIS</u>	<u>SPECIAL HELPS</u>	<u>OTHER INFORMATION</u>
WYOMING	23 LEPCs by County	NO				The plans are reviewed & revised at least every 3 years on a rotating cycle

AW  
10/1/2013

## FACSIMILE TRANSMISSION COVERSHEET

DATE April 10, 1992Total pages including cover sheet 3TO Rhonda GoykeHawaii Dept. of Health HEERFAX (808) 586-4370PHONE (808) 586-4277

FROM Mike Ardito  
Office of Health & Emergency Planning  
U.S. EPA Region 9 H-1-2  
75 Hawthorne Street  
San Francisco California 94105

FAX (415) 744-1796 PHONE (415) 744-2206

Notes Draft letter -- please check for  
content to see if this meets the  
need.Thanks,  
Mike

U.S. ENVIRONMENTAL PROTECTION AGENCY

candidate "levels" w/ sm. med + lg. Exits (Pg 4)

P-9 DOH?

P-12 I.C. out as ROSK "representative"

P-1-1 Funding over I.C.?

By 3:00 call Mike:

- ① We believe ~~that~~ <sup>that</sup> the roles of the Sect + Jones as defined in the <sup>set</sup> workshop fulfill the minimum requirements according to para T-3.
- ② EPA would have been ~~happy~~ <sup>like</sup> to participate in your upcoming Workshop but unfortunately due to cuts in the travel budget we were unable to ~~arrange~~ attend. ③ In lieu of our attendance we have send the HEER office information that maybe useful.

Mike will add & send me signed letter on Mon.

during a calendar year. This information is reported to EPA and the state, and is made available to the public through a national database. This section is administered by the Hazard Evaluation Section of the Office of HEER, if you have specific questions regarding this section I will be glad to give you the name of a contact person to call.

This chart is an overview of the requirements by section, basically:

relevant chemical list  
information to provide  
who must provide  
to whom it goes  
by when

### 3. Pesticide Exemption

Everyone is probably thinking, yes but we've heard that pesticides are not regulated under this law, and this is only partially true. The statute does provide several exemptions and each section must be checked to determine the exemptions for that particular section. In the case of "Pesticides" the exemptions for Section 304 reporting requirements are for "the **application** of a Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) registered pesticide, as defined under CERCLA Section 103(e) in accordance with its intended purpose" and the applicable exemption for pesticides for Sections 311 and 312 is "any

*Great*

4/20 called to inform about min. location change.

OTHERS ATTENDING:

NAME/AGENCY ADDRESS TELEPHONE

✓ Erwin Kawata / BWS 630 S. Beretania St. Hon. 96843 527-6152

Chris Takem / OCHA 650 S. King Hon 96813 523-4124

← Leighton Ah Cook / SCD 3949 Diamond Hl. Rd. Hon 96816 734-2161

Eugene Lec / DPW 650 S. King St., Hon. 96813 523-4159

done ✓ Lt Eric Hunter / USCG 300 ALA MOANA BLVD, Hon 96850 541-2118

✓ LTJG PETE FONTAINE / USCG 320 ALA MOANA BLVD, HON 96850 541-2174

ENS DAVE PUGH 300 ALA MOANA BLVD, HON 96850 541-2103

~~Thomas Veneta / CIG 550 S. King St. 96813 523-4880~~

JACK LEWIN DIV of Health, CHM HSERHC 586 4410

MAN ~~CLAUDE DAVIS 890 VALKENBURGH ST Hon HI 96818 422-0827~~

JOSEPH BLACKBURN 200 DAIRY ROAD, KAHULUI, HI. 96732 243-7572

LCDR Gregory Jones / MSO Honolulu 433 Ala Moana Blvd, Honolulu HI 96813 541-2068

WALTER NISHIMURA State Health, EMS Branch 735-5267

Richard Rosen PRI - ETI P.O. BOX 3379 Hon HI 96842 547-3600

DEAN YOSHITW / HDOA 1428 S. KING STREET Honolulu, HI 96814 973-9401

~~ALEXANDRO TOMASA) KEO. - 4223 RICE ST LIL. HI. 96766 (2454721)~~

~~HARDING FRAGAS JR. 466 KINGSLE ST. HILO, HI. 96720 961-8297~~

~~CHIRE HONG WATERFRONT 586-87 586-4658~~

~~REXANITA GOYKE~~

✓ MARIC INDOGLIA

33 attendees

ROUTE SLIP

STATE OF HAWAII  
Department of Health

EXPEDITE

Suspense:

From:

HEER

Transmittal Date:

3/5

To:

Initial/Date

To:

Initial/Date

✓ Director of Health

MAR - 5 1992

MAR - 5 1992

Deputy Director (EH)

MAR - 5 1992

Environmental Planning Office

Attn: \_\_\_\_\_

Environmental Resources Office

Attn: \_\_\_\_\_

Hazard Evaluation & Emergency Response Office

Attn: \_\_\_\_\_

Chief, Environmental Health Services Division

Chief, Environmental Management Division

Administrative Services Office

Attn: \_\_\_\_\_

Personnel Office

Attn: \_\_\_\_\_

PURPOSE

Action		Discard		Prepare Reply for Signature	Recommendation
Attention		Discuss with Me			Return
Approval		File			Signature
As Requested	✓	Information		Prepare Legis Brief	Other (State)
Comment		Investigate & Report		Coordinate Reply	
Direct Reply					

DPEH has own copy

Mark: very good. We need this, and we need a Dep AG at the meetings!  
Jack

Rhonda  
Kudos fm  
Jack too!  
MZ



STATE OF HAWAII  
DEPARTMENT OF HEALTH

P. O. BOX 3378  
HONOLULU, HAWAII 96801

In reply, please refer to:  
HEER OFFICE

HAWAII STATE EMERGENCY RESPONSE COMMISSION (HSERC)  
Meeting #9

HSERCA09-RG3

Monday April 20, 1992  
1:00 p.m. - 5:00 p.m.

Department of Defense  
Multi Purpose Room, Building 306A  
3949 Diamond Head Road

**AGENDA**

- I. Introductions (10 min)
  - A. Opening Remarks
  - B. Discussion/Approval of Minutes from HSERC Meeting #8
  - C. Purpose of Meeting
    - 1. Clarify Roles & Responsibilities of HSERC
    - 2. Establish Administrative Rules & Procedures
    - 3. Establish Goals & Objectives of the HSERC
  - D. Schedule for the Day
  - E. Establish a HSERC Kitty
- II. Roles & Responsibilities of HSERC (1 hr 45 min)
  - A. Title III Introductory Video Tape (15 min)
  - B. Other State Programs (45 min)
  - C. Question & Answer Session (30 min)
  - D. Agreement of Responsibilities (15 min)
- III. Administrative Rules & Procedures, in Consultation with the Deputy Attorney General to the Commission\* (1 hr 15 min)
  - A. Presentation by the Attorney General's Office (30 min)  
"Legal Roles & Responsibilities of a Public Commission"
  - B. Question & Answer Session with the AG (15 min)
  - C. Establish Required Procedures (15 min)
  - D. Establish Additional Procedures (15 min)
- IV. Goals & Objectives (45 min)
  - A. Input on Draft Goals & Objectives (15 min)
  - B. Establish Additional Goals & Objectives (15 min)
  - C. Finalize Goals & Objectives of the HSERC (15 min)
- V. Schedule Next HSERC Meeting (#10) (5 min)

\* Executive (Closed) Session May Be Called During This Period

JOHN WAIHEE  
GOVERNOR OF HAWAII



JOHN C. LEWIN, M.D.  
DIRECTOR OF HEALTH

STATE OF HAWAII  
DEPARTMENT OF HEALTH

P. O. BOX 3378  
HONOLULU, HAWAII 96801

In reply, please refer to:  
HEER OFFICE  
HSERC8.MIN-RG3

MEETING SUMMARY  
HAWAII STATE EMERGENCY RESPONSE COMMISSION  
MEETING #8  
KINAU HALE BOARD ROOM, 1st FLOOR  
FRIDAY FEBRUARY 21, 1992, 9:00 a.m.

