

HAWAII STATE EMERGENCY RESPONSE COMMISSION
MEETING #11

September 22, 1992
8:00 a.m. - 12:00 noon

State Office Towers
Conference Room 1206

235 South Beretania

MEMBERS PRESENT

✓
____ John C. Lewin, Director
DOH

____ Yukio Kitagawa, Director
BOA or Representative
(_____)

✓
____ Keith Ahue, Director
DLIR or Representative
(Russell Charlton)

____ Mufi Hannemann, Director
DBEDT or Representative
(_____)

____ Brian Choy, Director
OEQC or Representative
(_____)

don {
____ ^{SIEGEL}
B. Z. Siegel
~~Jerrold Michael~~, Dean
School of Public Health,
UH or Representative
(_____)

____ Clifford Ikeda, LEPC
Co-Chair, Kauai CD or
Representative
(_____)

____ Harry Kim, LEPC Chairman,
Hawaii CD or

MA ✓
____ Bruce S. Anderson, Deputy
Director of Health, DOH

✓
____ Major General
Richardson, Adjutant
General, DOD or
Representative
(Leighton Ah Cook for)

✓
____ William W. Paty, Director
BLIR or Representative
(HIRAM Young)

____ Rex D. Johnson, Director,
DOT or Representative
(_____)

____ Jiggie Hommon, Manager
Hawaii State Chapter
American Red Cross or
Representative
(_____)

CGT ✓
____ George Kekuna, LEPC
Deputy Director
Designate, Oahu CD or
Representative
(Chris Takem)

____ Sel Menor, LEPC
Co-Chairman, Maui CD or
Representative
(_____)

____ Representative
(_____)

OTHERS ATTENDING:

NAME/AGENCY	ADDRESS	TELEPHONE
ARMANN, STEVEN	DOH	586-4249
CARTER DAUS	HFI	422-0827
TERDY CORPUS	DOH/HEER	586-4652
Jim Vinton	-PR1	
RHONDA GOYKE	DOH/HEER	
Russ Josephson	consultant	
SONIA CAAN-HUI		
JACKIE MILLER		

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

E0826RG.m1

August 28, 1992

To: Hawaii State Emergency Response Commission (HSERC)

From: Steve Armann, Manager 
Office of Hazard Evaluation and Emergency Response

Subject: Parking For HSERC Meeting #11

As you have probably noticed the location of the HSERC meeting has been changed. Instead of meeting at Kinau Hale, we will be meeting in the State Office Towers, Conference Room 1206, the address is 235 South Beretania Street. Parking permits have been provided for this function and are attached. However, two different parking location have been provided, please look carefully at your parking permit for the location at which you may park. Also, as a reminder these parking permits must be brought with you and displayed on the dashboard of your vehicle during the HSERC meeting. See you at the meeting.

Enclosure

SA:RG

DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
Automotive Management Division
Parking Control Branch

Date August 20, 1992

MEMORANDUM

TO: DAGS, Automotive Management Division
Parking Control Branch PHONE: 586-0344 FAX: 586-0354

FROM: HEALTH, FWA/HEER OFFICE FAX: 586-4444
DEPT., DIVISION

SUBJECT: **REQUEST FOR SPECIAL FUNCTION PARKING**

PURPOSE: FOR PARTICIPANTS ATTENDING THE HAWAII STATE EMERGENCY RESPONSE
COMMISSION MEETING, SEPTEMBER 22, 1992 8:am-12noon

No. of Permits Requested: 35 Preferred Parking Lot: F

Date(s) of Function: 9/22/92 Time: 8:am to 12 noon

Place of Function: STATE OFFICE TOWERS

Participants Arriving From: (address) various destinations on Oahu

Contact Person: Rhonda Goyka Phone No. 586-4249

SUBMITTED BY: ALVINA MAR

APPROVED FOR DIRECTOR: Jay Muhamads Jr AUG 24 1992



- NOTE:
- 1) **SUBMIT ONE REQUEST FOR EACH FUNCTION.**
 - 2) **REQUESTS MUST BE RECEIVED BY PARKING CONTROL AT LEAST THREE (3) WORKING DAYS, BUT NO MORE THAN 30 DAYS, PRIOR TO THE DATE OF THE FUNCTION.**
 - *3) **PARTICIPANTS WHO ARE ISSUED SPECIAL FUNCTION PERMITS MUST BE ARRIVING FROM LOCATIONS OUTSIDE THE STATE CAPITAL COMPLEX.**
 - 4) **THIS SPECIAL FUNCTION PERMIT SHALL BE PROMINENTLY DISPLAYED, FACE UP, ON YOUR DASHBOARD ON THE DRIVER'S SIDE.**

PARKING CONTROL USE ONLY

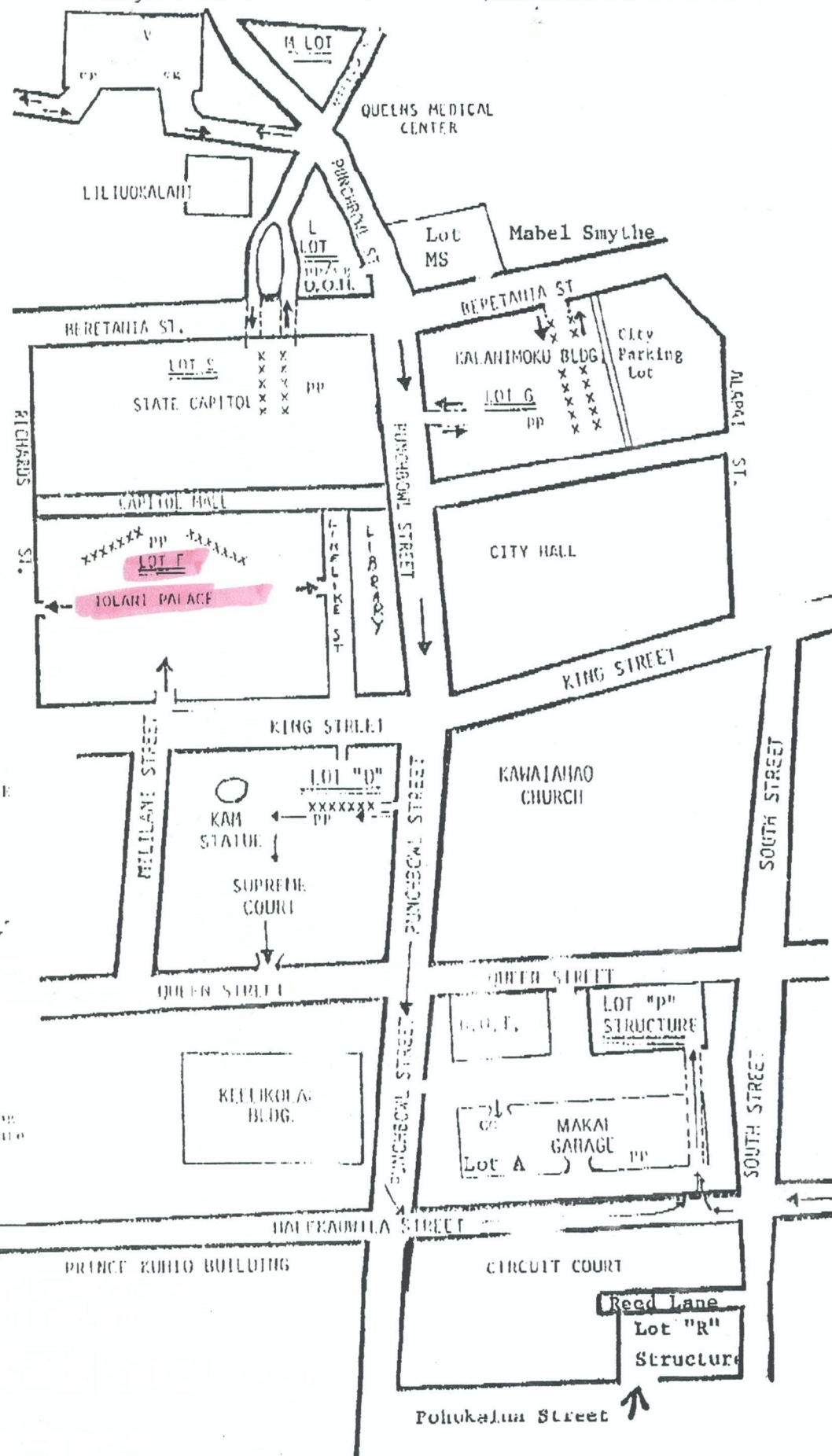
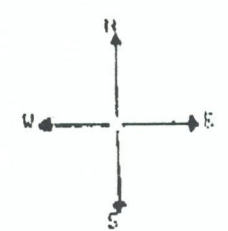
DATE RECD: AUG 24 1992 APPROVED BY: S-V LOT AUTHORIZED: 10-F/METERS

No. of validated tickets: _____

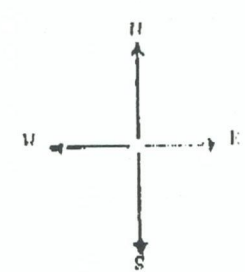
AMD-PC-001
REV. 6/92

	AUTM. SIGNATURE		LICENSE NO. 100
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**PARK IN
BAGGED METER
STALL**



UPPER
x = Parking Meters
pp = Underground
pp = Public Parking
cg = Controlled Gate



LOWER
x = Parking Meters
pp = Public parking
cg = Controlled Gate

DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
Automotive Management Division
Parking Control Branch

Date August 20, 1992

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TO: DAGS, Automotive Management Division
Parking Control Branch PHONE: 586-0344 FAX: 586-0354

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Place of Function: STATE OFFICE TOWERS
(address)

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Contact Person: Rhonda Goyke Phone No. 586-4249

SUBMITTED BY: ALVINA MAR

APPROVED FOR DIRECTOR: _____

- NOTE:
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PARKING CONTROL USE ONLY

DATE RECD: _____ APPROVED BY: _____ LOT AUTHORIZED: _____

No. of Validated Tickets: _____

AMD-PC-001
REV. 6/92

XEROX FAXMASTER

BANNER SHEET

DATE: 08-19-1992

TIME: 9:44AM

TO: 64370

FROM: RONIE

DOCUMENT NAME: C:XFN880.FAX

NUMBER OF PAGES IN DOCUMENT: 2
(Not Including Banner Sheet.)

Rhonda

Here is the confirmation. I will be
requesting for parking (30-35). ^{NEAREST} Parking
lot at ^{LOUIS PARR} ~~KINAWAY~~, other closer
lots are private owners.

1364 S. King

King & Richards St.

*235 S. Bereta in**STATE OFFICE TOWERS***Sergeant-at-Arms**

House of Representatives
Leiopapa A Kamehameha, Room 808
Honolulu, Hawaii 96813

Telephone: 586-6500
FAX: 586-6501

Facsimile Transmittal**DATE:** Aug. 19, 1992**TIME:** 9:43 a.m.**TO:** RHONDA GOYKE
DEPT. OF HEALTH/EHA-HEER OFFICE**FAX NO.:** 6-4370**FROM:** RONIE
(ROWNIE)

2 pages: Total number of pages being transmitted, including this transmittal page.

If there are any problems receiving this transmittal, please call (808) 586-6500.

COMMENTS/SPECIAL INSTRUCTIONS:

HOUSE OF REPRESENTATIVES

AUTHORIZATION FOR USE OF CONFERENCE ROOM

RECEIVED

Aug 18 8 45 AM '92

DATE: August 17 1992

TO: Kevin M. Ebata, Sergeant at Arms

FROM: Rhonda Goyke-DEPARTMENT OF HEALTH/EHA-HEER Office
(Individual/organization)

ADDRESS: 5 Waterfront Plaza, 500 Ala Moana Blvd., Hon. HI 96813

PHONE: 586-4249 CONTACT PERSON: Rhonda Goyke

SERGEANT-AT-ARMS
HOUSE OF
REPRESENTATIVES

REQUESTING USE OF CONFERENCE ROOM: 1206

#1008 _____ #1111 _____ #1206 X #1310 _____ # _____

Date of Use: 9/22/92 Time Start: 8:00a Time End: 12 noon

Number of Persons Attending: 30-35 individuals

Purpose: Hawaii State Emergency Response Commission Meeting

Special requests: 1. Air conditioning: Yes/No
Specific time: 8:00a to 12noon

2. Equipment & other needs: none

Note: All requests will be subject to availability of services and/or equipment
(* equipment for internal use only).
*There may be an hourly charge for air conditioning if requested after regular office
hours (Monday - Friday, 8:00 p.m. - 5:00 a.m.), Saturday, Sunday and holidays.

Approved: ✓ Reassigned Room No.: _____

Not Approved: _____

Reason: _____

Date: 8/19/92 Rou
Approved by

NOTE: THE REQUESTOR IS RESPONSIBLE FOR CANCELLATION OR CHANGES.
PLEASE NOTIFY OUR OFFICE (PHONE: 586-8500 - FAX: 586-8501) AS SOON AS
POSSIBLE TO MAKE THE NECESSARY CORRECTIONS.

cc: Requestor
Protective Services Division
Jimmy Hisano, Central Services
July 1992

**"CHAPTER
HAWAII EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT**

Section

- § -1 Definitions

- § -2 Designation and Functions of the Hawaii State
Emergency Response Commission
 - (a) HSERC created
 - (b) Membership
 - (c) Chairperson
 - (d) Compensation
 - (e) Meetings & quorum
 - (f) Support personnel
 - (g) Duties

- § -3 Establishment of Emergency Planning Districts

- § -4 Establishment and Functions of Local Emergency
Planning Committees
 - (a) LEPC designation & organization
 - (b) Membership
 - (c) Lead responsibility
 - (d) HSERC confirms membership
 - (e) Vacancy
 - (f) Meetings & quorum
 - (g) Duties
 - (h) Administrative & operational expenses
 - (i) Agent of the HSERC
 - (j) Emergency management advisory duties
 - (k) Emergency Plans

- § -5 Hazardous Substance Safety Program
 - (a) Program components
 - (b) LEPC preparedness assessment

- § -6 Emergency Reporting Requirements
 - (a) Owner/operator
 - (b) Rolling stock

- § -7 Emergency Notification Requirements
 - (a) Release notification
 - (b) Notification shall include
 - (c) Department notification
 - (d) Written notification
 - (e) Exclusions

- § -8. Establishment of Funds
 - (a) Special fund created
 - (b) Right-to-know (chem.inventory) reporting fee
 - (c) TRI reporting fee
 - (d) Allocation of fund
 - (e) Exclusions for allocation of funds
 - (f) Fire Dept. 1st responder equipment

- § -9 Hazardous Materials Response Teams
 - (a) Certification program
 - (b) Hazmat response zones
 - (c) Response team compliance
 - (d) County compliance
 - (e) Insurance
 - (f) Hazmat team authority
 - (g) Cleanup

- § -10 Recovery of Response Costs
 - (a) Responsible party
 - (b) Eligibility to recover costs
 - (c) Arbitration

- § -11 Facility and Vehicle Inspection and Testing
 - (a) Inspection
 - (b) Analysis
 - (c) Release or threatened release
 - (d) Trade secret

- § -12 Immunity from Civil Liability
 - (a) Hazmat team
 - (b) No liability
 - (c) HSERC & LEPC
 - (d) State & local agency

- § -13 Penalties and Fines
 - (a) Civil penalties
 - (b) Misdemeanor
 - (c) Distribution of fines

- § -14 Enforcement

- § -15 Relationship to other laws

2-10-93

HAWAII ADMINISTRATIVE RULES

TITLE 11

DEPARTMENT OF HEALTH

CHAPTER 451

STATE CONTINGENCY PLAN

Subchapter 1 Introduction

- §11-451-1 Objectives
- §11-451-2 Applicability
- §11-451-3 Definitions

Subchapter 2 Notification of Releases of Listed and Unlisted Hazardous Substances, Including Petroleum Products

- Put EPCRA
Requirements
HERE*
- §11-451-4 Notification requirements
 - §11-451-5 Designation of hazardous substances
 - §11-451-6 Determination of reportable quantities

Subchapter 3 Scoring and Listing Facilities of Sites

- §11-451-7 Inventory of site or facilities
- §11-451-8 Screening and scoring sites or facilities for the State
- §11-451-9 Priorities list (HRS score or designated)
- §11-451-10 Listing a site or facility on the State Priorities List
- §11-451-11 Publication of State Priorities List
- §11-451-12 Deletion of a site or facility from the State Priorities List
- §11-451-13 State Hazard Ranking System

Subchapter 4 Hazardous Substance Response

- §11-451-14 General
 - (a) Entry and access
 - (b) ARAR's
 - (c) Response by owner/operator
- §11-451-15 Discovery or notification
- §11-451-16 Immediate response action
- §11-451-17 Removal site evaluation/Release abatement and control evaluation

- §11-451-18 Remedial response evaluation
 - (a) RI/FS
 - (1) RI
 - (A) Purpose
 - (B) Scope
 - (C) Data collection
 - (D) ARAR's (could include CU standards from UST program)
 - (E) Risk assessment
 - (2) FS
 - (A) Alternatives
 - (B) Source Control
 - (b) Selection of remedy
 - (c) Public notice
- §11-451-19 Remedial design/Remedial operations and maintenance
- §11-451-20 Documentation and cost recovery

Subchapter 5 Administrative Record for Selection of Response Action

- §11-451-21 Establishment of an administrative record
- §11-451-22 Administrative record file, location and contents
- §11-451-23 Administrative record file for a response
- §11-451-24 Record requirements after the decision document is signed

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

MTG11.AG-RG3

HAWAII STATE EMERGENCY RESPONSE COMMISSION (HSERC)
Meeting #11

Tuesday September 22, 1992
8:00 a.m. - 12:00 noon

State Office Towers
Conference Room 1206

235 South Beretania

AGENDA

- I. Call to Order
 - A. Opening Remarks
 - B. Discussion/Approval of Minutes from HSERC Meeting #10
- II. Update by the Attorney Generals Office
- III. Draft State EPCRA Law
- IV. Demonstration of Public Interactive Program (public access to EPCRA info) UH contract.
- V. HSERC "Guidelines"
- VI. Training
- VII. Policy regarding the use of the Environmental Response Revolving Fund in neighbor island emergencies.
- VIII. Schedule Next HSERC Meeting (#11)

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:
HSERC9.MERGE OFFICE

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. Ingoglia 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 Ingolia'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. Ingoglia 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 versus 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 Meeting Summary is submitted to the Hawaii State Emergency Response Commission.

Respectfully submitted,


RHONDA K. GOYKE date

DRAFT MEETING SUMMARY
HAWAII STATE EMERGENCY RESPONSE COMMISSION
MEETING #10

MTG10DR.MIN-RG3

Monday July 27, 1992
9:00 a.m. - 12:00 noon

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

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
Jiggie Hommon, American Red Cross
George Kekuna, Oahu Planning District
Clifford Ikeda, Kauai Planning District
Sel Menor, Maui Planning District
Harry Kim, Hawaii Planning District

Other Attendees:

Bill Norris, SCD
Chris Takeno, OCDA
Jim Vinton, PRI
Larry Lau, State AG Office
Steve Armann, DOH/HEER
Rhonda Goyke, DOH/HEER
Mike Cripps, DOH/HEER

I. OPENING REMARKS

- A. The tenth meeting of the HSERC was called to order by Dr. Lewin. He introduced Steve Armann as Mark Ingoglia's replacement.
- B. Minutes of HSERC meeting #9 approved.

II. Update by the Attorney General

- A. Judy So, Deputy Attorney General has been designated to support the HSERC. In her absence Mr. Larry Lau, Deputy District Attorney, presented an update to the HSERC. 1) Does the HSERC need an Executive Order? Probably not, but may have additional benefits. 2) Are the LEPCs a subcommittee of the HSERC? Federal Law does not use that language. 3) Is the Sunshine Law applicable to the LEPCs? By broad definition the LEPCs should be complying with the Sunshine Law. 4) Information on tort liability is not available at this time. Mr. Lau emphasized that the HSERC and LEPCs clearly have a job to do and must continue to work to protect the public.

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Mr. Roy Price informed the HSERC that in New York the Supreme Court ruled that the LEPCs were State entities.

Mr. Harry Kim requested that the Attorney Generals Office make a determination as to whether the Hawaii LEPCs are under state or county jurisdiction.

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Ms. Rhonda Goyke urged committee members to review and become familiar with the Contingency Plan, and that internal involvement with staff members of each department and agency take place.

The issue of overlapping the Contingency plans with OPA were raised, and although some overlapping would occur, it would not be much. More discussion in regards to overlapping of plans to take place in future meetings.

IV. Report on Other State's Programs

Ms. Goyke presented a brief update on other states EPCRA programs, specifically, the feasibility of one statewide LEPC (attachment 1). Also presented was a copy of the Kansas SERC By-Laws (attachment 2). Mr. Kim make a motion for the HSERC to adopt By-Laws, using the Kansas document as a guide. Mr. Price amended the motion, requesting that the reference to Kansas be deleted. The amended motion was passed. A work group was formed consisting of Mr. Kim, Mr. Menor, Mr. Price and Ms. Goyke.

V. Available Grants

Mr. Armann reported on HMTUSA grants available to states for planning and training. Applicants must be in compliance with 301 and 303 with

EPCRA and maintain the current two year state funding in order to qualify for an application. There is \$5 million available from 1993 to 1998 for planning and \$7.8 million for training. Possible difficulties with grant may arise due to the current State budget which could not accommodate a reimbursable grant nor a hard match.

Applications will be available in approximately two weeks. Department of Transportation deadline for application is November 1, 1992, for available funds this fiscal year. Next application date July 1993 for next fiscal year. State Civil Defense has the lead for receiving this grant.

Mr. Price relayed that 36 states will also be applying for this grant. Mr. Price has not received a current status update on grant applications from the Department of Transportation. Mr. Price added that the National Emergency Management Association received the House Appropriation Subcommittee proposal of \$5 million for SARA Title III training. Current HAZMAT training for firefighters in operations. Shortages in personnel to administer training program is a major issue. With impending budget constraints forecasts for the next three years, Federal funding seems the best avenue to implement future training.

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VI. Data Management Advisory Committee - Preliminary Report

Mr. Bill Norris of State Civil Defense presented an overview of proposed data management system (attachment 3). The Operations Plan is still in draft form and comments are expected from the task force. The HSERC voted to accept the "Concept" of the Draft Operations Plan with the understanding that there were still bugs to be worked out.

VII. HSERC Goals & Objectives

The Commission determined that it would be prudent to establish the "Guidelines" before finalizing the Goals & Objectives.

The motion to adjourn the meeting at 11:45 p.m. The motion was unanimously passed.

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

Respectfully submitted,

RHONDA K. GOYKE

date

PROJECTED NEEDS FOR HSERC AND LEPC EPCRA IMPLEMENTATION

Staff to the HSERC (estimated needs)

1 EHS IV
1 EHS III
1 Clerk/Typist
Total estimated annual needs \$150,000

Staff for the LEPCs (estimated needs by Harry Kim)

Hawaii

2 Planners } - 1 Planner or Inspector
1 Clerical }
Computer \$15,000 initial cost with \$1,700 annual maintenance
Total estimated annual needs is \$100,000

Kauai (estimated needs by HEER)

1 Planner or inspector
Total estimated needs \$50,000-\$70,000

Maui personnel would be in the FD, (estimated needs by Capt. Blackburn)

1/2 FTE Clerical
1/2 FTE Inspector
Equipment needs: Vehicle, desk, chair, computer, telephone, office supplies, etc. \$40,000 initial costs, \$10,000 annual costs
Total annual estimated annual needs is \$70,000-80,000

Honolulu - feels that emphasis should be placed on staffing the HSERC
However, if they do not need the funds the funds can go to the other LEPCs.
HEER estimates that they may need:

1 Planner or Inspector
1 Clerical
Computer \$15,000, \$1,700 annual maintenance
Total estimated annual needs \$75,000

Training (estimated needs by Leighton Ah Cook)

\$50,000-\$60,000

Total funds that could be utilized if available: \$535,000

MAIN ISSUES REGARDING HAWAII DRAFT EPCRA BILL

- HSERC members designated by title
- Director of Health is designated as the chairperson
- Department is designated as support staff for HSERC
- Mayor appoints members of LEPC, HSERC confirms
- Counties designated as LEPC districts (what to do about Molokai?)
- HSERC must do State Oil & Hazmat Plan
- LEPCs must do emergency plans
- Establish a fee system to fund program
- Distribution of funds generated by fee system, as percentages
- Establish hazardous materials response teams, including a certification program

AREAS THAT COULD BE MORE STRINGENT THAN THE FEDERAL ACT

- Require petroleum products to be reported
- Require agricultural products to be reported
(This could be accomplished by changing the exclusions for the definition of hazardous chemical)

OTHER IDEAS

- Discount given on reporting Tier II information in electronic form
- Require Dunn & Bradstreet Numbers, State Tier II's
- Require Latitude & Longitude, State Tier II's

September 10, 1992

HSERC FEE PROPOSALS

The purpose of the EPCRA fee proposal is to raise funds for Hawaii's State emergency response commission (HSERC) and local emergency planning committees (LEPCs) to implement mandated EPCRA provisions and to improve public safety capabilities locally to deal with hazardous materials public safety matters throughout the State.

TOTAL FEE PROJECTIONS

Estimated annual fee projection is \$183,075 as follows:

\$250 filing fee X 504 reporting facilities	\$126,000
\$25 per chemical required to be reported under §312 X 1163 chemicals	\$29,075
\$1,000 per form R under §313 X 28 forms	\$28,000

FEE PROJECTION BY COUNTY

Hawaii County

\$250 filing fee (§312) X 83 Tier II's	\$20,750
\$25 fee per individual chemicals reported on Tier II, \$25 X 341 chemicals	\$8,525
\$1,000 filing fee per form R under §313 X4	\$4,000
TOTAL Hawaii generated revenues	\$33,275

City and County of Honolulu

\$250 filing fee (§312) X 298 Tier II's	\$74,500
\$25 per Tier II chemicals X 472 chemicals	\$11,800
\$1,000 X 15 form R's	\$15,000
TOTAL Honolulu generated revenues	\$101,300

Kauai County

\$250 X 90 Tier II's	\$22,500
\$25 X approx. 150 chemicals	\$3,750
\$1,000 X 4 Form R's	\$4,000
TOTAL Kauai generated revenues	\$30,250

Maui County

\$250 X 33 Tier II's	\$8,250
\$25 X 200 chemicals	\$5,000
\$1,000 X 5 Form R's	\$5,000
TOTAL Maui generated revenues	\$18,250

Revenue from State EPCRA Fee Laws

<i>State</i>	<i>Law</i>	<i>Actual Fiscal 1991 Revenue</i>	<i>Anticipated Fiscal 1992 Revenue</i>	<i>Money to LEPCS</i>
DELAWARE	HB 250	N/A	\$150,000	yes
FLORIDA	Hazardous Materials Emergency Response and Community Right-to-Know Act	\$2,100,000	2,300,000	yes
INDIANA	Emergency Planning and Right-to-Know Fund	300,000	500,000	yes
KANSAS	Emergency Planning and Community Right-to-Know Act	170,000	220,000	
KENTUCKY	KRS 39.817	N/A	243,000	yes
LOUISIANA	Hazardous Materials Information Development, Preparedness, and Response Act	311,915	290,064	no
MAINE	An Act to Implement, Administer and Enforce the United States Emergency Planning and Community Right-to-Know Act of 1986	185,000	> 200,000	yes
MINNESOTA	Minnesota Emergency Planning and Community Right-to-Know Act	1,170,000	1,520,000	no
NEVADA	NRS 459	N/A	300,000	yes
NEW MEXICO	Hazardous Chemicals Information Act	37,000	39,000	no
NORTH DAKOTA	SB 2188	N/A	200-250,000	yes
OHIO	Emergency Planning and Right-to-Know Fund Amendment 3750.13	700,000	2,000,000	yes
OKLAHOMA	Oklahoma Emergency Response and Notification Act	N/A	164,000	no
OREGON	Oregon Community Right-to-Know Act	800,000	N/A	no
PENNSYLVANIA	Hazardous Materials Emergency Planning and Response Act	1,921,960*	1,275,000	yes
TEXAS	Hazard Communication Act	284,686	150,000	yes
VERMONT	H 540	N/A	> 180,000	yes
WISCONSIN	Emergency Planning and Community Right-to-Know Act	1,500,000	1,470,000	yes

* Amount includes a one-time registration fee of \$1.2 million.

NOTE: California and New Jersey EPCRA programs receive funds from a waste management fee system and a right-to-know fee system, respectively.

JUSTIFICATION SHEET

DEPARTMENT: Health

TITLE: A BILL FOR AN ACT RELATING TO EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW

PURPOSE: To establish a State Emergency Planning and Community Right-to-Know program, including establishing a Emergency Planning and Community Right-to-Fund funded by reporting fees from regulated facilities. This fund will be used to support the State's responsibilities under the Federal Emergency Planning and Community Right-to-Know Act.

MEANS: Enact new law, Emergency Planning and Community Right-to-Know Act.

JUSTIFICATION: Current provisions for the Emergency Planning and Community Right-to-Know program are only codified in the federal law under the federal Superfund Amendments and Reauthorization Act (SARA, Title III). The state of Hawaii has begun implementation of this program based solely on the State's authorities as defined in this federal law. No provisions were made for federal funding for this new requirement. The purpose of this proposed State statute would be to establish a fee collection system, and an Emergency Planning and Community Right-to-Know fund, to provide resources for State and local agencies required to fulfill the requirements of SARA, Title III, and to provide a mechanism for the State to recover penalties into a State managed fund if chemical handlers do not comply with Title III. As the federal statute is currently written, any recovery of penalties for non-compliance with Title III must be returned to the federal government, even if the State conducts the enforcement action.

GENERAL FUNDS: None

OTHER FUNDS: Revolving Fund

OTHER AGENCIES

AFFECTED: DOA, DOD, DLIR, DLNR, DBEDT, DOT, OEQC, UH, American Red Cross, County Civil Defense Agencies.

STATE OF HAWAII
DEPARTMENT OF HEALTH
PROPOSED ADMINISTRATIVE BILL ANALYSIS

Program lead

Office of Hazard Evaluation and Emergency Response

Title of Proposed Administrative Bill: Relating to Emergency Planning and Community Right-to-Know.

- a) **Reason for submitting this bill:** Current provisions for the Emergency Planning and Community Right-to-Know program are only codified in the federal law under the federal Superfund Amendments and Reauthorization Act (SARA, Title III). The state of Hawaii has begun implementation of this program based solely on the State's authorities as defined in this federal law. No provisions were made for federal funding for this new requirement. The purpose of this proposed State statute would be to establish a fee collection system, and an Emergency Planning and Community Right-to-Know fund, to provide resources for State and local agencies required to fulfill the requirements of SARA, Title III, and to provide a mechanism for the State to recover penalties into a State managed fund. As the federal statute is currently written, any recovery of penalties for non-compliance with Title III must be returned to the federal government, even if the State conducts the enforcement action.
- b) **What alternatives were considered in the development of this bill?** The current legislation from many states that have a State EPCRA Bill in place were studied and considered.
- c) **Are there any rules, regulations or legislation which can be adapted or amended to accomplish the purpose of the bill?**
No
- d) **What would be the impact on your program if the proposed Administrative Bill is not accepted or passed by DOH/ the Governor/ the Legislature?** If this bill is not passed the

mandates of EPCRA cannot be fully met. For example, specifically mandated is to "supervise and coordinate the activities of" the Local Emergency Planning Committees, such assistance is impossible with the resources now available.

e) **What other action will the program take to accomplish the purpose of the bill?** Without further funding, there is nothing more the state can do with its current limited resources.

f) Name of person preparing the bill:
Rhonda Goyke 586-4249

Division Chief: _____ Date: _____

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
E0908RG.m1

October 20, 1992

MEETING SUMMARY
HAWAII STATE EMERGENCY RESPONSE COMMISSION
MEETING #11

Tuesday, September 22, 1992
8:00 a.m. - 12:00 noon

State Office Towers
Conference Room 1206
235 South Beretania Street

HSERC Commission Members and Representatives:

John C. Lewin, M.D., Chairmen, HSERC, DOH
Bruce S. Anderson, Ph.D., Vice Chairman, HSERC, DOH
Leighton Ah Cook for Major Edward Richardson, DOD
Russell Charlton for Keith Ahue, DLIR
Hiram Young for William Paty, BLIR
Barbara Siegel, School of Public Health, UH
Chris Takeno for George Kekuna, Honolulu LEPC Representative

Other Attendees:

Steven Armann, DOH
Rhonda Goyke, DOH
Terry Corpus, DOH
Carter Davis, HFD
James Vinton, PRI
Jackie Miller, UH
Sonia Chan-Hui, UH
Russ Josephson

I. Call to Order

- A. The 11th meeting of the HSERC was called to order by Lewin.

Due to hurricane Inike, several Commission members were unable to attend meeting #11. Therefore, decisions on key issues were deferred until the next HSERC meeting. Lewin encouraged a frank discussion of the administrative responsibilities of the HSERC. Lewin presented a brief history of the HSERC,

clarifying that the Governor designated the DOH as the lead agency for Emergency Planning and Community Right-to-Know, as well as appointing Lewin Chairperson of the HSERC. However, HSERC responsibilities could easily be housed in the Defense Department. If HSERC members desire the administrative responsibilities to be transferred to DOD and General Richardson agrees, the lead agency could be rededicated by the Governor.

Lewin expressed that the Chairperson should be an employee of whichever agency is dedicated as the lead for the HSERC. Electing a chairperson would not work well without dedicated and established staff. As long as the HSERC staff continues to report to an established agency, the chairperson should remain with that lead agency, as well as the HSERC staff.

However, if HSERC administrative responsibilities are transferred to another agency, the current staff in the HEER Office must remain with the DOH to administer the Superfund program.

- B. Discussion/Approval of Minutes from HSERC Meeting #10.
The draft minutes for Meeting #10 were approved as written (attachment 1).

II. Update by the Attorney General's Office

Lau presented a brief update to the HSERC.

Due to the unique nature of EPCRA implementation, i.e. HSERC and LEPCs established under Federal law only, the Attorney General's office requested additional time to research the issues further. Lau will try to finalize a memo in the near future that will clarify the outstanding issues.

Lewin suggested meeting again in 3-4 weeks. The meeting was then turned over to Anderson to conduct in Lewin's absence.

III. Draft State EPCRA Law (attachment 2)

Anderson stated that the EPCRA program has been struggling due to a lack of dedicated resources and personnel, the only long term solution is a State EPCRA law. Therefore, the HSERC staff was instructed to research other states EPCRA laws and to draft a Hawaii EPCRA Bill. The deadline for submitting bills for the administrative packet was September 19, 1992. It appears that the bill will be part of the administrative package, supported by the Governor. It is very important that the bill clarify roles and responsibilities of the HSERC, including which agency will be the lead. Very clear and specific language needs to be used to clarify the issues that seem to be holding up progress of the HSERC. Over the next two months we can work to modify the bill and reach consensus. It is vital that the Commission reach consensus and support this bill.

Anderson stated that one of the key points of the bill is the establishment of a fee system. Anderson feels that a \$250 filing fee is high and would like to see an alternate fee system that would be based on volume.

IV. HSERC "Guidelines" (attachment 3)

A task force was formed to draft HSERC Guidelines. As you read the Guidelines and the draft Hawaii EPCRA bill you will see several inconsistencies. For example, the Guidelines specify that the Chairperson will be elected, while the draft bill specifies that the Chairperson will be the Director of Health. Both DOD and DOH feel that it is vital that the staff of the HSERC report directly to the Chairperson of the HSERC, therefore, an elected chairperson approach will not work. Working with the existing infrastructure the lead agency should be the DOH or the DOD and the Chairperson and staff should be designated as such. We know that this is the first time any of you have seen the Guidelines and the draft bill, therefore, the next HSERC meeting will be scheduled to discuss the issues raised by these documents.

V. Demonstration of the Chemical Facilities Information System For Hawaii (CFISH)

Miller of the UH Environmental Center, introduced Chan-Hui, computer programmer for the project, and Josephson, consultant, for the project. Chan-Hui then proceeded with a demonstration of the CFISH program.

Anderson informed the Commission that Siegel requested that the fee system for the draft bill be discussed further. Before we proceed with that discussion lets complete all the agenda items.

Ah Cook inquired as to the feasibility of adding enforcement into the Guidelines or the draft bill for the purpose of forcing the LEPCs to comply with EPCRA and to the State Bill once it is in place.

Takeno informed the HSERC that private citizens could file suit against the LEPCs for not complying with EPCRA.

Anderson voiced concern over getting volunteer members for the LEPCs if a strong hand of enforcement is initiated. Ask Lau for assistance for enforcement of the LEPCs.