HSERC Commission Members and Representatives:

Dr. John C. Lewin, Chairman, HSERC, DOH  
Bruce Anderson, Ph.D., Vice Chairman, HSERC, DOH  
Roy Price for Major General Edward Richardson, DOD  
Gerald Kinro for Yukio Kitagawa, DOA  
Russell Charlton, DLIR  
John P. Keppeler II for William W. Paty, DLNR  
Richard Kawakami for Marray Towill, DBED  
Jiggie Hommon, American Red Cross  
B.Z. Siegel for Jerrold M. Michael, UH School of Public Health  
George Kekuna, Oahu LEPC Chairman  
Clifford Ikeda, Kauai LEPC Co-Chair  
Sel Menor, Maui LEPC Co-Chair  
Harry Kim, Hawaii LEPC Chairman

Other Attendees:

Erwin Kawata, BWS  
Chris Takeno, OCD  
Leighton Ah Cook, SCD  
Eugene Lee, DPW  
LT Eric Mosher, USCG  
LTJ6 Pete Fontaine, USCG  
ENS Dave Pugh, USCG  
Thomas Vendetta, C&C  
Cpt. Carter Davis, HFD  
Cpt. Joseph Blackburn, MFD.  
LCDR Gregory Jones, MSO Honolulu  
Walter Nishimura, DOH/EMS  
Richard Rosen, PRI-ETI  
Dean Yoshihu, HDOA  
Chief Alejandro Lomasad, KFD  
Harding Fragas Jr.  
Mark Ingoglia, DOH/HEER  
Claire Hong, DOH/HEER  
Rhonda Goyke, DOH/HEER



I. OPENING REMARKS

HSERC Chairman, Dr. Lewin, called the meeting to order and outlined the agenda. The primary topic on the agenda was LEPC Update & Status of State Implementation. Dr. Lewin mentioned that other agenda items may need to be deferred until the next meeting, with the exception of one item to be added by Roy Price when the recommendation section of the meeting was reached.

II. LEPC UPDATE & STATUS OF STATE IMPLEMENTATION

A. Background & Overview

Mark Ingoglia reported that this was the first HSERC meeting in over a year. The meeting planned for December was postponed due to scheduling problems and the need to establish a clear agenda. In February, several HSERC members met to discuss the relationship between Title III, the HSERC, the LEPCs, and the lack of resources, in a meeting sponsored by State Civil Defense. As staff to the HSERC, DOH analyzed the information generated in the SCD meeting to determine the status of each Counties implementation actions and what resources would be required to fulfill Title III. Mark further stated the need to go back to the basics and determine what is mandated under the law, and what can be done with the limited available resources to comply with the law as much as possible. Mark then introduced his staff, Claire Hong and Rhonda Goyke.

B. Analyses

Rhonda Goyke reported on the roles and responsibilities of the HSERC and the LEPCs as stated in Title III. An updated status report was presented for both the HSERC and for the LEPCs by county, per Title III requirements. The analysis also included a workload analysis which estimated the amount of time that would be required to comply with each point of the law. The complete analysis and summary sheet are attached.

C. Conclusions & Options

Mark Ingoglia commented that everyone recognizes that one of the big problems when Title III came on line was concurrently complying with Title III while taking over hazmat response at the state and county level. Faced with the competing demands for resources to implement Title III and to develop first responder capabilities, the LEPCs and the HSERC concentrated their efforts on the latter. The LEPCs have been doing a good job as first responders and now the State has four on-scene coordinators and 24 hour standby.

While many of the Title III requirements are being met by the HSERC and the LEPCs, additional planning work needs to be done. There was general agreement that the HSERC should meet more frequently. Mark presented staff recommendations that the HSERC consider meeting twice a year. The HSERC staff also recommended that the HSERC request the annual plans from the LEPCs.

Mark noted that Rhonda's presentation was designed to address the LEPCs' past

requests for clarification of the roles and responsibilities of the HSERC and LEPCs. Based on this analysis, it appears that Oahu and Kauai are in good shape and are close to full compliance. Maui is making real progress with Captain Blackburn on board. Hawaii, we are sure will also catch up. It is clear that the LEPCs have already met many of the Title III requirements. Nonetheless, there is need for improvement in specific areas. However, the item requiring the biggest demand for time (i.e. hazard analysis) can be externalized.