VI. Training

State of Hawaii Chemical Emergency Response Training Guidelines were distributed (attachment 4). The training guidelines, originally drafted in 1989, were redistributed with the hope that some of the training questions could be answered with these guidelines.

Ah Cook presented an update on the State Civil Defense training program (attachment 5).

VII. Policy Regarding the Use of the Environmental Response Revolving Fund In Neighbor Island Emergencies

Armann presented a brief overview of the Environmental Response Revolving Fund (attachment 6). Counties cannot directly access the fund. If county resources are over taxed, they must request assistance from the state and the state will access the fund when appropriate.

III. Draft EPCRA Bill (Continued)

Regarding a fee structure, fees would be used to support the HSERC, LEPCs, and training. Anderson questioned the appropriateness of the amount of the reporting fee and would like to see "quantity stored" worked into the reporting structure.

Siegel commented that one fee per company would simplify things. The fee could be based on severity of hazard. Companies usually complain more about the hassle of reporting than the actual fee.

Davis recommended using the original HMTUSA fee proposal as a guide. The HMTUSA grant guidance originally had a graduated system. The reporting requirements were also very simple.

Regarding exclusions, it was questioned whether petroleum and/or agricultural products should be exempt from EPCRA regulations.

VIII. Schedule Next HSERC Meeting (#12)

The commission agreed that the next meeting should be held in 3 or 4 weeks. Tentative dates were discussed, either October 20, 21, or 22 depending on Lewin's schedule.

The motion was made to adjourn the meeting at 11:15 a.m. The motion was unanimously passed.

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

Respectfully submitted,

Rhonda K. Gojke 10/20/92
RHONDA K. GOYKE date

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

MEETING SUMMARY
HAWAII STATE EMERGENCY RESPONSE COMMISSION
MEETING #10

MTG10FN.MIN-RG3

Monday July 27, 1992
9:00 a.m. - 12:00 noon

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

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
Jiggie Hommon, American Red Cross
George Kekuna, Oahu Planning District
Clifford Ikeda, Kauai Planning District
Sel Menor, Maui Planning District
Harry Kim, Hawaii Planning District

Other Attendees:

Bill Norris, SCD
Chris Takeno, OCDA
Jim Vinton, PRI
Larry Lau, State AG Office
Steve Armann, DOH/HEER
Rhonda Goyke, DOH/HEER
Mike Cripps, DOH/HEER

I. OPENING REMARKS

- A. The tenth meeting of the HSERC was called to order by Dr. Lewin. He introduced Steve Armann as Mark Ingoglia's replacement.
- B. Minutes of HSERC meeting #9 approved.

II. Update by the Attorney General

- A. Judy So, Deputy Attorney General has been designated to support the HSERC. In her absence Mr. Larry Lau, Deputy District Attorney, presented an update to the HSERC. 1) Does the HSERC need an Executive Order? Probably not, but may have additional benefits. 2) Are the LEPCs a subcommittee of the HSERC? Federal Law does not use that language. 3) Is the Sunshine Law applicable to the LEPCs? By broad definition the LEPCs should be complying with the Sunshine Law. 4) Information on tort liability is not available at this time. Mr. Lau emphasized that the HSERC and LEPCs clearly have a job to do and must continue to work to protect the public.
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The issue of overlapping the Contingency plans with OPA were raised, and although some overlapping would occur, it would not be much. More discussion in regards to overlapping of plans to take place in future meetings.

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The Commission determined that it would be prudent to establish the "Guidelines" before finalizing the Goals & Objectives.

The motion was made to adjourn the meeting at 11:45 p.m. The motion was unanimously passed.

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

Respectfully submitted,

Rhonda K. Gojke 10/18/92
RHONDA K. GOYKE date

OTHER STATES UPDATE
EMERGENCY PLANNING & COMMUNITY RIGHT-TO-KNOW PROGRAMS

July 6, 1992

OREGON

Program description: See Attachment 1 "State of Oregon" for details. The State of Oregon has designated the entire State as one LEPC. Local planning groups were formed in all 36 counties, as well as most cities and major towns. SERC and LEPC are two separate groups. Local planning groups may form a LEPC upon approval by the SERC.

EPA Headquarters Official Opinion: One statewide LEPC can not fulfill the intent of the law. Large numbers of LEPCs are needed for adequate local input for an emergency planning and prevention program. Headquarters refused to print Attachment 1 in any of the EPA publications providing updates and assistance to SERCs and LEPCs.

EPA Region X Opinion: One statewide LEPC works very well for Oregon. In fact, the LEPC is operating better than any other state in Region X. Oregon has legislation to support the program, therefore there is sufficient funding and staffing for the program. Grant money is used to develop CAER groups in seven cities to get local input.

Oregon LEPC Coordinator Opinion: One LEPC works excellently. Appointed to LEPC by the SERC to fulfill requirements as stated in EPCRA. Governor chairs the SERC, two distinct groups. SERC meets quarterly, executive committee to the SERC meets monthly, LEPC meets every two months. CAER groups around the state are encouraged to take the lead on local needs.

Future Projections: Due to the availability of funds from the HMTSA Grant, Local Planning Groups may split out as official LEPCs. If they are established as LEPCs they are eligible for 75% of the funds from the Grant.

DELAWARE

Originally one statewide LEPC, did not work. One LEPC was not community based planning, met the letter of the law but not the intent. Each county is now a LEPC. The State is committed to funding, a fee system is now in place but took three years to pass. General funds were used during the three years required to establish a fee system.

SOUTH DAKOTA

Originally six planning districts, did not work. Counties did not work well together. The decision was made to go with 66 County divisions, where the infrastructure was already in place. Multiple division are necessary to achieve local input. The FEMA Emergency Plan is the basis Plan for the State and EPCRA is an appendix. EPCRA requirements are fulfilled by two separate divisions: 1)Reporting requirements and facilities, and 2)Emergency management which handles emergency plans and LEPCs.

KANSAS

105 LEPCs by County divisions, 75-80% working well. Emphasis has been placed on requesting assistance and benefiting from existing agencies, organizations and financial assistance from available grants. For example, Kansas has received equipment and computers for the LEPCs through EPA Section 313 enforcement using beneficial offset penalties. There are also grants available through the International City Managers Association (ICMA) which assists SERCs and LEPCs through a "Peer Exchange Program", ICMA pays for the costs associated with the peer exchange.

Compliance enforcement has also been top priority with Kansas. They have used an EPA grant to set up an Expert Computer System (Artificial Intelligence). Simple stated, this is a two part program: 1) learning and 2) the application of rules. The system looks at available data such as Dunn and Bradstreet, SIC codes, IRS information, taxes, ground water injection, land ownership, electricity usage, etc. to determine the probability that a facility should report under EPCRA.

REC'D MAY 1992

Post-It™ brand fax transmittal memo 7671		# of pages > 3
To Rhora	From Walt. Jagers	
Co. Emerg Mgt.	Co. USEPA Seattle	
Dept. State of Hawaii	Phone # (206) 553-9255	
Fax # 808-586-4370	Fax # (206) 553 0175	

LEPC Organization

Planning

Information Management

Funding

DRAFT: November 14, 1990

STATE OF OREGON

~~LOCAL EMERGENCY PLANNING COMMITTEE (LEPC):~~

26 members, including a representative from every State agency, and representatives of local government, public interest groups, industry, and citizens. All members received a letter from the Governor requesting their participation.

Population: 2,650,000

Facilities: 80,000, ranging from large manufacturers to gas stations

Oregon has taken a unique approach in implementing Title III. In order to meet the deadlines and maximize use of its resources, the entire State was designated as one LEPC. In establishing this Statewide LEPC, Oregon expanded its existing Interagency Hazard Communication Council to serve as the State Emergency Response Commission. A single LEPC was formed, using community and private-sector groups and local government officials to fulfill the spirit of broad-based participation.

In fulfilling its responsibilities for Oregon, the State LEPC combined the task of collecting and managing Title III information with the Oregon State Fire Marshal's Community Right-to-Know program. This information is maintained on a data base which is accessible to local emergency planners and responders via modem 24 hours a day. Data is available to the general public in hard copy form. While the State LEPC adapted an existing State emergency response plan to meet the Title III planning deadline, the LEPC recognized the need for comprehensive planning at the local level that incorporates Title III information on chemical hazards in each community.

Although Oregon has only one official LEPC for the entire State, more than 250 local groups were formed under State law to develop comprehensive emergency plans that address community-specific hazards. The State LEPC asked these planning groups to have as much broad-based participation as possible, in keeping with Federal law. Oregon undertook this approach in establishing its Title III structure in order to:

- Meet the short deadlines established in the Statute;
- Allow the State more control to ensure that the planning was accomplished in a thorough and timely manner; and
- Establish and manage statewide information systems, which would reduce paperwork burdens for the local planning groups.

At present, there are planning groups and planning processes developed in virtually all communities within Oregon. Upon request, the State LEPC would allow these planning groups to become formal LEPCs themselves. Several planning groups have indicated interest in making such a request.

LEPC ACTIVITIES

PLANNING. Local planning groups were formed in all 36 counties in Oregon, as well as most cities and major towns throughout the State. The State LEPC and these groups were established two months prior to the passage of Title III in order to develop a State-mandated hazardous materials plan. With the passage of Title III, the scope of their State-mandated task was expanded to include Title III planning requirements.

At present, 98 percent of the planning groups, representing a majority of the State's population, have completed their plans. Each of the plans is required to be consistent with the State plan and, more importantly, to integrate state support of local jurisdictions. Each local plan will eventually be an annex to the State LEPC plan.


In addition, the State LEPC requires all facilities that report under Section 302 to develop, or prove that they have developed, facility emergency response plans. Oregon estimates that approximately 90 percent of facilities covered by Section 302 have reported.

INFORMATION MANAGEMENT. The Oregon State Fire Marshal has incorporated information provided by facilities under Title III Sections 302, 303, 304, 311, and 312 into a computer data base. The data base is maintained on a 3-COM local area network using SUPERBASE software. The data management software is designed to establish information fields for the collection and maintenance of data, as well as the generation of Title III information in many formats. A hard copy of the Title III information is printed from the data base and sent annually to each fire district, lead county health official, and local planning group. After receiving this hard copy summary, many recipients have made special requests to the State Fire Marshal for more specific information from the data base—for example, the locations by county of all facilities that handle a specific hazardous chemical.

Local planning groups can access this data base, known as HAZCOM, by modem 24 hours a day. A separate emergency phone number has been established to provide emergency responders with access to the computerized information in an emergency situation. State Fire Marshal staff are also available 24 hours a day to help local planning groups and emergency responders access the data base or interpret the data.

This data base has proven to be crucial in emergency situations. For example, a local fire department responded to a fire in a repair shop at a State-owned facility. By using the data base, the fire department identified the chemicals present and determined it was safer to let the fire burn out than to try to extinguish it. The fire department believes they saved thousands of dollars in response costs by letting the fire burn rather than dousing it with water, which would have created a larger, more toxic plume.

Modem access to the data base is free, but prior State Fire Marshal approval is required. State Fire Marshal staff can also research information and provide hard copy summaries. Data in the data base is also available to the general public.

 **FUNDING.** Title III Sections 301-303 implementation are not funded. The Title III Section 302 program, however, is self-supporting. Employers that fall within the reporting guidelines of Section 302 must pay a fee based upon the types and quantities of hazardous materials that they use, manufacture or store. This fee is a sliding scale, adjusted for both the quantity and the level of hazard that the material represents.

The LEPC function is not funded, but is staffed and supported by the Office of State Fire Marshal. The Agency also provides staff support and coordination for the State Emergency Response Commission.

ADMINSFM/C

SECTION 6
KANSAS
SERC BYLAWS

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BY-LAWS ¹

(Adopted on March 17, 1992)

PREAMBLE

These by-laws are adopted by the State Emergency Response Commission of the state of Kansas. This Commission is empowered to implement the provisions of Title III of PL-99-499, the Emergency Planning and Community Right-to-Know Act of 1986 and K.S.A. 65-5701 et. seq and amendments thereto, The Kansas Emergency Planning and Community Right-to-Know Act.

ARTICLE I

NAME

Section 1. The name of this commission shall be the State Emergency Response Commission of the State of Kansas. Here inafter referred to as SERC or the Commission.

ARTICLE II

PURPOSE

Section 1. The purpose of the SERC shall be to carry out the provisions of K.S.A. 65-5701 et. seq. and amendments thereto, and PL 99-499, Title III. These include providing assistance in the coordination of state agencies activities relating to: (1) chemical emergency training, preparedness, and response; (2) chemical release reporting and prevention, transportation, manufacture, storage, handling, and use.

¹ March 18: Note: words in italics were not adopted on March 17, 1992. However Secretary Young has agreed to wording as originally proposed. This material will be offered for adoption at May meeting.

Section 2. Duties: the Commission shall perform such duties as specified in the federal act to be performed by such Commissions and, in addition thereto such duties as specified in the laws of this state or as are deemed necessary and appropriate by the Commission to achieving its purposes in accordance with the requirements of the federal act. The Commission shall establish local planning districts, subject to approval by the Secretary of Health and Environment and the Adjutant General, and shall appoint a local planning committee for each such district. Local planning committees shall perform such duties as specified in the federal act to be performed by such committees, and in addition thereto, such duties as are assigned by the commission or by any member of the commission acting on behalf of or at the direction of the commission, or are as deemed necessary and appropriate by each such committee to achieve its purposes. The duties of the Commission and the local emergency planning committees shall be performed in accordance with rules and regulations adopted pursuant to K.S.A. 65-5701 et.seq. and amendments thereto.

ARTICLE III.

MEMBERSHIP

Section 1. The membership of the commission shall consist of those state officers and individuals designated under K.S.A. 65-5703 or their appointed designees.

Section 2. Members of the Commission appointed by the governor shall serve for terms of two years. Any vacancy in the office of an appointed member of the Commission shall be filled for the unexpired term by appointment of the governor.

Section 3. State officers shall provide written notice to the chairperson of the

Commission of their appointed designee. Designees may be appointed for any period at the discretion of the state officer making the appointment. Such appointments shall be noticed to the chairperson prior to their effective date and further the chairperson shall be noticed when the term of such appointment shall expire or when a new appointment is made.

Section 4. Designees: designees shall serve at the pleasure of the state officer making their appointment and have the authority to act on behalf of the state officer in all matters before the Commission in a manner consistent with and equivalent to that authority residing in the state officer which the designee represents. The term of the appointment of the designee shall expire with that of the individual state officer appointing said designee unless otherwise reappointed by a successor to the state officer.

ARTICLE IV.

VOTING

Section 1. Quorum: a quorum shall consist of the majority of the members or their voting designees. A quorum is necessary for the conduct of any official business or official votes of the Commission.

Section 2. One vote is allocated to each state officer or their designee, and each appointed member. A majority of those voting yea or nea shall determine all questions presented at regular or special meetings of the Commission.

Section 3. The staff director will publish the count of all votes, including abstinence, in

the minutes of all meetings.

ARTICLE V.

MEMBERSHIP RIGHTS AND PRIVILEGES

Section 1. Members or their designees shall be entitled to full rights and privileges of the Commission including the right to hold office, to be a member or chair of committees, and to vote on issues to come before the Commission. The Chairperson is the sole individual authorized to represent the Commission unless otherwise provided for in these by-laws. In addition, the Chairperson on behalf of the Commission may call upon the executive director to perform special studies and surveys or provide other support services within reason and consistent with the goals and objectives of the Commission, and resources available to the Commission staff.

Section 2. Resignation: any designee for a state officer may resign by filing a written resignation with the executive director or chairperson and their appointing state officer.

Section 3. Annual meeting: the first meeting in April of the Commission shall be considered the annual meeting for purposes of election of officers, appointment of committee chairpersons, and date of commission for filling vacancies of appointed members.

ARTICLE VI.

OFFICERS, AND STAFF DIRECTOR

Section 1. Administration of the SERC is vested in a Chairperson, Vice-Chairperson and

Staff Director. The Staff Director is the chief staff person provided by the Kansas Department of Health and Environment as staff support to the Commission. *The Staff Director is authorized to serve on all committees and sub-committees of the Commission at the direction of the Chairperson.* The Staff Director is authorized to vote on all committees and sub-committees to which he/she serves to the same extent any non-commission member is so enabled. The Chairperson shall be elected annually by members of the Commission. A Vice-chairperson shall be designated by the Chairperson on an annual basis to serve in the absence of the Chairperson. The Chairperson may not be the department head or designee from the Kansas Department of Health and Environment or the Adjutant General's Department.

Section 2. The Chairperson and the Staff Director shall carry out the routine work of the Commission and may further act on the behalf of the Commission between meetings.

ARTICLE VII.

DUTIES OF THE CHAIRPERSON

Section 1. The Chairperson shall establish standing and temporary sub-committees for those purposes necessary to carry out the work of the Commission. The Chairperson shall appoint committee and sub-committee chairpersons and membership.

Section 2. The Chairperson shall be responsible for coordinating Commission administrative activities with the staff director. These activities shall include staffing various committees and sub-committees, providing research, preparing and signing correspondence, preparing reports, representing the Commission before public bodies, at public meetings,

and to carry out other such business as directed by the Chairperson. The Chairperson may delegate the authority to carry out these activities on behalf of the SERC to the Staff Director or any member of the commission, acting instead of the Chairperson.

Section 3. The Administrative Committee shall provide recommendations on behalf of the Commission to the Secretary of Health and Environment regarding budgetary needs of the Commission. The Administrative Committee, with the advice of the Staff Director, shall be authorized to direct expenditures on behalf of the Commission, its members, or for any other purpose consistent with those limitations provided on the Commission by the legislature through legislative appropriations for the Commission contained within the Kansas Department of Health and Environment budget.

Section 4. The Administrative Committee, on behalf of the Commission and after consultation with the Adjutant General's Department and the Kansas Department of Health and Environment is authorized to apply for and receive monies, grants, contracts, or awards from any source where such activities are contingent upon approval or concurrence of the State Emergency Response Commission. The Administrative Committee may, as necessary, delegate this authority to a state agency acting on behalf of SERC.

ARTICLE VIII.

ELECTIONS, TERM OF OFFICE, AND SUCCESSION TO OFFICE

Section 1. The Chairperson shall be elected annually by members of the Commission. The Chairperson is the only officer elected by the Commission. A Vice-Chairperson shall be designated by the Chairperson to serve in the absence of the Chairperson.

Section 2. Vacancy in office:

A. in the event of a vacancy in the office of the Chairperson the Vice-Chairperson shall immediately succeed into the position of Chairperson for the remainder of the term. He/She may in turn appoint an interim Vice-Chairperson who shall serve also until the remainder of the term.

B. In the event of a vacancy in the office of the Chairperson and Vice-chairperson the Commission at its next scheduled meeting shall elect an interim Chairperson from its members to serve out the remainder of the term. The Chairperson so elected may in turn appoint an interim Vice-chairperson to serve out the remainder of the term.

ARTICLE IX.

COMMITTEES

Section 1. The Chairperson may establish such standing and special committees as are needed to promote the work of the Commission and the Chairperson may appoint committee and sub-committee chairpersons and committee or sub-committee members. The Chairperson may further, as discretion dictates, appoint non-voting members to such committees of individuals with skills, experience, or interests that the Chairperson considers would contribute to the work of said committees or sub-committees. These members may be from the public, private sector, or academia.

Section 2. The following shall be standing committees for the commission. A. Administrative Committee which would include by-laws, funding, and strategic planning (legislative and regulation). B. Information Management Committee which would include CAMEO, Spill Reporting and Compliance and Enforcement. C. Emergency Planning

Committee, which would include Local Emergency Planning Committees; training and regionalization.

Section 3. Functions of committees:

A. the Administrative Committee shall consist of the chairperson and department head or designee from the Kansas Department of Health and Environment and the Adjutant General's Department. The staff director and vice-chairperson are non voting members of the Administrative Committee. The Administrative Committee shall provide counsel to the Chairperson in the performance of the routine functions of management of the affairs of the Commission between Commission meetings including proposal and adoption of administrative policies and procedures, consistent with these by-laws. Major actions taken by the Administrative Committee which reflect upon policy not previously established by the Commission shall be presented to the full Commission for ratification at the next subsequent full Commission meeting. In addition, the Administrative Committee shall recommend the adoption of by-laws to clarify operating procedures; evaluate and recommend alternative funding mechanisms to pay for activities to be accomplished under the Kansas Emergency Planning and Community Right-to-Know Act; and shall have a broad mandate to investigate, review and advise the Commission on matters effected by or effecting legislation, rules and regulations, policy, or other actions at the federal, state, or local level impacting upon or impacted by the activities of the Commission.

B. The Information Management Committee shall review and advise the Commission regarding technologies and options for information management including the state wide Data Management system and CAMEO applications; and coordinate state agency

programs for receipt and handling of reports of spills or other incidents which may result in episodic releases of hazardous material. Further, the committee shall investigate and coordinate agency compliance and enforcement activities associated with emergency response planning, hazardous chemical releases, and other activities associated with hazardous chemicals in the community.

C. The Emergency Planning Committee shall recommend adoption of standards, procedures, and methods of accreditation of training courses and instructors; and shall assist the Division of Emergency Preparedness in implementation of a registration program for accredited training courses, instructors and students successfully completing such courses. Further the committee shall investigate and recommend to the Commission adoption of policies or guidelines regarding regionalization of state and local response and planning activities associated with hazardous chemical release prevention and discharge clean-ups. The committee shall consult with LEPCs and make recommendations to the Commission regarding LEPC activities, appointments of members, designation of Local Emergency Planning Districts, and/or any other state actions effecting LEPCs.

ARTICLE X.

FISCAL YEAR

Section 1. The fiscal year of the Commission shall coincide with that of the State and ending on June 30 of each year.

ARTICLE XI.

AMENDMENTS

Section 1. A. These by-laws may be amended by majority vote of the quorum present

at an annual meeting or special meeting of the State Emergency Response Commission, providing notice of proposed amendments has been sent to all members not less than thirty (30) days before the annual meeting or special meeting, and providing a copy of the proposed amendments accompanies the notice.

B. For purpose of taking action on amendments to by-laws, a quorum shall mean two-thirds of the current membership of the SERC.

C. All amendments to such proposed amendments must be in writing and may be adopted immediately by a two-thirds vote of those present. If adopted the amended amendment shall then be voted upon. Amendments may be proposed to the Commission by any member and at any time prior to an annual or special meeting consistent with subsection "A" of this article.

ARTICLE XII.

MEETINGS

Section 1. The Commission shall have an annual meeting as specified by these by-laws.

Section 2. Meetings of the Commission shall be held on the second Thursday of the month unless otherwise designated by the Chairperson or the Commission.

Section 3. At any meeting of the Commission, issues may be discussed briefly before formal motion is made. Whenever a question of procedure is raised, Roberts Rules of Orders newly revised shall prevail. Federal and state statute, rules and regulations shall have priority where conflicts with Roberts Rules may occur.

Section 4. Records of all meetings, votes, discussions and other transactions at annual meetings, special meetings and or committees shall be maintained by the Staff Director. Such reports shall be available at the next regular meeting of the Commission. Summary reports will be mailed or presented at each meeting to Commission members by the Staff Director or by appropriate committee or sub-committee chairpersons.

Section 5. Prior notice of Commission meetings shall be published in the State Register. All meetings of the Commission are open to the public consistent with the Kansas Open Meetings Act and all records of the Commission unless otherwise designated and consistent with provisions of the Kansas Open Records Act, shall be open to the public.

SECTION 7

INTERAGENCY AGREEMENTS

I. MEMORANDUM OF UNDERSTANDING BETWEEN KDHE AND THE ADJUTANT
GENERAL'S DEPARTMENT

In order to coordinate activities and divide responsibilities in implementing SARA Title III, the Kansas Department of Health and Environment (KDHE) and the Kansas Adjutant General's Department entered into a Memorandum of Understanding (MOU) on September 8, 1987. The basic division of responsibilities emanates from the Kansas statute (see appendix D). It stipulates that the Adjutant General shall be responsible for emergency planning and the requisite rulemaking, while KDHE shall support the SERC, manage EPCRA information, and likewise adopt necessary rules. The MOU provides a more detailed delineation of duties and responsibilities between KDHE and the Adjutant General's Department. The MOU is reproduced in appendix K.

II. PROGRAM COMPLIANCE AND ENFORCEMENT POLICY DOCUMENT

This document outlines the general strategies, policies and procedures for obtaining compliance with Title III in Kansas. It is based in part on an agreement between KDHE and the Region VII Environmental Protection Agency. While the Policy Document is not binding, it does describe normative procedures to be followed by the involved agencies. The Policy Document:

- *describes factors to consider in determining the appropriate approach to take
- *outlines the compliance strategy
- *describes the tools available to the enforcing agencies
- *includes a formula for determining the settlement value of claims against facilities subject to civil actions

The Policy Document is reproduced in appendix K.

HSERC INFORMATION MANAGEMENT CONCEPT

A. CONSIDERATIONS FOR INFORMATION MANAGEMENT SYSTEM

1. Statewide
2. Built on existing backbone system.
3. System must have redundant communications channels and built-in backup.
4. Automate reporting requirements under EPCRA--other applicable State/Federal laws.
5. Maximum use of existing resources.
6. Capability to interconnect with selected Federal data systems.
7. Simple to operate--integrated with existing systems to reduce training requirement.
8. Bottom-to-top system, i.e., raw information flows in at the bottom and is accessed, compiled, and extracted at entry level, as well as higher levels to support functions of first response agencies; LEPCs and county emergency management; HSERC and State emergency management in meeting their responsibilities.
9. Real time or near real time data transfer capabilities.
10. Immediately accessible by first response organizations (Fire Departments)
11. Immediately accessible by emergency management organizations at county and State levels.
12. Accessible on a timely basis to LEPC and HSERC to support planning and policy decisions mandated by law.

B. EXISTING CAPABILITIES

1. HARDWARE

- a. Backbone communication and data transfer links exist in the RAINBOW dedicated microwave system operated jointly by the State of Hawaii and U. S. Customs. All county EOCs currently have State provided PC-AT terminals and 9600 baud direct connect modems. This system is backed up by commercial telephone lines and 2400 baud modems. Dial-up access via commercial telephone lines with selected State and Federal agencies exists.

- b. State Civil Defense operates a Digital VAX minicomputer that hosts CHIEF/IEMIS and electronic mail, file transfer, office automation, and communications services to the network. CHIEF/IEMIS is available on two graphics terminals and various PCs within the State EOC via hard-wire Local Area Network (LAN), and to remote terminals via the RAINBOW microwave system and commercial telephone line/modem access. Each EOC has a State provided PC terminal with printer, mouse, and modems attached. The EOCs in County of Hawaii and County of Kauai also have full Macintosh computers with mouse and printer. All of the county fire departments with the exception of Kauai are equipped with Macintosh computers. However, Hawaii County Fire Department currently does not have modem capabilities but is in the process of evaluating their future needs. State Department of Health is equipped with both PC terminals and Macintosh terminals, modems, and mice. Other State agencies are equipped with a mix of hardware. Federal Emergency Management Agency (FEMA) is equipped with Digital VAX mainframes running IEMIS and various PCs.

2. SOFTWARE

1. In general terms, there are two existing programs: CAMEO and IEMIS/CHIEF.
 - a. CAMEO is an integrated program that is designed to run independently on a hard drive and is therefore portable. It has the ability to store, display, and print graphic and text based files depicting Hazmat facilities. Further, it can generate EPCRA reports. CAMEO has two basic air models. The first is to estimate airborne pollutant concentrations downwind from the spill source and the second is to calculate a threat zone or worse case scenario based on chemical and atmospheric information. Worse case scenario can be stored in the system for future reference. The mapping functions of the CAMEO program have been expanded in the DOS version and will be available in the Macintosh version in November. This mapping function utilized U. S. Census Bureau Tiger files and will allow pan and zoom capabilities, in addition to allowing up to 16 map overlays to be added for specific

information. CAMEO accesses the CHEMTREC hazardous chemical database which is built into the program and has an excellent first response hazardous material identification module called Codebreaker. Codebreaker contains information for 3,311 chemicals and over 60,000 synonyms, trade names, identification numbers, and labeling conventions, each cross references. Codebreaker is linked to the Response Information Data Sheets which provides general and detailed information for all the chemicals in Codebreaker.

- b. IEMIS/CHIEF is a full capability Geographic Information System (GIS) that runs on a Digital VAX mini-computer. It is designed as a multi-user system and is accessible by multiple users via network or modem. CHIEF does very sophisticated plume analysis of both light and heavy gas models. It also includes decision support, emergency resource, planning, and chemical database modules. It accesses the CHEMTREC hazardous chemical database which is built into the program. CHIEF will store, display, and print many EPA reports. It allows input of facility information, to include Material Safety Data Shelter (MSDS) data by keyboard entry or mass loading from properly formatted existing files. CHIEF is a true GIS that allows full tailoring and editing of maps. Further, it allows unlimited pan and zoom of the digital maps. It also allows direct access from map icons to the chemical database and to the plume generation module. CHIEF supports real time data transfer and ensures that everyone is looking at the same information through its multiuser architecture.

D. DISCUSSION

1. We are dealing with a number of requirements. Emergency first response operations, statewide data management, report generation, decision support, and regulatory compliance. No one system meets all requirements and adherents of existing systems don't want to lose their investment in hardware, training, and existing data.
2. The State of Hawaii does not have the luxury of thinking in terms of a single Hazmat incident independent of any other disaster. We must think in terms of

the whole State including multiple jurisdictions and the possibility of a widespread disaster with multiple Hazmat related incidents occurring in two or more counties at the same time. This possible scenario demands a data management system that can integrate all disaster related data and provide information in real time to support resource allocation decisions at the State level. It also suggests a system that can support real time links to Federal systems to implement the Federal Response Plan.

3. The CAMEO system was the first one into the arena. It was designed as a tool to support emergency first response activities as a stand-alone program. It has an installed base in county fire departments. Currently, in Hawaii CAMEO runs on a Macintosh computer in a single user environment. It is available for a DOS based PC, but is still a stand-alone, single user program. The existing computers are not yet networked, although modems have been ordered. When they are, it will be a "stovepipe system" that is not integrated with other data and communication would still be limited to file transfer as the CAMEO program was and is a single user program.
4. As a single user program, it has advantages. It can be run from a single machine that is carried to the site of an emergency, independent of exterior communications links, and it can do "quick and dirty" plume analysis. CAMEO excels in that role and should be retained by the fire departments and other selected first response agencies. CAMEO will never be capable of serving as a statewide, multiagency/multilocation information management system because of its single user architecture. Mailing disks back and forth is not acceptable as a primary information exchange medium. It is far too slow to meet the needs of emergency management and resource allocation. It invites errors at critical times in a statewide disaster because no one location can ever be sure that other involved locations are seeing the same information, and does not allow for real time or near real time data exchange during and immediately after a multiple disaster. Decision makers must have current information on all impacted locations to support decisions.
5. CHIEF is a third generation integrated hazardous materials management program. It is built around relational database technology and is based on a GIS core that allows full near real time data exchange from the

county level through State and FEMA Region to National level at FEMA national headquarters in Washington, D.C.

6. CHIEF is designed to be run on a central computer with users accessing it from terminals that are attached to the main computer through a hardwired network or from remote terminals via modem. The terminals can be either TECTRANIX graphics terminals, or DOS based PCs/Macintosh PCs running a software program that allows them to emulate the graphics terminals. CHIEF is designed as a multiuser program. That is, once data is entered, everyone who accesses the program sees the same information. It also supports real time data transfer. Users can enter information from any remote terminal and the data is immediately put into the system. As soon as the entering party exits the program, the data is accessible to all.
7. CHIEF runs both a "basic" plume dispersion model that is roughly analogous to the CAMEO model; however, it also runs and saves very sophisticated models considering wind shifts, weather variations, and multiple releases with either light gas or heavy gas models. This feature, when used in conjunction with the full GIS mapping capabilities, GIS based emergency resource data, and decision support modules, gives CHIEF enormous analytical capabilities.
8. CHIEF meets the requirements for an information management system. It is currently installed on the State Civil Defense VAX minicomputer and is accessible by all county EOCs, DOH, FEMA and DBED. Other selected State and Federal agencies are joining the network. The existing network consists of the VAX, PC terminals at all county EOCs connected via a dedicated microwave data channel. That channel is backed up by a separate modem and commercial telephone line. DOH, DBED, DHS, FEMA and other selected State and Federal agencies are connected via commercial telephone line and dial-up modem. The investment is a PC (either IBM type or Macintosh) which already exists in all interested agencies, a modem, and terminal emulator software. The software is currently available through ComputerHouse for \$850.00 per unit.
9. This is not meant to imply that everyone should dump CAMEO and shift to CHIEF. If that happened, it would be a disaster. We should use each system for those tasks that it does best. CAMEO handles response and "immediate on-site decision support" best as exemplified by its "Code Breaker" chemical identification

module and it should be retained for that role. CHIEF handles information exchange, analysis, and integration of Hazmat related information into a wide area disaster best and should be used in that role.

10. Immediate sticking points are system training and existing information translation. There are no easy answers. In at least two Counties (Kauai and Hawaii), both CAMEO and CHIEF currently exist side by side. Data entry personnel double as Civil Defense staff and are required to send disaster information to State level through the existing IEMIS/CHIEF system and associated electronic mail, file transfer, etc. The Macintosh/CAMEO cannot fill this role and seems a waste of precious staff to require them to learn, maintain, and use two separate systems in an emergency. CHIEF is at least as easy as CAMEO to learn and can be taught in 3 to 5 days on site. In the City and County of Honolulu, Maui, and Hawaii, the fire departments handle data entry into CAMEO while the county civil defense staff have terminals which are already networked with the State Civil Defense VAX, running CHIEF.
11. Data currently in either system would need to be transferred to the other, so there is nothing to be gained by choosing one over the other in this regard.

E. TASKS

1. Fire Department responsible for all CAMEO data entry. County civil defense staff that double as LEPC staff responsible for CHIEF data entry. (No one has to learn or use more than one system.)
2. Develop formats for new data to be forwarded to the LEPC to ease entry of data into system. For example, facility information that meets International Graphics Exchange System (IGES) format (AUTOCAD export files meet the format) can be directly entered into the CHIEF system without rekeying. Text data such as MSDS data can be directly imported into CHIEF as an ASCII file that meet a set of preestablished data fields.
3. Develop translation formats to move existing data files between CAMEO and CHIEF. For example, there are software programs that claim to be able to translate scanned images into vector based, AUTOCAD readable files.
4. Some information may have to be reentered manually.

F. FUTURE OUTLOOK

1. Technical trends are moving away from single user systems and heavily concentrating on multiuser architectures. This year EPA at the Federal level will become involved with a multiuser, GIS based information system as part of the Chemical Stockpile Emergency Preparedness Program (CSEPP). This Federally supported program is in-place in eight states and uses IEMIS/CHIEF compatible hardware and software. It is the only system currently available that will record, store, analyze, and exchange emergency chemical release response data at the national level.
2. The State of Hawaii Civil Defense is scheduled to receive the CSEPP software in August of 1992. SCD already has the hardware and communications system to support it. If the State of Hawaii adopts CHIEF/IEMIS/CSEPP as the statewide information management program, we will be able to exchange data directly (electronically) with EPA. EPA can be encouraged to tie into the existing system through FEMA Region IX in San Francisco or directly with the State of Hawaii system with the purchase of TGRAF software to access our system. This can simplify our reporting and response. It also may make EPA money available to support extensive training and hardware upgrades to make the system available to more users. Eventually, all state and county agencies involved with emergency response and environmental enforcement could be linked into one common system, all using the same data which will be up-to-date and only has to be entered one time to satisfy all requirements.
3. The existing State Civil Defense VAX will support the existing users of CHIEF/IEMIS; however, the operating license and hardware will have to be upgraded to support a full capability system. Funding may be available through both FEMA on the emergency management side and EPA on the environmental enforcement side.