There are both short-term and long-term options that should be considered. In the short-term, the LEPCs should be able to comply with Title III requirements with limited support from the HSERC, with the exception of the hazard analyses. Facilities can be required to do the hazard analysis for themselves. This would limit the LEPC responsibility to quality assurance. Facilities are often required to do their own hazard analyses under other environmental statutes. The HSERC could provide technical support for the externalize hazard analysis, this would also help to standardize the format. The facilities would also acquire a better understanding of Title III and the hazards present at their facilities.

Long-term options to support the LEPCs include: Title III laws establishing facility fees, which would go to the counties and acquiring planning and training money which may be available from DOT, but the details are unclear at this time.

### III. QUESTIONS & ANSWERS REGARDING STATUS REPORT

- A. Harry Kim commented that the responsibilities of the HSERC needs to be defined and that a orientation meeting is necessary. Dr. Lewin suggested that a training session be held in place of the next HSERC meeting to officially define the Commissions roles & responsibilities.
- B. Roy Price brought up the issue of the number of facilities listed per county in the analyses, why does Kauai with the smallest population have the most facilities? Clifford Ikeda explained that Kauai has been very active in identifying facilities. Dr. Lewin commented that these numbers are an indication that all sources have not been identified. Hawaii probably has more facilities than Maui, and Maui probably has more facilities than Kauai, but those facilities have not been identified to date.
- C. Roy Price expressed concern with going with CAMEO exclusively as a statewide network. Integrating CAMEO into his all-IBM system would require resources, e.g. training and manpower. Dr. Lewin suggested moving towards a common system approach which would work for CD and for the first responders. After further discussion, Dr. Anderson recommended that a subcommittee be formed to discuss and resolve the issue of a Title III Data Management System.
- D. Roy Price clarified that State Civil Defense has taken on the responsibility of exercises for the State and the HSERC and a four year plan is currently in place.
- E. George Kekuna stated that he has held off on ordering computers for Title III until these issues are resolved. Equipment and manpower are needed resources.
- F. Gregory Jones, USCG, suggested going through the RRT to obtain assistance from

NOAA in Data System decisions.

- G. George Kekuna commented quarterly HSERC meetings are needed in this developmental stage of the program until problems are resolved. The LEPC chairs and co-chairs also agreed that formal meetings were needed, the rules on running a commission should be followed.
- H. Harry Kim stated that until the HSERC and LEPC plans are complete and approved, Volume III stands alone. George Kekuna commented that the HSERC and LEPC plans are annexes to Volume III and encouraged everyone in the room to re-acquaint themselves with Volume III.

#### IV. Recommendations

- A. Dr. Lewin noted that a quorum was present and opened the floor for recommendations.
- B. Roy Price made a motion to approve the meeting minutes for #7, as written. Harry Kim had one correction to make to the minutes. Roy Price then made a **motion to approve the minutes with corrections. The motion was passed.**
- C. Dr. Anderson made a **motion to form a subcommittee to make recommendations on the data management needs to meet Title III requirements.** Issues to be resolved include:
  - 1. Converting to one system,
  - 2. Develop bridges to make IBM and Apple systems compatible, and
  - 3. Establish subcommittee to include: CD, DOH, and through RRT bring in an expert from NOAA.**The motion was passed.**
- D. Dr. Anderson recommended that a re-orientation meeting on Title III be scheduled. After some discussion it was decided that the re-orientation meeting should be kept small, but at a minimum all the HSERC members should attend. Roy Price stated that administrative rules also need to be established. Harry Kim stated that he would like to see how a model HSERC operates and that a presentation by EPA would be helpful. Carter Davis commented that a model may have already been distributed and a copy of the model should be in the historical files. **The motion was then made to conduct a re-orientation meeting consisting of three segments:**
  - 1. First, a re-orientation on SARA Title III. The workshop would be attended by HSERC members and staffed by EPA, AG and DOH. The objective of the workshop would be to discuss the mandatory and optional requirements of the HSERC and the LEPCs.
  - 2. The re-orientation segment would be followed by an administrative procedures establishment segment. This segment would be attended by HSERC members and staffed by EPA, AG and DOH.
  - 3. The third and final segment of the meeting would be to define the goals and objectives of the HSERC. The segment would be attended by the HSERC and staffed by AG and DOH. **The motion was passed.**