G. CONCEPTUAL STATEWIDE HSERC INFORMATION MANAGEMENT SYSTEM (See attached diagrams)

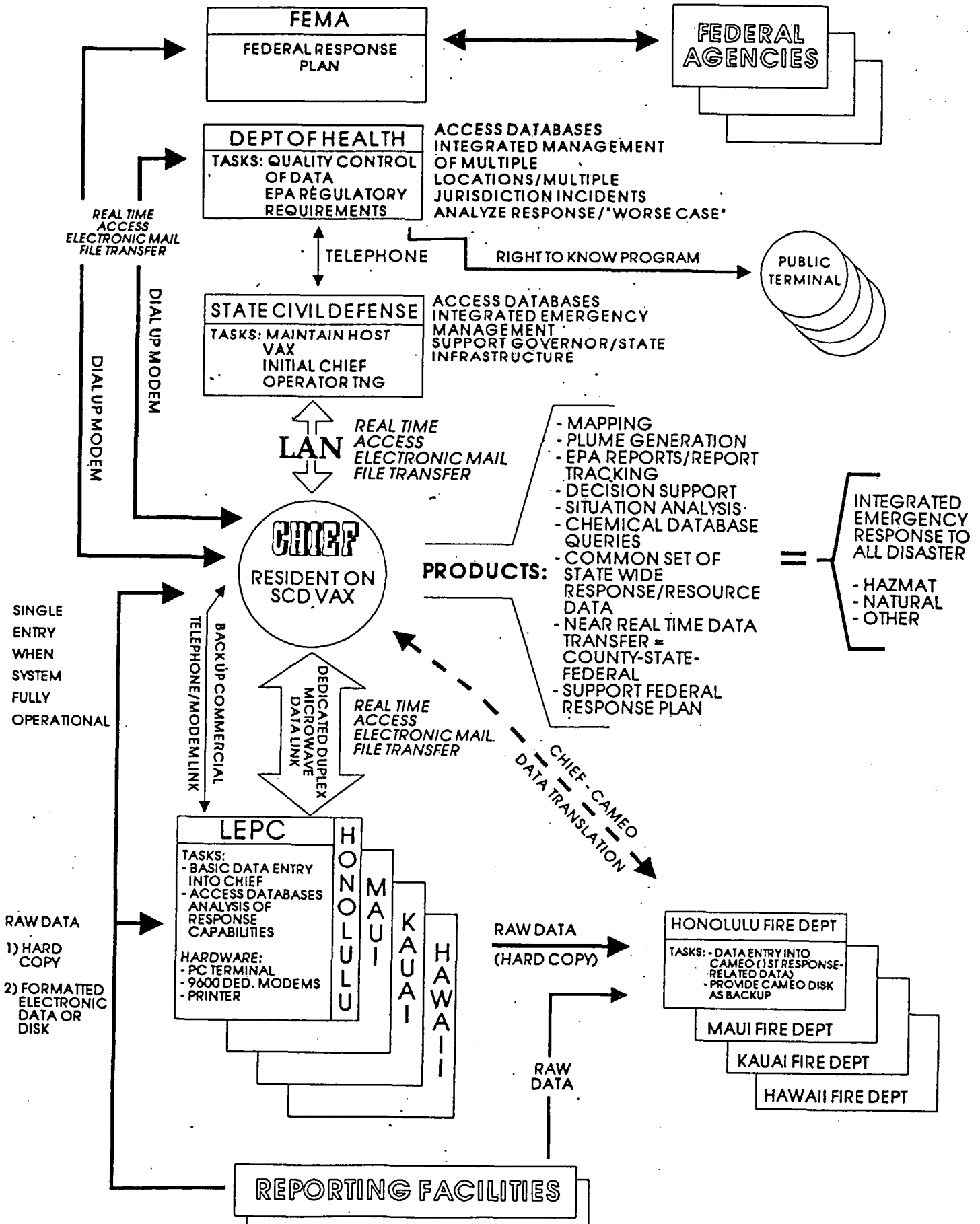
1. Information flows from reporting facilities into the system at the LEPC.
2. LEPC enters new information into CHIEF system via existing remote terminal at their location (County CD). Data can also be entered at State level by any agency with access to the system.

3. LEPC distributes raw information to fire departments for quality control.
4. State Civil Defense has responsibility for CAMEO/CHIEF operator training. To be funded primarily through EPCRA grants and possible HMTUSA training grants.
5. Information entered into CHIEF is available to SCD, HSERC, LEPCs, Federal agencies, and other interested agencies for response and management of system.
6. LEPC and HSERC access CHIEF to track/produce EPA required reports.
7. DOH develops and exercises oversight of Community Right to Know Program.
8. DOH exercises quality control over data through on-line review of data entered from remote LEPCs.
9. SCD maintains backbone dedicated microwave communications system, hosting mini-computer and provides initial CHIEF operator training.

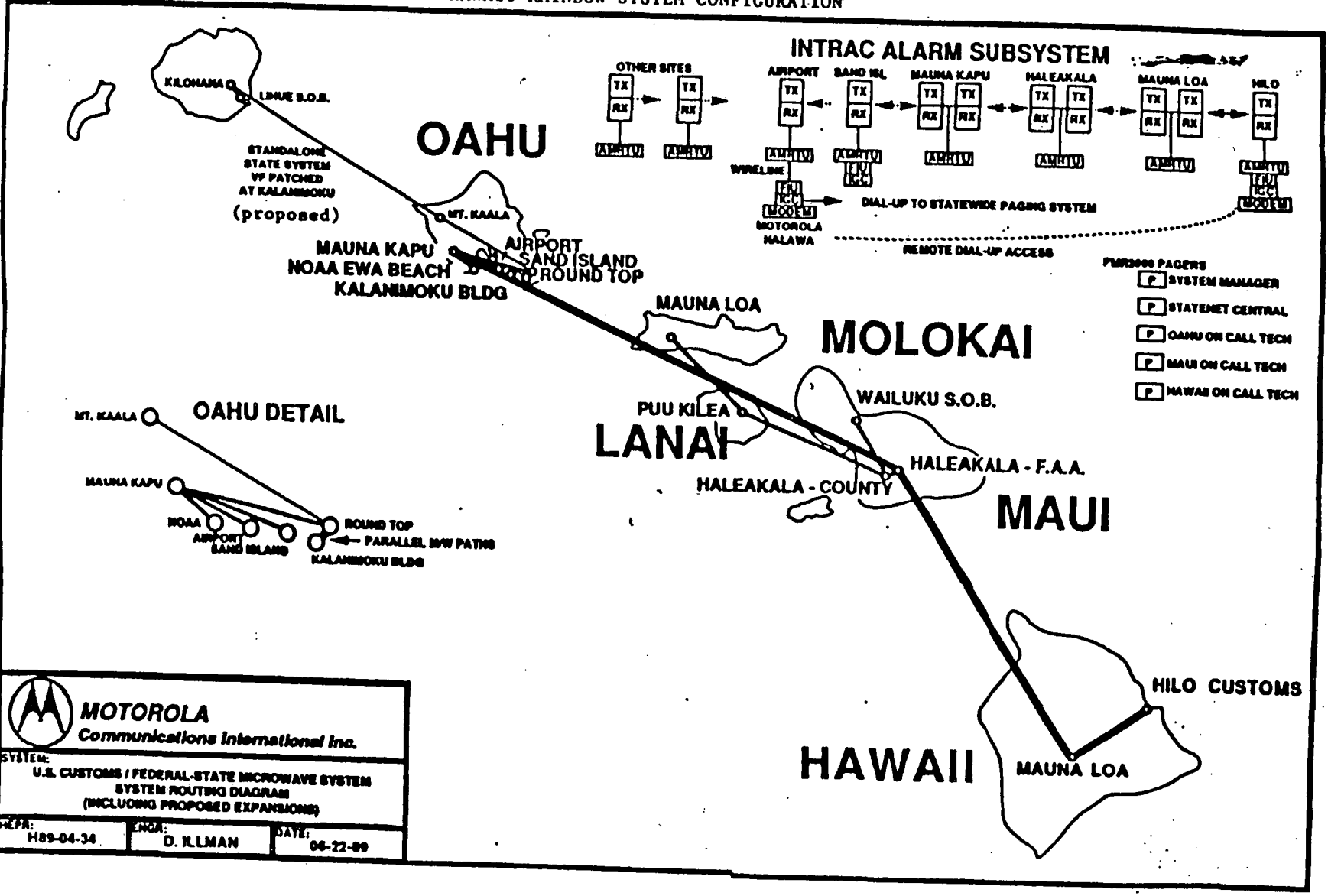
H. RESPONSE

1. OSCs access "local" database kept by local fire department on stand alone CAMEO system for initial response until portable laptops running CAMEO become available. Data entered into CHIEF at local county EOC for the LEPC.
2. Wide area or multijurisdictional responses are managed by State through information accessed by state level decision makers through CHIEF as it is entered into system from LEPC level.
3. CHIEF allows decision makers to "overlay" Hazmat release information on other disaster related data, resource data, and infrastructure data to support integrated decision making.
4. Information can be quickly transmitted to Federal level at FEMA Region IX and FEMA national through compatible GIS systems. FEMA can directly access SCD GIS system in real time and State Civil Defense can directly access the FEMA GIS system in real time. The systems are totally compatible and can directly exchange text and digital map data.

INFORMATION MANAGEMENT SYSTEM



HAWAII RAINBOW SYSTEM CONFIGURATION

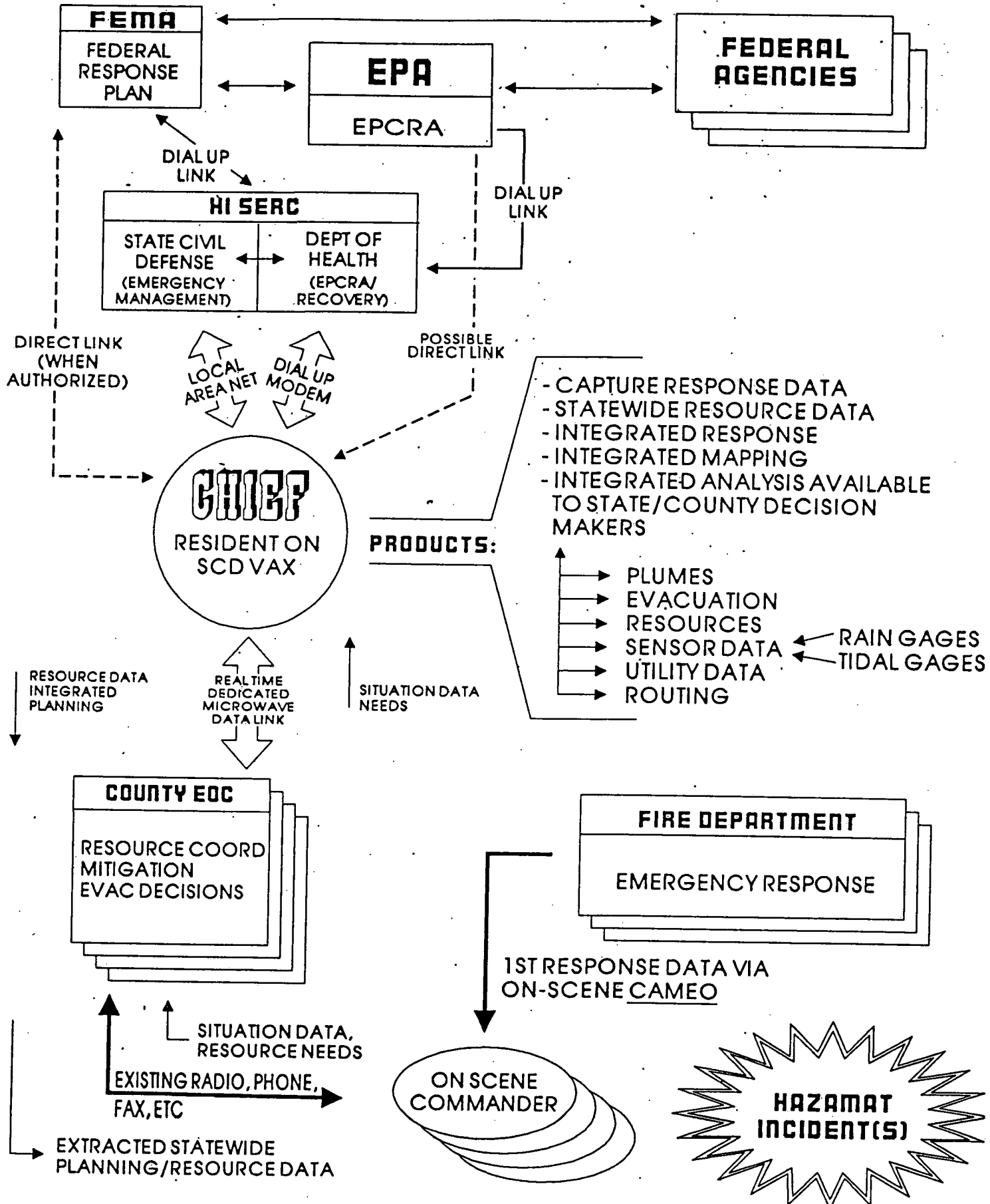


MOTOROLA
 Communications International Inc.

SYSTEM:
 U.S. CUSTOMS / FEDERAL-STATE MICROWAVE SYSTEM
 SYSTEM ROUTING DIAGRAM
 (INCLUDING PROPOSED EXPANSIONS)

PREPARED BY: H89-04-34 ENGINEER: D. R. LLMAN DATE: 06-22-89

RESPONSE SITUATION MODEL



STATE OF HAWAII
CHEMICAL EMERGENCY RESPONSE TRAINING
GUIDELINES

HAWAII STATE EMERGENCY RESPONSE COMMITTEE

AUGUST 1989

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INTRODUCTION

The purpose of this document is to provide guidance for Hawaii state and local governmental agencies on the level of training recommended for supervisors and staff who may come in contact with hazardous materials.

BACKGROUND AND PURPOSE

Under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) as amended by the Superfund Amendments and Reauthorization Act (SARA) 1986, the State of Hawaii is required to enhance its ability to respond to chemical emergencies. The Hawaii State Emergency Response Commission was formed to oversee this process. A technical subcommittee was formed to assist the commission and was tasked with ensuring that state and county officials and personnel are adequately trained for chemical emergency response. Due to the complexity of the training needs and requirements, the technical subcommittee developed guidelines to clearly describe what level of training should be provided to state and county employees. The guidelines are outlined in five different categories in this document. It must be emphasized that ultimately, each employer is responsible for their employee's health and safety. This document is a tool to help state and county supervisors meet this responsibility.

The elements described for each category are the basic, fundamental topics which should be included for the specific worker category. Each course should be designed with these elements in mind but should also be tailored for that particular target audience. For example, if the target audience is concerned with chemical emergencies involving motor vehicles, then that particular training course should include specific case studies involving highway spills and address how their job function relates to such incidents.

It should also be noted that although these are guidelines, employees and their supervisors, who may be exposed to hazardous materials or wastes during their normal course of work, must be trained in accordance with State and Federal laws (Title 12, Chapter 99 of the Hawaii State Administrative Rules and 29 CFR 1910.120 respectively). These requirements are described in the guidelines under Category I First Responder Awareness Training, II Hazardous Materials Incident Response Training and Category III Hazardous Materials Training for Supervisors.

Training guidelines have been developed for the following five categories:

1. First Responder Awareness Training

This training category is targeted for people who may be the first to respond to a hazardous materials incident and would respond in a defensive fashion without actually trying to stop the release.

2. Hazardous Materials Incident Response Training

This training category is targeted for any person who may be exposed to hazardous materials releases or emergencies during the course of their employment. Basic personal protection measures are covered in this training course along with recognition, identification, toxicology, risk assessment monitoring and basic chemical emergency response planning and tactical considerations.

3. Hazardous Materials Training for Supervisors

This training category is specifically for supervisors of employees who may come in contact with hazardous materials. Category 2 is a prerequisite for this course.

4. Hazardous Materials Specialist Training

This training category is targeted for people who respond to chemical emergencies, and conduct the investigation and clean-up of a hazardous materials release. Their duties would include entering the contaminated zone, investigating the situation and implementing the appropriate clean-up measures. Advanced chemistry and tactical training are covered in this course in addition to topics identified in Categories 1 and 2.

5. Hazardous Materials Response Exercise

This training category is targeted for state and local personnel who may respond to a chemical emergency incident. They should have taken training in one of four previously mentioned categories. The purpose of the exercise is to promote hazardous materials response preparedness; test or evaluate emergency hazardous materials operations, policies, plans and procedures as well as train personnel in hazardous materials management duties and to demonstrate capability.

TRAINING CATEGORIES

The following sections identify the minimal training criteria recommended for each category. Additional training is recommended depending on the individual's need and interest.

Category I Hazardous Material First Responder Training

Hazardous Materials First Responder: A person(s) who in the course of their normal duties may be first on scene during a hazardous materials incident and would respond in a defensive fashion without actually trying to stop the release.

Purpose: Training in this category should provide the first responder with the ability to utilize basic reference tools available in order to recognize and identify hazardous materials. They should also be aware of the health risk associated with various chemicals and be able to notify the appropriate response agency. This training provided in this category should meet or exceed training requirements under 29 CFR 1910.120 (q)(6)(ii). The training provided should cover the following areas:

- A. Recognition of hazardous materials in an emergency:
 - 1) the nine United National (UN)/Department of Transportation (DOT) hazardous materials classes, the major hazards of each class and provide examples
 - 2) the six groups of clues for detecting the presence of hazardous materials
 - 3) typical locations in the community or facility where hazardous materials are manufactured, transported, stored, used or disposed of
 - 4) the placards, labels, markings and shipping papers used in the transportation of hazardous materials and know their advantages and limitations during the process of recognizing hazardous materials
 - 5) the types of specialized marking systems found at fixed facilities such as NFPA 704M and pesticide labeling
 - 6) three sources of specific information to help identify hazardous materials
- B. Identification of hazardous materials and determination of appropriate response action including:

- 1) identification or classification the hazardous material involved in an emergency using markings, placards, labels, shipping papers or personal contacts
 - 2) the use of the DOT Emergency Response Guidebook in assessing hazards, response actions and determining isolation and evacuation distances
 - 3) the problems in specifically identifying hazardous materials
 - 4) identification of the shipping papers found in various modes of transportation, the individuals responsible for the papers, and location where carried and found during an incident; and
 - 5) identification of basic hazardous materials containers and bulk and nonbulk packaging
- C. The role of the first responder at the scene of a hazardous materials incident
- D. Recognition of the need for additional resources and determination of appropriate notifications
- E. Scene management (incident Command System, isolate immediate site, deny entry, evacuate)
- F. Health and Safety procedures including:
- 1) how hazardous materials incidents are different from other emergencies
 - 2) six ways by which hazardous materials are harmful to people at incidents
 - 3) the general routes of entry for human exposure to hazardous materials
 - 4) the limitations of street clothes or work uniforms at the scene of hazardous materials incidents
 - 5) the threats posed to the environment by hazardous materials releases
 - 6) the precautions necessary when rendering emergency medical care to victims of hazardous materials incidents

Category II Hazardous Materials Incident Response Training
This training is recommended for anyone who may come in contact with or exposed to hazardous materials release or emergency during the course of their employment. This course should meet or exceed training requirements as defined under 29 CFR 1910.120 (q)(6)(iii), and (iv).

Purpose: Training in this category should:

- make an individual aware of the health risk associated with hazardous materials;
- provide workers with the knowledge and skill necessary to perform chemical emergency response or remedial response work with minimal risk to their health and safety;
- make workers aware of the purpose and limitation of safety equipment; and
- ensure workers can safely respond to, avoid or escape from emergencies according to appropriate plans and procedures.

Training should cover the following topics:

- A. Understanding of chemistry and physical properties of hazardous materials
 - 1) chemical and physical properties, chemical reactions, chemical compatibilities
- B. Toxicology
 - 1) dosage, routes of exposure, toxic effects, Immediately Dangerous to Life of Health (IDLH) values, Permissible Exposure Limits (PELs), Recommended Exposure Limits (RELs), Threshold Limit Values (TLVs)
- C. Industrial Hygiene
 - 1) selection and monitoring of personal protective clothing and equipment
 - 2) calculation of doses and exposure levels, evaluation of hazards, selection of worker health and safety protective measures
- D. Rights and responsibilities of workers under OSHA
 - 1) applicable provisions of Title 29 of the Code of

Federal Regulations (the Occupational Safety & Health Act)

- E. Monitoring Equipment
 - 1) functions, capabilities, selection, use, limitations, and maintenance
- F. Hazard Evaluation
 - 1) sampling techniques
 - 2) evaluation of field and lab results
 - 3) risk assessment
- G. Site safety plans
 - 1) safe practices, safety briefings and meetings
 - 2) standard operating procedures, site safety map
- H. Plans and Standard operating procedures (SOPs)
 - 1) SOP development, compliance and hands-on practice
 - 2) Knowledge of the Regional Response Team, State Emergency Response and local emergency response plans
- I. Engineering controls
 - 1) the use of barriers, isolation, and distance to minimize hazards
- J. Personal protective clothing and equipment (PPE)
 - 1) assignment, sizing, fit-testing, maintenance of air purifying respirators, use, limitations, and hands-on training
 - 2) selection of PPE
 - 3) ergonomics
- K. Medical program
 - 1) medical monitoring and requirements of such a program under 29 CFR 1910.120; first aid, stress recognition

- 2) advanced first aid, cardiopulmonary resuscitation emergency drills
- 3) design, planning and implementation
- L. Decontamination
 - 1) hands-on training using simulated field conditions
 - 2) design and maintenance
- M. Legal and regulatory aspects
 - 1) applicable safety and health regulations (OSHA, EPA, etc.)
 - 2) response to emergencies, follow-up investigation and documentation

Category III Hazardous Materials Supervisor's Training

This category is for persons that supervise personnel that may be exposed to hazardous materials during the course of their employment. The prerequisite for this course should be Hazardous Materials Personal Protection Training outlined in Category II.

Purpose: To provide guidance to supervisors of operations where workers may be exposed to hazardous material incidents. Training in this category should cover the following topics:

- A) Regulatory review of the following laws:
Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) as amended by the Superfund Amendments Reauthorization Act (SARA), Resource Conservation and Recovery Act (RCRA), and Occupational Safety and Health Act.
- B) The Incident Command System and the role of Incident Commander and On-Scene Coordinator
- C) Compliance with 29 CFR 1910.120 and other regulations
- D) Contingency planning and organization (including the role of government agencies)
- E) Industrial hygiene
 - 1) selection and monitoring of personnel protective equipment
 - 2) calculation of doses

- 3) hazard evaluation
 - 4) selection of protective measures
- F) Hazard Evaluation
- 1) techniques of sampling
 - 2) evaluation of field and laboratory results
 - 3) hazardous characterization and identification
 - 4) risk assessment
- G) Development and management of standard operating procedures
- 1) sampling plans
 - 2) health and safety plans
 - 3) medical monitoring plan
 - 4) heat stress monitoring
 - 5) work plan
 - 6) security plan (site entry and control)
 - 7) logistics plan
 - 8) record keeping and logs
- H) Communication, public safety and community relations
- 1) press
 - 2) local community
 - 3) state and local officials

Category IV Hazardous Materials Specialist Training

Hazardous Materials Specialist: A person(s) who in the course of their normal duties may enter into the hot or contaminated zone at a controlled or uncontrolled hazardous material site, emergency or incident. Training in this category should include all the training objectives as in the first responder category plus the following topic areas:

- A. Development and implementation of a site safety plan

including:

- 1) the components of a safety plan for a hazardous materials incident
- 2) identification criteria for determining the location of the control zones for a hazardous materials incident
- 3) identification criteria for modifying the evacuation areas set up by the first responder
- 4) the signs and symptoms of exposure to that hazardous material given a specific hazardous materials
- 5) the signs and symptoms of heat stress
- 6) implementation a safety plan given a simulated hazardous materials incident

B. Classification, identification and verification of known and unknown materials by using basic monitoring equipment including:

- 1) the twenty-five (25) DOT hazard categories, the basic hazard posed by each
- 2) the precautions to be observed and followed when dealing with the twenty-five hazard categories
- 3) the source of, definition of, and circumstances for the use of the terms "hazardous substances," "hazardous chemicals," "hazardous wastes"
- 4) the advantages and disadvantages of various resource references and monitoring and detection instruments
- 5) the decision-making process for identification of unknown chemical, biological or radiological hazards

C) The government and private sector agencies that offer aid during a hazardous materials incident, including their role and the type of aid or resources available

D) Simulated emergency response which reviews:

- 1) health and safety
- 2) site entry and reconnaissance

- 3) reference information
 - 4) resources
 - 5) decontamination procedures
 - 6) operation
- E) Selection and use of proper specialized personal protective equipment including:
- 1) interpretation of a chemical compatibility chart
 - 2) the maintenance, testing and storage procedures for the personal protective clothing provided
 - 3) the proper donning, doffing, and usage of specialized protective clothing
- F) Knowledge in hazard and risk assessment techniques including:
- 1) size and type of container and quantity involved, nature of the container stress, potential behavior of the container and its contents, level of resources available; exposure potential to people, property, environmental and systems, weather conditions and topography
 - 2) the various monitoring equipment used to monitor and detect the hazards of toxicity, flammability, reactivity, radioactivity, corrosivity, oxygen deficiency etc.
 - 3) the proper usage, interpretation and limitations of available monitoring equipment
 - 4) the maintenance and testing procedures for available monitoring equipment
- G) Advanced hazardous material control, containment, and or confinement including:
- 1) the basic design and construction features of containers and bulk and nonbulk packaging used to store, process or transport hazardous materials including drums, cylinders, carboys, boxes or bags, cans or bottles, tank trucks and trailers, fixed tanks, portable tanks and intermodal containers and piping

- 2) the methods and precautions for controlling, containing, and confining hazardous materials releases of the nine UN/DOT hazard classes
 - 3) the options is implementing hazardous material control, containment and confinement procedures
 - 4) the proper selection and use of available tools, equipment
- H) Decontamination procedures including:
- 1) the advantages and limitations of dilution, absorption, chemical degradation, disposal, isolation
 - 2) the considerations associated with the placement, locations and setup of the decontamination site
 - 3) the sources of technical information for performing decontamination operations
- I) Record keeping and termination procedures including:
- 1) the activities required in terminating the emergency phase of an incident
 - 2) the preparation of the locally required report with supporting documentation as necessary
- J) Basic chemical, biological and radiological terminology and behavior
- K) Medical and base-line monitoring of personnel

Category V Hazardous Materials Response Exercise

Exercises are designed for anyone who may respond or be involved in a chemical emergency response incident. The exercise should participants should have received training in one of the four categories previously mentioned. Exercises combine individual and group training to create a realistic practical exercise event.

Purpose: To reveal planning weaknesses, resource gaps, improve coordination, clarify roles and responsibilities, improve individual performance and gain public recognition of the hazardous materials response program. These exercises will be coordinated by Hawaii Department of Health and State Civil Defense. Requirements for various scenario exercises will be

integrated into the overall exercise needs of the State.
Exercises will be conducted at the following levels:

1. Table-top exercise
2. Functional exercise (EOC exercise)
3. Full-scale exercise (Field exercise)

Exercises consist of the performance of duties, tasks and operations very similar to the way they would be performed in a real emergency or chemical emergency incident.

REFERENCES

1. Comprehensive and Environmental Response, Compensation and Liability Act as amended by Superfund Amendment Reauthorization Act, 42 U.S.C. Sections 9601-9675.
2. Thomas H. Seymour, "Review of the Superfund Worker Training Standards" presented at the 1988 National Governor's Association Conference on Title III, Washington, D.C.
3. 29 CFR 1910 Hazardous Waste Operations and Emergency Response; Final Rule, Department of Labor, March 6, 1989.
4. Hawaii's Administrative Rules, Title 12, Chapter 99, Hazardous Waste Operations and Emergency Response, Hawaii Department of Labor and Industrial Relations.
5. National Institute for Occupational Safety and Health, "Occupational Safety and Health Guidance Manual for Hazardous Waste Site Activities", October 1985.

WHO NEEDS HAZMAT TRAINING?

- * FEDERAL REGULATION 29 CFR 1910.120
STATE DOSH STANDARD CHAPTER 99 AND
CHAPTER 203
CHAPTER 396, OCCUPATIONAL SAFETY &
HEALTH LAW**

- * HAZARDOUS WASTE OPERATIONS AND
EMERGENCY RESPONSE (HAZWOPER).**

- * HAZARD COMMUNICATION STANDARD**

- * FOR INFORMATION/CLARIFICATION CONTACT
THE STATE DIVISION OF OCCUPATIONAL
SAFETY & HEALTH (DOSH), CONSULTATION &
TRAINING BRANCH AT PH. 586-9100 OR VISIT
THEM AT 830 PUNCHBOWL STREET.**

TITLE 12 DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS

SUBTITLE 8 DIVISION OF OCCUPATIONAL SAFETY AND HEALTH

CHAPTER 99 HAZARDOUS WASTE OPERATIONS AND
EMERGENCY RESPONSE

§12-99-1	Purpose
§12-99-2	Scope and application
§12-99-3	Definitions
§12-99-4	Safety and health program
§12-99-5	Site characterization and analysis
§12-99-6	Site control
§12-99-7	Training
§12-99-8	Medical surveillance
§12-99-9	Engineering controls, work practices, and personal protective equipment for employee protection
§12-99-10	Monitoring
§12-99-11	Informational programs
§12-99-12	Handling drums and containers
§12-99-13	Decontamination
§12-99-14	Emergency response by employees at uncontrolled hazardous waste sites
§12-99-15	Illumination
§12-99-16	Sanitation at temporary workplaces
§12-99-17	Certain operations conducted under the Resource Conservation and Recovery Act of 1976 (RCRA)
§12-99-18	Emergency response to hazardous substance releases by employees not previously covered
§12-99-19	New technology programs
§12-99-20	Appendices

§12-99-1 Purpose. This chapter shall cover hazardous waste clean-up operations at emergency response sites and those sites designated by state or local governments. It will also cover the hazardous waste operations, such as: storage, disposal, or treatment of hazardous waste. [Eff. 11/24/88; comp 3/22/91] (Auth: HRS §396-4) (Imp: HRS §396-4)

§12-99-2 Scope and application. (a) Scope. This chapter covers the following operations, unless the employer can demonstrate that the operation does not involve employee exposure or the reasonable possibility for employee exposure to safety or health hazards:

- (1) Clean-up operations required by a governmental body, whether Federal, state, local or others involving hazardous substances that are conducted at uncontrolled hazardous waste sites (including, but not limited to, the EPA's National Priority Site List (NPL), state priority site lists, sites recommended for the EPA NPL, and initial investigations of government identified sites which are conducted before the presence or absence of hazardous substances have been ascertained);
- (2) Corrective actions involving clean-up operations at sites covered by the Resource Conservation and Recovery Act of 1976 (RCRA) as amended (42 U.S.C. 6901 et seq.);
- (3) Voluntary clean-up operations at sites recognized by Federal, state, local or other governmental bodies as uncontrolled hazardous waste sites;
- (4) Operations involving hazardous wastes that are conducted at treatment, storage, and disposal (TSD) facilities regulated by 40 CFR Parts 264 and 265 pursuant to RCRA; or by agencies under agreement with E.P.A. to implement RCRA regulations; and
- (5) Emergency response operations for releases of, or substantial threats of releases of, hazardous substances without regard to the location of the hazard.

(b) Application.

- (1) All requirements of Parts 1, 2, 3, and 8, of title 12 Hawaii Occupational Safety and Health Administrative Rules and Standards, apply pursuant to their terms to hazardous waste operations whether covered by this chapter or not. If there is a conflict or overlap, the provision more protective of employee safety and health shall apply.
- (2) Hazardous substance clean-up operations within the scope of subsections (a)(1) through (a)(3) above must comply with all sections of this chapter except sections 12-99-17 and 12-99-18.
- (3) Operations within the scope of subsection (a)(4) above must comply only with the requirements of section 12-99-17.

Exceptions: For large quantity generators of hazardous waste who store those wastes less than 90 days, and for small quantity generators of hazardous wastes, who have emergency response teams that respond to releases of, or substantial threats of releases of, hazardous substances, for their RCRA workplaces only section 12-99-17(i) is applicable. Such generators of hazardous wastes who do not have emergency response teams that respond to releases of, or substantial threats of

TITLE 12 DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS

SUBTITLE 8 DIVISION OF OCCUPATIONAL SAFETY AND HEALTH

CHAPTER 203 HAZARD COMMUNICATION

§12-203-1	Purpose
§12-203-2	Scope and application
§12-203-3	Definitions
§12-203-4	Hazard determination
§12-203-5	Written hazard communication program
§12-203-6	Warnings
§12-203-7	Material safety data sheets
§12-203-8	Employee information and training
§12-203-9	Trade secrets
§12-203-10	Effective dates
§12-203-11	Appendices

§12-203-1 Purpose. (a) The purpose of this chapter is to ensure that the hazards of all chemicals produced or imported by chemical manufacturers or importers are evaluated, and that information concerning their hazards is transmitted to affected employers and employees. This transmittal of information is to be accomplished by means of comprehensive hazard communication programs, which are to include forms of warning such as container labeling, material safety data sheets, and employee training. The required information is to be provided to employees without cost to them.

(b) This chapter is intended to address comprehensively the issue of evaluating the potential hazards of chemicals, and communicating information concerning hazards and appropriate protective measures to employees, and to preempt any legal requirements of a state, or political subdivision of a state, pertaining to this subject. Evaluating the potential hazards of chemicals, and communicating information concerning hazards and appropriate protective measures to employees, may include, for example, provisions for:

- (1) Developing and maintaining a written hazard communication program for the workplace, including lists of hazardous chemicals present;
 - (2) Labeling of containers of chemicals in the workplace, as well as of containers of chemicals being shipped to other workplaces;
 - (3) Preparation and distribution of material safety data sheets to employees and downstream employers; and
 - (4) Development and implementation of employee training programs regarding hazards of chemicals and protective measures.
- [Eff. 6/16/84; am 11/24/88] (Auth: HRS §396-4) (Imp: HRS §396-4)

§12-203-2 Scope and application. (a) This chapter requires chemical manufacturers or importers to assess the hazards of chemicals which they produce or import, and all employers shall provide information to their employees about the hazardous chemicals to which they are exposed, by means of a hazard communication program, labels and other forms of warning, material safety data sheets, and information and training. In addition, this chapter requires distributors to transmit the required information to all employers.

(b) This chapter applies to any chemical which is known to be present in the workplace in such a manner that employees may be exposed under normal conditions of use or in a foreseeable emergency.

(c) This chapter applies to laboratories only as follows:

- (1) Employers shall ensure that labels on incoming containers of hazardous chemicals are not removed or defaced;
- (2) Employers shall maintain any material safety data sheets that are received with incoming shipments of hazardous chemicals, and ensure that they are readily accessible to laboratory employees; and
- (3) Employers shall ensure that laboratory employees are apprised of the hazards of the chemicals in their workplaces in accordance with section 12-203-8.

(d) In work operations where employees only handle chemicals in sealed containers which are not opened under normal conditions of use (such as are found in marine cargo handling, warehousing, or retail sales), this chapter applies to these operations only as follows:

- (1) Employers shall ensure that labels on incoming containers of hazardous chemicals are not removed or defaced;
- (2) Employers shall maintain copies of any material safety data sheets that are received with incoming shipments of the sealed containers of hazardous chemicals, shall obtain a material safety data sheet for sealed containers of hazardous chemicals received without a material safety data sheet if an employee requests the material safety data sheet, and shall ensure that the material safety data sheets are readily accessible during each work shift to employees when they are in their work area(s); and
- (3) Employers shall ensure that employees are provided with information and training in accordance with section 12-203-8, except for the location and availability of the written hazard communication program under section 12-203-8(b)(3). The training shall particularly emphasize the proper protective procedures to follow in the event of a spill or leak of a hazardous chemical from a sealed container.

(e) This chapter does not require labeling of:

- (1) Any pesticide as this term is defined in the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. ss136 et seq.), when subject to the labeling requirements of that Act and labeling regulations issued under that Act by the Environmental Protection Agency;
- (2) Any food, food additive, color additive, drug, cosmetic, or medical or veterinary device, including materials intended for use as ingredients in these products (e.g., flavors and fragrances), as these terms are defined in the Federal Food, Drug, and Cosmetic Act (21 U.S.C. ss301 et seq.) and regulations issued under that

Attn: Business Owners/Personnel & Department Managers
Are your employees safe at work?
Are your workers exposed to dangerous chemicals, equipment, or hazardous situations?
Does your company have a Safety Plan?
You could save your company money with a Safety Policy Handbook!

LEEWARD COMMUNITY COLLEGE
 and
 the State of Hawaii/Division of Occupational Safety and Health (D.O.S.H.)
 (Department of Labor and Industrial Relations)

presents

Safety in the Workplace!

a series of seminars for Business Owners, Personnel and Department Managers who want to reduce employee risks, and improve worker safety!

Do You Know About Hawaii's Laws & Penalties Concerning Occupational Safety & Health?

September 15/Tuesday/6:15-8:45 p.m./Physical Science Bldg., PS201B
An orientation to occupational safety, health and basic employer responsibilities and rights. Learn how to use DOSH standards as an accident prevention tool.
 REGISTRATION FEE: \$5

Could Your Company Survive a Safety Audit?