- E. Dr. Anderson recommended that the workshop meeting be held in place of the next HSERC meeting and that due to the pressures imposed by this year's legislative session three months from now would be the best. Harry Kim commented that three months was too long to wait, three weeks would be better. After some discussion the motion was made to schedule the workshop as soon as EPA staff could schedule time to be here, but no later than mid April. The motion was passed.
- F. Dr. Lewin recommended setting a minimum number of HSERC meetings to be held each year, suggesting two with the flexibility to have more meetings as needed. After some discussed the motion was made to have a minimum of four meetings a year. The motion was passed.
- G. Dr. Anderson recommended establishing a realistic deadline for LEPC plan review. Roy Price commented that this decision should actually wait until after the administrative rules are established at the workshop. No motion was made.
- H. Roy Price recommended establishing the frequency of LEPC meetings. He believes the LEPCs should meet at the same frequency as the HSERC. Preferably the LEPCs should meet prior to the HSERC meeting to establish recommendations for the HSERC meetings. George Kekuna commented that Oahu is planning a LEPC meeting for April and that he would agree that the LEPCs should meet four times a year. Dr. Lewin stressed that flexibility is important, and recommended establishing twice a year as a guide and then meet more frequently as needed. Harry Kim stated that the re-orientation workshop should come first, before committing to number of meetings per year. Harry stated that there was a need to express problems to the HSERC before committing. George Kekuna made the motion to defer setting number of HSERC and LEPC meetings to be held each year until after the administrative rules making session. The motion was passed.
- I. Roy Price made the recommendation that he be authorized to sign the FEMA Training System Form for the HSERC Chairman. After some discussion, the motion was made that the Director or Vice-Director of Civil Defense be authorized to act for the HSERC Chairman in the signing of the FEMA form for funding for Hazmat training. The motion was passed.
- J. Roy Price made the motion to adjourn the meeting at 11:35 a.m. The motion was passed.

This Meeting Summary is respectfully submitted to the Hawaii State Emergency Response Commission.

Respectfully submitted,

  
RHONDA K. GOYKE

**HAWAII STATE EMERGENCY RESPONSE COMMISSION (HSERC)  
Meeting #9**

HSERCA09-RG3

Monday April 20, 1992  
1:00 p.m. - 5:00 p.m.

Department of Defense  
Multi Purpose Room, Building 306A  
3949 Diamond Head Road

**AGENDA**

- I. **Introductions (10 min)**
  - A. Opening Remarks
  - B. Discussion/Approval of Minutes from HSERC Meeting #8
  - C. Purpose of Meeting
    - 1. Clarify Roles & Responsibilities of HSERC
    - 2. Establish Administrative Rules & Procedures
    - 3. Establish Goals & Objectives of the HSERC
  - D. Schedule for the Day
  - E. Establish a HSERC Kitty
  
- II. **Roles & Responsibilities of HSERC (1 hr 45 min)**
  - A. Title III Introductory Video Tape (15 min)
  - B. Other State Programs (45 min)
  - C. Question & Answer Session (30 min)
  - D. Agreement of Responsibilities (15 min)
  
- III. **Administrative Rules & Procedures, in Consultation with the Deputy Attorney General to the Commission\* (1 hr 15 min)**
  - A. Presentation by the Attorney General's Office (30 min)  
"Legal Roles & Responsibilities of a Public Commission"
  - B. Question & Answer Session with the AG (15 min)
  - C. Establish Required Procedures (15 min)
  - D. Establish Additional Procedures (15 min)
  
- IV. **Goals & Objectives (45 min)**
  - A. Input on Draft Goals & Objectives (15 min)
  - B. Establish Additional Goals & Objectives (15 min)
  - C. Finalize Goals & Objectives of the HSERC (15 min)
  
- V. **Schedule Next HSERC Meeting (#10) (5 min)**

\* Executive (Closed) Session May Be Called During This Period

DRAFT MEETING SUMMARY  
HAWAII STATE EMERGENCY RESPONSE COMMISSION  
MEETING #8  
KINAU HALE BOARD ROOM, 1st FLOOR  
FRIDAY FEBRUARY 21, 1992

HSERC Commission Members and Representatives:

Dr. John C. Lewin, Chairman, HSERC, DOH  
Bruce Anderson, Ph.D., Vice Chairman, HSERC, DOH  
Roy Price for Major General Edward Richardson, DOD  
Gerald Kinro for Yukio Kitagawa, DOA  
Russell Charlton, DLIR  
John P. Keppeler II for William W. Paty, DLNR  
Richard Kawakami for Marray Towill, DBED  
Jiggie Hommon, American Red Cross  
B.Z. Siegel for Jerrold M. Michael, UH School of Public Health  
George Kekuna, Oahu LEPC Chairman  
Clifford Ikeda, Kauai LEPC Co-Chair  
Sel Menor, Maui LEPC Co-Chair  
Harry Kim, Hawaii LEPC Chairman

Other Attendees:

Erwin Kawata, BWS  
Chris Takeno, OCD  
Leighton Ah Cook, SCD  
Eugene Lee, DPW  
LT Eric Mosher, USCG  
LTJ6 Pete Fontaine, USCG  
ENS Dave Pugh, USCG  
Thomas Vendetta, C&C  
Cpt. Carter Davis, HFD  
Cpt. Joseph Blackburn, MFD.  
LCDR Gregory Jones, MSO Honolulu  
Walter Nishimura, DOH/EMS  
Richard Rosen, PRI-ETI  
Dean Yoshihu, HDOA  
Chief Alejandro Lomasad, KFD  
Harding Fragas Jr.  
Mark Ingoglia, DOH/HEER  
Claire Hong, DOH/HEER  
Rhonda Goyke, DOH/HEER

*Rhonda,  
see minor  
comments.  
RL*

## I. OPENING REMARKS

HSERC Chairman, Dr. Lewin, called the meeting to order and outlined the agenda. The primary topic on the agenda was LEPC Update & Status of State Implementation. Dr. Lewin mentioned that other agenda items may need to be deferred until the next meeting, with the exception of one item to be added by Roy Price when the recommendation section of the meeting was reached.

## II. LEPC UPDATE & STATUS OF STATE IMPLEMENTATION

### A. Background & Overview

Mark Ingoglia reported that this was the first HSERC meeting in over a year. The meeting planned for December was postponed due to scheduling problems and the need to establish a clear agenda. In February, several HSERC members met to discuss the relationship between Title III, the HSERC, the LEPCs, and the lack of resources, in a meeting sponsored by State Civil Defense. As staff to the HSERC, DOH analyzed the information generated in the SCD meeting to determine the status of each Counties implementation actions and what resources would be required to fulfill Title III. Mark further stated the need to go back to the basics and determine what is mandated under the law, and what can be done with the limited available resources to comply with the law as much as possible. Mark then introduced his staff, Claire Hong and Rhonda Goyke.

### B. Analyses

Rhonda Goyke reported on the roles and responsibilities of the HSERC and the LEPCs as stated in Title III. An updated status report was presented for both the HSERC and for the LEPCs by county, per Title III requirements. The analysis also included a workload analysis which estimated the amount of time that would be required to comply with each point of the law. The complete analysis and summary sheet are attached.

### C. Conclusions & Options

Mark Ingoglia commented that everyone recognizes that one of the big problems when Title III came on line was concurrently complying with Title III while taking over hazmat response at the state and county level. Faced with the competing demands for resources to implement Title III and to develop first responder capabilities, the LEPCs and the HSERC concentrated their efforts on the latter. The LEPCs have been doing a good job as first responders and now the State has four on-scene coordinators and 24 hour standby.

While many of the Title III requirements are being met by the HSERC and the LEPCs, additional planning work needs to be done. There was general agreement that the HSERC should meet more frequently. Mark presented staff recommendations that the HSERC consider meeting twice a year. The HSERC staff also recommended that the HSERC request the annual plans from the LEPCs.

Mark noted that Rhonda's presentation was designed to address the LEPCs' past requests for clarification of the roles and responsibilities of the HSERC and LEPCs. Based on this analysis, it appears that Oahu and Kauai are in good shape and are close to full compliance. Maui is making real progress with Joe Blackburn on board. Hawaii, we are sure will also catch up. It is clear that the LEPCs have already met many of the Title III requirements. Nonetheless, there is need for improvement in specific areas. However, the item requiring the biggest demand for time (i.e. hazard analysis) can be externalized.