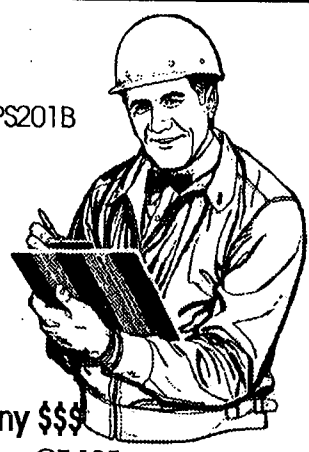
September 22/Tuesday/6:15-8:45 p.m.
 General Technology Bldg., GT-105
Increase your skills in Hazard recognition and correction methods, learn self inspection techniques, accident investigation, and job hazard analysis.
 REGISTRATION FEE: \$5

Developing A Safety Program . . . It Could Save your Company \$\$\$

September 29/Tuesday/6:15-8:45 p.m./General Technology Bldg., GT-105
Discover the answers to developing a safety program. This is especially important for managers and supervisors who must integrate safety and health procedures into the overall management system.
 REGISTRATION FEE: \$5

OSHA Record Keeping . . . for employers with 11 or more employees!

October 13/Tuesday/6:30-8:30 p.m./Physical Science Bldg., PS-201B
Learn how to use the Log and Summary of Occupational Injuries and Illnesses, OSHA Form 200 to reduce injuries on the job. Violations of recordkeeping and reporting may be assessed penalties up to \$7,000. (Section 396-10(c) Hawaii Occupational Safety and Health Law.)
 REGISTRATION FEE: \$5



call 455-0477 for telephone registration & more information . . . or FAX US! 455-0471

CUT HERE/SEND PAYMENT WITH FORM

PLEASE REGISTER ME FOR "SAFETY IN THE WORKPLACE!" SEMINARS:

- Hawaii's Laws & Penalties/Occupational Safety & Health, September 15
- Surviving a Safety Audit, September 22
- Developing a Safety Program, September 29
- OSHA Record Keeping, October 13

<input type="checkbox"/> check, payable: Leeward Community College
VISA <input type="checkbox"/> MasterCard Acct No. _____ exp _____
\$5/each TOTAL \$ _____

Name _____ S.S. No. _____
 Company _____
 Address _____
 City _____ Zip _____
 Ph.-Home _____ Work _____

SEND THIS REGISTRATION FORM WITH PAYMENT TODAY . . . MAIL-IN DEADLINE IS 5 DAYS PRIOR TO CLASS DATE.

Leeward Community College / Office of Special Programs & Community Services
 ATTN: SAFETY IN THE WORKPLACE REGISTRATION
 96-045 Ala Ika, room AD-121 - Pearl City, HI 96782
 VISA, MASTERCARD and PURCHASE ORDERS ACCEPTED

Don't Delay! Your Company's Safety Record is at Stake!

HAZARDOUS MATERIALS FIRST RESPONDER—*AWARENESS* series



Harmful and toxic substances are found in all jurisdictions—

- Homes (gasoline, paint, solvents)
- Farms (pesticides, fertilizers)
- Hospitals (compressed gases, radioactive materials)
- Schools (lab chemicals, poisons)
- Businesses (flammables, explosives, toxins, corrosives)

When the call comes in, no matter what the emergency, you'll send someone:

- Fire Fighters
- Law Enforcement Officers
- Emergency Medical Technicians
- Contracted Specialists
- Site Employees

Everyone who shows up at an emergency where HazMat (including petroleum products) has been or may be released must be trained at least to the *Awareness* level.

OSHA, EPA and other federal, state, and local regulations are getting tough: *all* responders who can be potentially exposed to a HazMat "safety or health hazard," including personnel who are "likely to witness or discover a hazardous substance release and...initiate an emergency response sequence by notifying the proper authorities" must be able to—

- understand hazardous materials and their associated risks.
- understand the potential outcomes of a HazMat incident.
- recognize the presence of hazardous material, identify it, if possible, and determine the basic hazard and response information.
- recognize the need for additional resources.
- initiate site security and control.

Now NFPA 472 may be used in court to test whether your training meets the "reasonable and prudent" standard.

Your organization and its supervisors (including trainers) can be criminally and civilly liable if someone is damaged due to inadequate training.

SOLID training is necessary so responders perform safely and effectively, even under stress.

The Media Resources FIRST RESPONDER—*AWARENESS* video training packages clearly demonstrate the knowledge and skills for Awareness Level as defined in NFPA 472.2-2.



These video packages are—
ideal for both group and individual training.

practical for initial instruction and regular refresher training.

cost-effective, because they can be used over and over again.

Each of the five modules includes—

live action **video** that demonstrates each concept and procedure in practical situations.

a **Study Guide** (10 copies) which helps each learner to remember the key ideas and apply them to personal responsibilities.

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MODULES IN THIS SERIES

- Hazardous Materials: Awareness**
- Hazardous Materials: Identification**
- Pre-Incident Risk Analysis**
- Pre-Incident Action Plans**
- Incident Procedures**

(over for content details)

EMERGENCY SERVICES TRAINING

HAZARDOUS MATERIALS FIRST RESPONDER—AWARENESS

Module 1 HAZARDOUS MATERIALS: AWARENESS

168.267.01 (16 min) \$135.00

This introductory program illustrates the potential dangers of hazardous materials in emergency situations, and shows first responders how to recognize the presence of unreported hazardous substances, using six detection clues.

- I. Introduction
- II. Definition of HazMat
- III. Exposure Dangers
 - A. Burns
 - B. Asphyxiation
 - C. Poisoning
 - D. Explosion
 - E. Radiation
- IV. Locations
 - A. Homes & farms
 - B. Schools
 - C. Businesses & industries
 - D. Warehouses
 - E. Transportation routes
- V. Detection Clues
 - A. Occupancy & location
 - B. Container shapes
 - C. Markings & colors
 - D. Placards & labels
 - E. Papers
 - F. Transportation routes
- VI. 3 Scenes for Viewer Analysis
- VII. Response Guidelines
 - A. Focus on safety
 - B. Secure the scene
 - C. Communicate information
- VIII. Review & Conclusion

Module 2 HAZARDOUS MATERIALS: IDENTIFICATION

168.267.02 (22 min) \$135.00

Specific, positive identification of the suspected hazardous material is the critical first step of every HazMat response operation.

This videotape describes five important identification resources and how to use them quickly and effectively.

- I. Introduction
- II. Objectives of Identification
 - A. Determine substance name
 - B. Recognize potential hazards
- III. Marking Systems
 - A. NFPA 704
 - B. DOT placards/labels
 1. Nine hazard classes
 2. Four-digit ID numbers
 3. Safety warnings
- IV. Shipping Papers
 - A. Description
 - B. Names and locations by commercial type
- V. Reference Books
 - A. Basic library
 - B. DOT Emergency Response Guidebook
 - C. Conflicting information
- VI. CHEMTREC
 - A. Assistance provided
 - B. Dispatch information
- VII. Computer Data Systems
 - A. Data Systems
 - B. Other agency assistance
- VIII. Additional Resources
 - A. Patience
 - B. Caution
- IX. Review & Conclusion

Module 3 PRE-INCIDENT RISK ANALYSIS

168.267.03 (19 min) \$135.00

Every jurisdiction—rural and urban—needs thorough surveys of the most likely sites of potential HazMat incidents, so the response agencies can prepare effectively and respond quickly when the need arises.

This program demonstrates how to implement a hazardous materials risk analysis pre-plan program, including identifying hazardous materials in the community; conducting on-site surveys; preparing maps and plot plans; reading and using Material Safety Data Sheets.

- I. Introduction
- II. Hazardous Materials Sites
- III. Hazard Site Maps
- IV. Site Surveys
 - A. Scheduling
 - B. Preparing
 - C. Conducting
- V. Material Safety Data Sheets
 - A. Manufacturer's data
 - B. Product identification
 - C. Hazards
 - D. Safety precautions
 - E. Emergency & First Aid
 - F. MSDS preparation date
- VI. Risk Analysis Information
- VII. Updating Risk Analysis Information
- VIII. Review & Conclusion

Module 4 PRE-INCIDENT ACTION PLANS

168.267.04 (20 min) \$135.00

Federal and State laws mandate that each jurisdiction create and follow an Emergency Response Plan for hazardous materials.

Every potential responder should understand the local plan. This program describes the process for creating the action plan, testing the plan, assessing resources, and training with other agencies in the community.

- I. Introduction
- II. Reviewing Existing Plans
- III. Preparing a Special Hazard Plan
 - A. Determine key elements
 - B. Outline written plan
- IV. Inter-Agency Testing & Training
 - A. Table-top exercises
 - B. Full-scale exercises
- V. Review & Conclusion

Module 5 INCIDENT PROCEDURES

168.267.05 (20 min) \$135.00

Seven basic responsibilities should be met by first responders at any hazardous materials incident.

This program demonstrates a general model for safe and effective first response to incidents ranging from small, low-hazard spills, to a large-scale emergency that requires specialized on-scene response and inter-agency response.

- I. Introduction
- II. Seven Basic Responsibilities
 - A. Establish command center
 - B. Secure the scene
 - C. Identify material(s)
 - D. Assess potential harm
 - E. Call in resources
 - F. Monitor information
 - G. Assist other responders
- III. Optional First Responder Tasks
 - A. Decontamination
 - B. Disposal & Clean-up
- IV. Review & Conclusion



EMPLOYEE INTRODUCTION TO HAZARDOUS WASTE LAWS

Produced by
Business & Legal
Reports



This newly revised module defines what hazardous waste is, describes many of its associated dangers, and explains the government legislation designed to protect workers, the company, the community, and the environment. Helps you to meet the latest mandated OSHA training for all your employees who work with any hazardous waste or respond to an accidental spill or release. It emphasizes their personal responsibilities, as well as the government directives. Includes a leader's guide and employee workbook.

LB02 (20 min.) \$595

HANDLING SPILLS IN THE WORKPLACE

Produced by
Business & Legal
Reports



Spill training is now required by OSHA's 1910.120 regulation. Fully up-to-date, this training module helps you prevent injuries, government fines, damage, clean-up costs, and expensive down time.

Workers learn how to recognize hazards in advance, evaluate the spill area safely, and report the spill promptly to the right people. Your hazmat response crew sees how to evaluate the situation, follow the company's spill-response plan procedures, wear prescribed personal protective equipment, control the initial spill to minimize problems, contain and clean-up spilled materials with practical methods, and decontaminate themselves and equipment. Includes leader's guide and employee workbook.

LB03 (21 min.) \$595

APPLYING BASIC CHEMISTRY

Produced by **Media Resources**



To make appropriate decisions when responding to a HazMat emergency requires understanding and predicting how that substance behaves.

...applies basic principles of chemistry and physics to emergency situations ...visually illustrates and explains in everyday language, the chemistry concepts and principles behind all the terms on the Material Safety Data Sheet (MSDS).

Program Outline

- I. Introduction
- II. Chemistry of fire (review)
- III. Fire-Related Properties
 - A. Vapor pressure
 - B. Boiling point
 - C. Flash point
 - D. Fire point
 - E. Ignition temperature
 - F. Flammable/explosive limits
- IV. Chemical reactivity
 - A. Water-reactive material
 - B. Pyrophoric materials
 - C. Hypergolic materials
- V. Health hazards
 - A. External
 - B. Internal
- VI. Exposure limits TLV, TWA, STEL, PEL, LD₅₀, LC₅₀, IDLH
- VII. Physical properties
 - A. Vapor density
 - B. Specific gravity
 - C. Water solubility
- VIII. Review & conclusion

168.206 (34 min.) \$150

*Preview Available

USE & CARE OF PERSONAL PROTECTIVE EQUIPMENT

Produced by **Media Resources**



Responders can work safely at many chemical incidents if they wear appropriate personal protection equipment.

...explains the functions protective equipment and clothing must provide for various types of hazards ...describes special precautions when using basic (non-specialized) equipment ...demonstrates proper cleaning, inspection, and storage ...outlines prudent documentation for medical and legal purposes.

Program Outline

- I. Introduction
- II. Need for personal protective clothing
- III. Uses & limitations of personal protective equipment
 - A. Respiratory equipment
 - B. Vapor monitors
 - C. Protective clothing
- IV. Safe incident procedures
- V. Care and maintenance
- VI. Exposure documentation
- VII. Review & conclusion

168.208 (30 min.) \$150

*Preview Available

SARA TITLE III: INTENT & IMPLEMENTATION OF HAZARDOUS MATERIALS REGULATIONS

Written by
Frank L. Fire,
Nancy K. Grant, &
David H. Hoover



Every jurisdiction is covered by these federal HazMat regulations. This book simplifies the bureaucratically complex into organized concepts and procedures. Find out your responsibilities and how you are expected to interact with other agencies and organizations.

...describes how the SARA laws came to be and their impact on the community, businesses, and fire departments ...outlines how industry must report its hazardous materials and train its first responders ...describes how fire departments train their first responders ...examines how to organize and train the State Emergency Response Commission and Local Emergency Response Committees ...details how to prepare Emergency Response Plans ...explains the basic hazardous materials categories and key physical-chemical properties.

EF05 \$40

COMMON SENSE APPROACH TO HAZARDOUS MATERIALS

Written by
Frank L. Fire



Every emergency responder who may come to participate in any incident involving a hazardous material, is required by law to be trained. Whether a firefighter, peace officer, or property protection specialist, the responder must have a working foundation: fundamentals of chemistry and combustion, and basic information needed to identify and understand the 75 or so hazardous materials involved in about 90% of hazmat incidents. The simple organization and explanation of this book almost hide the inherent complexity and danger of the field.

...topics include — chemistry of hazardous materials, compounds, covalent bonding, hydrocarbons, hydrocarbon derivatives, fire and pyrolysis, flammable and combustible liquids, compressed gases, flammable solids, cryogenic gases, oxidizing agents, plastics, corrosives, unstable organic peroxides and monomers, toxicity, radioactivity, explosives, water- and air-reactive materials.

EF06 \$39

HAZCOM MANUAL: VOL. 1&2

Published by
Industrial Training
Systems



A two-volume set covering the revised and expanded legal and regulatory aspects of the revised OSHA Hazard Communication Standard.

Volume I: background and legal requirements of the standard... explanation of who is responsible for what and when it needs to be done... overview of the provisions of SARA Title III... samples of necessary forms, compliance checklists, suppliers of hazardous material labels, and a producer distributor index of audio-visual training programs.

Volume II: model hazard communication program that, when completed by following the detailed directions in Volume I, will become your specific workplace written Hazard Communication program as required by the federal standard.

Vaaler Award, Chemical Processing Magazine

T101

\$295

SUPERVISORY OVERVIEW (HAZARD COMMUNICATION)

Produced by
Industrial Training
Systems



A supplement to the HAZCOM Compliance Manual. This video program informs supervisors of the requirements of the OSHA Hazard Communication Standard and identifies and explains its five key aspects. It also explains the role supervisors play in preparing their company for compliance with the standard.

Includes leader guide and reproducible quiz.

T102

\$495



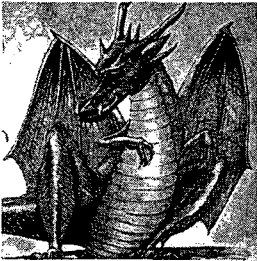
TRAINING.

From the People who Set the Standard.



SURVIVING THE HAZARDOUS MATERIALS INCIDENT

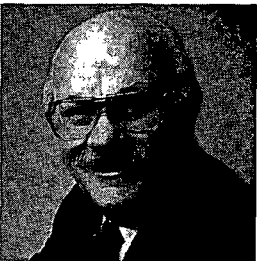
More than three years in the making! Designed to meet and exceed the OSHA 29CFR 1910.120 and NFPA #472 "First Responder Awareness and Operations" requirements. This course, divided into two Parts, thoroughly covers the nine hazardous material classes. Included are twenty (20) video tapes featuring over 30 nationally respected instructors and course developers, 2 Resource Manual / Instructors' Guides (one per Part), a 275 page Student Textbook for each Part, Student Activities, overhead transparency masters, and a Testing Program.



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Surviving The Hazardous Materials Incident

Awareness & Operations Courses

Quantity Price Total

Parts I & II — Includes 20 video tapes, storage cases, 2 Resource Manual/ Instructor Guides (one per part), overhead transparency masters, Pre-tests, Post-tests, Certificates of Completion, 20 Student Textbooks (ten per part).

\$2995.00

Part I — Includes 9 video tapes (1 - 9), storage case, Resource Manual/Instructor Guide, overhead transparency masters, Pre-test, Post-test, Certificates of Completion, 10 Student Textbooks.

\$1395.00

Part II — Includes 11 video tapes (10-20), storage case, Resource Manual/Instructor Guide, overhead transparency masters, Pre-test, Post-test, Certificates of Completion, 10 Student Textbooks.

\$1695.00

Awareness Course — Includes Foundational Awareness Tapes (1 & 2), 2 Resource Manual/Instructor Guides (one per part), overhead transparency masters, Pre-test, Post-test, Certificates of Completion, and 2 Student Textbooks (one per part).

\$425.00

Individual Training Lessons (see reverse side for a complete listing)

Tape Numbers	Description		Price	Total
			\$155.00	
			\$155.00	
			\$155.00	

Textbooks & Manuals

Resource Manual/Instructor Guide Set — Parts I and II		\$95.00	
Resource Manual/Instructor Guide — Specify Part I or II		\$49.95	
Resource Manual Set — Parts I and II		\$75.00	
Resource Manual — Specify Part I or II		\$39.95	
Student Textbooks — Specify Part I or II			
Quantity Part I		1 - 25	\$12.95
Quantity Part II		26 - 100	\$11.95
(enter combined total in appropriate box at the right)			\$10.95
Storage Case — Specify Part I or Part II			\$29.95
DOT charts			\$0.95

Shipping (Shipping and handling will be added to your order — please call for exact quote.)

TOTAL

Total Price:

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Zip _____ Phone: _____

Surviving The Hazardous Materials Incident

Individual Training Lessons

Surviving The Hazardous Materials Incident — Part I

- Tape 1 Introduction to Hazardous Materials
- Tape 2 Managing the Hazardous Materials Incident
- Tape 3 Understanding Explosives
- Tape 4 Responding to Explosive Emergencies
- Tape 5 Understanding Compressed & Liquefied Gases
- Tape 6 Understanding Cryogenics
- Tape 7 Responding to Gas Emergencies
- Tape 8 Understanding Flammable & Combustible Liquids
- Tape 9 Responding to Flammable & Combustible Liquid Emergencies

Surviving The Hazardous Materials Incident — Part II

- Tape 10 Understanding Flammable Solids
- Tape 11 Responding to Flammable Solid Emergencies
- Tape 12 Understanding Oxidizers
- Tape 13 Responding to Oxidizer Emergencies
- Tape 14 Understanding Poisons
- Tape 15 Responding to Poison Emergencies
— Including Comprehensive Personal Protective Equipment
- Tape 16 Understanding Radioactive Materials
- Tape 17 Responding to Radioactive Material Emergencies
- Tape 18 Understanding Corrosives
- Tape 19 Responding to Corrosive Emergencies
- Tape 20 Miscellaneous Hazardous Material Emergencies — Including ORM's (A-E),
elevated temperature products, and hazardous waste.