There are both short-term and long-term options that should be considered. In the short-term, the LEPCs should be able to comply with Title III requirements with limited support from the HSERC, with the exception of the hazard analyses. Facilities can be required to do the hazard analysis for themselves. This would limit the LEPC responsibility to quality assurance. Facilities are often required to do their own hazard analyses under other environmental statutes. The HSERC could provide technical support for the externalize hazard analysis, this would also help to standardize the format and the facilities would better understand the hazards present at their facilities and Title III.

Long-term options to support the LEPCs include: Title III laws establishing facility fees, which would go to the counties and acquiring planning and training money which may be available from DOT, but the details are unclear at this time.

### III. QUESTIONS & ANSWERS REGARDING STATUS REPORT

- A. Harry Kim commented that the responsibilities of the HSERC needs to be defined and that a orientation meeting is necessary. Dr. Lewin suggested that a training session be held in place of the next HSERC meeting to officially define the Commissions roles & responsibilities.
- B. Roy Price brought up the issue of the number of facilities listed per county in the analyses, why does Kauai with the smallest population have the most facilities? Clifford Ikeda explained that Kauai has been very active in identifying facilities. Dr. Lewin commented that these numbers are an indication that all sources have not been identified. Hawaii probably has more facilities than Maui, and Maui probably has more facilities than Kauai, but those facilities have not been identified to date.
- C. Roy Price expressed concern with going with CAMEO exclusively as a statewide network. Integrating CAMEO into his all-IBM system would require resources, e.g. training and manpower. Dr. Lewin suggested moving towards a common system approach which would work for CD and for the first responders. After further discussion, Dr. Anderson recommended that a subcommittee be formed to discuss and resolve the issue of a Title III Data Management System.
- D. Roy Price clarified that State Civil Defense has taken on the responsibility of exercises for the State and the HSERC and a four year plan is currently in place.

*Rhonda*  
*Highlight*  
*the*  
*notions*  
*past.*



- E. George Kekuna stated that he has held off on ordering computers for Title III until these issues are ~~resolved~~. Equipment and manpower are needed resources.  
*resolved*
- F. Gregory Jones, USCG, suggested going through the RRT to obtain assistance from NOAA in Data System decisions.
- G. George Kekuna commented quarterly HSERC meetings are needed in this developmental stage of the program until problems are resolved. The LEPC chairs and co-chairs also agreed that formal meetings were needed, the rules on running a commission should be followed.
- H. Harry Kim stated that until the HSERC and LEPC plans are complete and approved, Volume III stands alone. George Kekuna commented that the HSERC and LEPC plans are annexes to Volume III and encouraged everyone in the room to re-acquaint themselves with Volume III.

#### IV. Recommendations

- A. Dr. Lewin noted that a quorum was present and opened the floor for recommendations.
- B. Roy Price made a motion to approve the meeting minutes for #7, as written. Harry Kim had one correction to make to the minutes. Roy Price then made a motion to approve the minutes with corrections. The motion was passed.
- C. Dr. Anderson made a motion to form a subcommittee to make recommendations on the data management needs to meet Title III requirements. Issues to be resolved include:
  - 1. Converting to one system,
  - 2. Develop bridges to make IBM and Apple systems compatible, and
  - 3. Establish subcommittee to include: CD, DOH, and through RRT bring in an expert from NOAA.The motion was passed.
- D. Dr. Anderson recommended that a re-orientation meeting on Title III be scheduled. After some discussion it was decided that the re-orientation meeting should be kept small, but at a minimum all the HSERC members should attend. Roy Price stated that administrative rules also need to be established. Harry Kim stated that he would like to see how a model HSERC operates and that a presentation by EPA would be helpful. Carter Davis commented that a model may have already been distributed and a copy of the model should be in the historical files. The motion was then made to conduct a meeting consisting of three segments:
  - 1. First, a re-orientation on SARA Title III. The workshop would be attended by HSERC members and staffed by EPA, AG and DOH. The objective of the workshop would be to discuss the mandatory and optional requirements of

the HSERC and the LEPCs.

2. The re-orientation segment would be followed by an administrative procedures establishment segment. This segment would be attended by HSERC members and staffed by EPA, AG and DOH.
3. The third and final segment of the meeting would be to define the goals and objectives of the HSERC. The segment would be attended by the HSERC and staffed by AG and DOH.

The motion was passed.

- E. Dr. Anderson recommended that the workshop meeting be held in place of the next HSERC meeting and that due to the pressures imposed by this year's legislative session three months from now would be the best. Harry Kim commented that three months was too long to wait, three weeks would be better. After some discussion the motion was made to schedule the workshop as soon as EPA staff could schedule time to be here, but no later than mid April. The motion was passed.
- F. Dr. Lewin recommended setting a minimum number of HSERC meetings to be held each year, suggesting two with the flexibility to have more meetings as needed. After some discussed the motion was made to have a minimum of four meetings a year. The motion was passed.
- G. Dr. Anderson recommended establishing a realistic deadline for LEPC plan review. Roy Price commented that this decision should actually wait until after the administrative rules are established at the workshop. No motion was made.
- H. Roy Price recommended establishing the frequency of LEPC meetings. He believes the LEPCs should meet at the same frequency as the HSERC. Preferably the LEPCs should meet prior to the HSERC meeting to establish recommendations for the HSERC meetings. George Kekuna commented that Oahu is planning a LEPC meeting for April and that he would agree that the LEPCs should meet four times a year. Dr. Lewin stressed that flexibility is important, and recommended establishing twice a year as a guide and then meet more frequently as needed. Harry Kim stated that he wouldn't be able to meet four times a year and that the re-orientation should come before committing to number of meetings per year. Harry stated that there was a need to express problems to the HSERC before committing. George Kekuna made the motion to defer setting number of HSERC and LEPC meetings to be held each year until after the administrative rules making session. The motion was passed.
- I. Roy Price made the recommendation that he be authorized to sign the FEMA Training System Form for the HSERC Chairman. After some discussion, the motion was made that the Director or Vice-Director of Civil Defense be authorized to act for the HSERC Chairman in the signing of the FEMA form for funding for Hazmat training. The motion was passed.
- J. Roy Price made the motion to adjourn the meeting at 11:35 a.m. The motion was passed.

Rhonda,  
Nice message!  
ME

Rhonda,  
Good letter!  
Pls him!  
ME

Smya?

SI? ↓

March 2, 1992

ADMINRLS.AG

To: S Sonja Faust, Deputy Attorney General  
Attorney Generals Office

From: S Mark Ingoglia, M.P.H., Manager,  
Office of Hazard Evaluation and Emergency Response

Subject: Applicable Law & procedures  
Administrative Rules, of the Hawaii State Emergency Response Commission  
(HSERC)

The Hawaii State Emergency Response Commission (HSERC) was established in 1986, by the Governor, in response to SARA Title III Section 301. <sup>(a copy of the law is attached for your information)</sup> The Department of Health was

designated as the implementing agency. Since its inception in 1986 the Commission has met eight times and to date has not established <sup>formal</sup> administrative rules or policies. At this time the HSERC needs clarification <sup>on any laws, rules or procedures</sup> of the administrative rules that a public commission must follow.

Dr. Lewin has <sup>directed me to request</sup> requested that the Attorney General's office be asked for assistance in this matter. <sup>↑ keep</sup>

Due to the short time frame I am contacting you directly although we can provide <sup>an</sup> additional direction. <sup>Request should you indicate the need.</sup>

Specifically, Dr. Lewin <sup>ed</sup> As ~~staff~~ to the HSERC, I am requesting the following assistance from the Office of the Attorney General:

1. <sup>briefing to the S</sup> An ~~outline~~ <sup>↑ memo</sup> of the administrative rules that a commission must follow;
2. Staff briefing on the administrative rules and how they apply to the HSERC;

and

3. A presentation of the Administrative rules by the AG to the HSERC at the next HSERC meeting scheduled for April 7, 1992.

~~Agenda~~ (Draft Agenda attached)

In addition, could you advise us on the following questions which have been raised by the commission:

1. Can the HSERC meet for a workshop without following the requirements of the "Sunshine Law" in regards to posting of the notice and mailing out the agenda?
2. How can a technical subcommittee be formed? What rules apply to the subcommittee?
3. What is the proper procedure for updating the HSERC mailing list for agenda notifications?

Please call me at 586-4248 if you have any questions and to arrange a time for the staff briefing. Thank you for your assistance.

C: Director of Health  
Deputy Director of Health

Attachments

1. T-16h

2. Agenda Draft.