To order any of these individual training lessons please use order form on reverse side (under Individual Training Lessons).

JOHN WAIHEE
GOVERNOR

MAJOR GENERAL EDWARD V. RICHARDSON
DIRECTOR OF CIVIL DEFENSE

ROY C. PRICE, SR.
VICE DIRECTOR OF CIVIL DEFENSE



PHONE (808) 734-2161

STATE OF HAWAII
DEPARTMENT OF DEFENSE
OFFICE OF THE DIRECTOR OF CIVIL DEFENSE
3949 DIAMOND HEAD ROAD
HONOLULU, HAWAII 96816-4495

July 9, 1992

TO: CD Administrator--HCDA, KCDA, MCDA, OCDA

FROM: Roy C. Price, Sr.
Vice Director of Civil Defense

SUBJECT: ADMINISTRATION OF HAZMAT TRAINING SETS

State Civil Defense has recently purchased several HAZMAT training programs for your information and use. We are aware of the urgent need for HAZMAT training in this State. We have investigated and researched numerous companies that offer HAZMAT training, both here and on the mainland, that could provide us a HAZMAT training program which would meet OSHA 29 CFR 1910.120 requirements and be available for a price we could afford.

On Guard, a division of Emergency Resource, Inc., has marketed a very effective HAZMAT training program that will support your HAZMAT training needs. Titled "Surviving the Hazardous Materials Incident," this training set provides a complete HAZMAT training program by integrating video teaching, actual incident film footage, and commentary with textbooks and activities. The set includes videotapes, storage cases, resource manuals, instructor guides, overhead transparency masters, pre-test, post-test, certificates of completion and student textbooks. It provides the teaching materials necessary to meet the educational requirements of OSHA Standard 29 CFR 1910.120 and NFPA 742 Standards. Unlike one-time seminars or video training tutors, this training set is a comprehensive and up-to-date training program designed for convenience and may be used for training all personnel both now and for years to come.

Unfortunately, we cannot provide you with funds to hire moderators/facilitators needed to administer the HAZMAT training set. Your County Fire Department has HAZMAT specialists that should be able to provide assistance in this area.

CD Administrators--HCDA, KCDA, MCDA, OCDA
July 9, 1992
Page 2

State Civil Defense has purchased several sets of "Surviving the Hazardous Materials Incident - Awareness & Operations Course," Parts I and II, (over 50 hours long) and several sets of the Awareness Course (about 8 hours long) along with student textbooks. These sets will be distributed to all County Civil Defense Agencies for administration in their respective counties. We encourage county departments and other agencies (Fire, Police, Emergency Medical Services, Public Works, etc.) to borrow these sets from you to train their personnel and return them when completed. Some departments may already have a HAZMAT training program and may want to supplement their program with this training set.

Within the next few weeks, State Civil Defense will be forwarding to you a complete set of "Surviving the Hazardous Materials Incident," Parts I and II. You will also receive two sets of the "Awareness Course" and student textbooks for Parts I and II. Additional textbooks are available upon request, though supply is limited.

Please make maximum use of these sets in your County. Federal law mandates HAZMAT training and operating procedures for all agencies involved in hazardous materials response, both public and private. These requirements carry legal and/or criminal action as well as civil liability if failure to train and prepare personnel in accordance with Federal law results in work-related injuries.

We encourage training records be established and maintained by the user for audit and file purposes.

If additional information or clarification is needed, feel free to contact our Training Specialist, Leighton Ah Cook, at 734-2161.

Your cooperation and participation are appreciated.

bc: ✓ Mr. Ah Cook

JOHN WAIHEE
GOVERNOR

MAJOR GENERAL EDWARD V. RICHARDSON
DIRECTOR OF CIVIL DEFENSE

ROY C. PRICE, SR.
VICE DIRECTOR OF CIVIL DEFENSE



PHONE (808) 734-2161

STATE OF HAWAII
DEPARTMENT OF DEFENSE
OFFICE OF THE DIRECTOR OF CIVIL DEFENSE
3949 DIAMOND HEAD ROAD
HONOLULU, HAWAII 96816-4495

August 20, 1992

TO: Mr. Steve Armann, Acting Manager
Environmental Response Office
State Department of Health

FROM: Roy C. Price, Sr.
Vice Director of Civil Defense

SUBJECT: HAZARDOUS WASTE OPERATIONS AND EMERGENCY RESPONSE (HAZWOPER)
REFRESHER TRAINING, NOVEMBER 19, 1992

State Civil Defense will be sponsoring a one-day HAZWOPER Refresher Course on November 19, 1992, at the Department of Defense Administration Building 306A, Multi-Purpose Room, located at 3949 Diamond Head Road.

This 8-hour refresher course is designed to reinforce those topics learned in the 40-hour (or 24-hour) HAZWOPER course and updates students on state-of-the-art health and safety programs, regulations, requirements, practices and techniques. Topics covered in the course include a regulatory review update; recent case studies in hazardous waste; review of hazard recognition, evaluation and control techniques; use of environmental monitoring equipment; site characterization and site control; respiratory protection and respirator fit testing; review of personal protective equipment; evaluation of site safety plans; and other pertinent health and safety information.

Annual refresher training is required per Title 12, Chapter 99, of the State's Occupational Safety and Health Standard and OSHA 29 CFR 1910.120 for employees (and their supervisors) who may be exposed to hazardous substances, health hazards, or safety hazards as a result of their occupation.

State Civil Defense has reserved all twenty (20) slots for your department to fill. Participants should have had the 40-hour (or 24-hour) HAZWOPER course before attending this refresher course. Students should also bring their own respirators if they wish to be respirator fit tested.

Mr. Steve Armann
August 20, 1992
Page 2

Please ensure 100% participation for this one-day course as we are paying \$150.00 per person, present or not. In the future, training funds may not be so readily available.

We would appreciate, if you will, a list of participants by September 4, 1992. Please include their occupation, employer, business address and business phone number.

For additional information, please call our Training Specialist, Leighton Ah Cook, at 734-2161.

Thank you for your understanding and cooperation.

bc: Mr. Ah Cook

**Environmental Technologies
International**

737 Bishop Street, Mauka Tower
P.O. Box 3379 Honolulu, Hawaii 96842
Telephone (808) 547-3600
Telex 7430292
Fax (808) 547-3033

June 19, 1992



Mr. Leighton Ah Cook
Training Officer
State of Hawaii
Office of the Director of Civil Defense
Department of Defense
3949 Diamond Head Road
Honolulu, Hawaii 96816-4495

Subject: Chemical Emergency Response Training

Dear Mr. Ah Cook:

In reference to our discussion on May 22, 1992, Environmental Technologies International (ETI) is pleased to submit the following proposal to provide Chemical Emergency Response Training to the employees of the State of Hawaii.

This proposal is designed to meet the categoric requirements described in the **State of Hawaii Chemical Emergency Response Training Guidelines** published by the Hawaii State Emergency Response Committee in August 1989. ETI course work will be developed in accordance with State and Federal regulations (Title 12, Part 2, Chapter 99 of the Hawaii State Occupational Safety and Health Standards, and 29 CFR 1910.120).

Health and safety topics to be covered in each training category and the applicable prerequisite requirements are set forth in Table 1. Please note that category V, Hazardous Materials Response Exercise of the State's Guidelines, has been included as part of categories II and IV.

The State of Hawaii may elect to contract ETI for A): course and visual aid development, and course instruction; or B): course and visual aid development alone. Should the State elect to contract ETI for the course instruction, the State will be responsible for the coordination of training facilities including selection of a field exercise location. Client will also be responsible for providing audio-visual equipment, such as TV, VCR, overhead projector, and writing board.

For training to be conducted on the neighbor islands, travel expenses, including air, accommodation, meals and car rental, will be billed directly to the State.

Mr. Leighton Ah Cook
SH - Office of the Director of Civil Defense
June 22, 1992
Page 2

PRICE ESTIMATES

Category I: First Responder Awareness (8-hour)

- A. Course and Visual Aid Development \$1,916
- B. Per Session Cost:
 - 8-Hour Training Session \$1,480
(Maximum 30 participants/session)
 - Student Manuals \$30/manual

Category II: Hazardous Materials Incident Response (24-hour)

- A. Course and Visual Aid Development \$2,032
- B. Per Session Cost:
 - 24-Hour Training Session \$3,880
(Maximum 20 participants/session)
 - Field Exercise Supplies \$300
 - Student Manuals \$40/manual

Category III: Hazardous Materials Supervisor (8-hour)

- A. Course and Visual Aid Development \$1,916
- B. Per Session Cost:
 - 8-hour Training Session \$1,480
(Maximum 30 participants/session)
 - Student Manuals \$30/manual

Mr. Leighton Ah Cook
SH - Office of the Director of Civil Defense
June 22, 1992
Page 3

Category IV Hazardous Materials Specialist Training (40-hour)

A.	Course and Visual Aid Development	\$2,748
B.	Per Session Cost:	
	40-hour Training Session (Maximum 20 participants/session)	\$6,280
	Field Exercise Supplies	\$400
	Student Manuals	\$50/manual

The scope and price estimates of this proposal are valid for 90 days. Prices do not include 4.167% Hawaii State sales tax. Upon the State's approval, ETI will forward a written agreement to be executed by a State representative. ETI can commence work immediately thereafter.

For your reference, I have included a selected list of clients who have attended ETI's Hazardous Waste Operations and Emergency Response (Hazwoper) courses, see Attachment 1. You are welcome to obtain their opinion on ETI's course and instructor quality.

If you have any questions, please contact me at 547-3600. Thank you for considering ETI to fulfil your safety and health training needs. We look forward to working with the State of Hawaii.

Respectfully,
Safety and Industrial Health Division



Annie K. Leung
Industrial Hygienist

AKL:ob(A787P.463)

Attachment: Table 1 - Topics Covered
ETI Selected Hazwoper References

"The technical information and hands on training helped me on the job at that time, since I was supervising the handling and use of restricted pesticides at our facility".

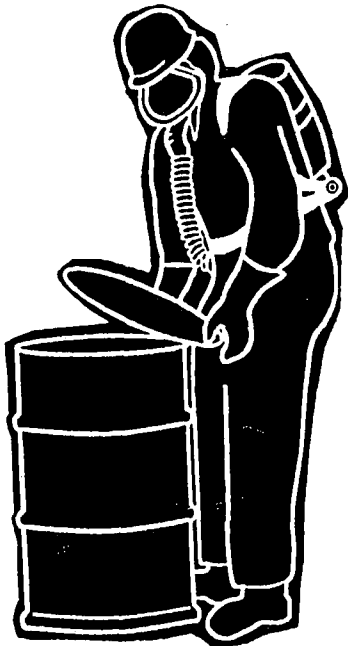
Del Monte Fresh Produce (Hawaii) Inc.

"The course was very informative and covered all the necessary requirements to comply with government regulations".

Hawaiian Sugar Planters' Association.

"I greatly appreciated the fact that when devising different scenarios to deal with, the speaker made a point of including marine oil spill response. It was very useful to me".

Marine Logistics, Inc.
Oil Pollution Response Services
Honolulu, Hawaii



COURSE SCHEDULE

40-HOUR HAZARDOUS WASTE OPERATIONS

July 13-17
September 21-25
November 16-20

8-HOUR SUPERVISOR

August 4
October 6

8-HOUR YEARLY REFRESHER

July 22
October 13

Course Fees

40-Hour Hazardous Waste	\$685.00
8-Hour Supervisor	\$285.00
8-Hour Yearly Refresher	\$285.00

Location

Courses are conducted at the training facility of
Unitek Environmental Consultants Inc.,
930 Mapunapuna Street, Suite 200,
Honolulu, Hawaii 96819.

Unitek Environmental Consultants, Inc.
Training Coordinator/Registrar
930 Mapunapuna Street, Suite 200
Honolulu, Hawaii 96819

HAZARDOUS WASTE TRAINING COURSES

The Occupational Safety and Health Administration (OSHA) has passed regulations that detail the requirements for training employees who handle or work with hazardous wastes. These requirements are delineated in Title 29 of the Code of Federal Regulations (CFR 1910.120). It is a FEDERAL LAW that employees involved with hazardous waste activities must comply with these requirements.

Unitek Environmental Consultants, Inc. (UEC) is proud to offer all three OSHA-required training courses: the Hazardous Waste Operations 40 Hour course, the Hazardous Waste 8 Hour Supervisor's course, and the 8 Hour Yearly Refresher course.



UNITEK

Course Descriptions

UEC offers several skill and knowledge levels of training.

40-Hour Hazardous Waste Operations

This course is for personnel who handle hazardous substances (including removal of underground storage tanks) or investigate uncontrolled hazardous waste sites. It provides basic information on the protection and safety of personnel engaged in field operations dealing with hazardous substances.

8-Hour Supervisor

OSHA now requires those persons in a supervisory capacity on hazardous waste sites to have 8 hours of training in addition to the initial 40 Hour course. Our course covers implementation of health and safety plans, personal protective equipment, spill containment, health monitoring, employee training, and regulatory overview.

8-Hour Yearly Refresher

The new OSHA regulations require hazardous waste operations workers who have completed the 40 Hour course, to participate in an 8 Hour "refresher" training course each year. Our refresher course reinforces the importance of site safety for veteran hazardous waste workers and provides important updates on regulatory requirements, safety procedures, monitoring devices and protective equipment.

REGISTRATION FORM

Please enroll me in the following Courses(s):

- 40-Hour Hazardous Waste Operations
- 8-Hour Supervisors
- 8-Hour Yearly Refresher

Name _____

Title _____

Company _____

Address _____

City/State/Zip _____

Telephone Number _____

Registration Information

FULL PAYMENT OR PURCHASE ORDER MUST ACCOMPANY EACH REGISTRATION FORM. Please make check payable to Unitek Environmental Consultants, Inc. Personnel substitutions may be made at any time prior to the start date of the course. Enroll early due to limited class size. Refunds or cancellations can be made only if received at least one week prior to the start of the training program. **NO REFUNDS WILL BE MADE AFTER THE START OF THE COURSE.**

Course fees include manuals, selected reference materials, and handouts. Attendees will receive a Certificate of Completion. For Additional Information contact the Training Coordinator/Registrar at (808) 836-0555.

In no event shall UEC be liable for any incident which occurs during or after attendance. UEC reserves the right to cancel the training and return all fees in the event of insufficient registration.

HLA—A LEADER IN EMPLOYEE HEALTH AND SAFETY TRAINING.

40-HOUR BASIC HEALTH AND SAFETY COURSE

This comprehensive 40-hour training course is designed for personnel who will engage in on-site hazardous waste cleanup activities conducted under specific federal, state, local, and other government requirements. Personnel requiring such training would include environmental engineers, geologists, field technicians, drillers, equipment operators, facility operators, construction and cleanup contractors, site managers, regulators, general laborers, and others.

The course is designed and taught to satisfy the OSHA regulations as specified in 29 CFR 1910.120, "Hazardous Waste Operations and Emergency Response."

This 40-hour basic course is delivered in an intensive 5-day format. The class is presented in a lecture/discussion audio-visual format with maximum use of equipment demonstrations, hands-on equipment use, and dynamic interactive group workshops. The student will participate in team-oriented Level C and Level B field exercises, to include hands-on use of state-of-the-art air monitoring and other sampling equipment.

- Hazard Recognition, Evaluation and Control (chemical, physical safety, biological, radioactive, temperature, ergonomics, others)*
- OSHA/EPA Regulatory Issues and Requirements
- Physical and Chemical Properties of Hazardous Substances/Waste*
- General Principles of Toxicology
- Site Characterization*
- Sources of Assistance and Information
- Selection, Use, Storage and Maintenance of respirators (air purifying and self-contained breathing apparatus)*
- Respirator Fit Testing*
- Level A Demonstration and Level B Donning*
- Personal Protective Equipment and Levels of Protection*
- Health and Safety Program Requirements
- Environmental Monitoring Equipment Use and Calibration*
- Site Control/Security and Work Zones*
- Decontamination*
- Recordkeeping, Documentation
- Other Information to Meet the Requirements of 29 CFR 1910.120
- Intense Course Review and Final Examination

24-HOUR HEALTH AND SAFETY TRAINING COURSE

This 24-hour health and safety course is designed to train employees in non-routine or minimally exposed to toxics at hazardous waste sites. People for whom the course is designed for include: upper management personnel, support and administrative personnel, surveyors, sales persons, and other minimally exposed scientific advisors, technicians and visitors.

- Hazard Recognition, Evaluation and Control, Physical and Chemical Properties of Hazardous Substances/Waste*
- OSHA/EPA Regulatory Issues and Requirements
- General Principles of Toxicology
- Sources of Assistance and Information
- Selection, Use, Storage and Maintenance of respirators (air purifying and self-contained breathing apparatus)*
- Respirator Fit Testing*
- Level A Demonstration and SCBA Familiarization and Donning*
- Personal Protective Equipment and Levels of Protection*
- Environmental Monitoring Equipment Use and Calibration*
- Site Control/Security and Work Zones*
- Intense Course Review and Final Examination

8-HOUR SUPERVISORS COURSE

This course is designed for personnel who have supervisory or management responsibility at hazardous waste sites. Prior to this course, attendees should have completed a 40-hour (or 24-hour) certification program in hazardous substances/waste health and safety.

- OSHA Regulations Affecting Supervisors/Managers
- Supervisors/Managers Case Histories
- Effective Health and Safety Programs
- Job Safety and Emergency Action Planning
- Employee Training Requirements*
- Job-Site Inspection and Accident Investigation Techniques*
- Personal Protective Equipment Programs
- Spill Containment Programs
- Health and Safety Monitoring Techniques
- Hazardous Waste Management Techniques
- Planning, Organizing, Staffing, Budget/Costing, and Logistical Concerns
- Other Information Valuable to the Supervisor/Manager

8-HOUR REFRESHER COURSE

This 8-hour refresher course is designed to reinforce those topics learned in the 40-hour (or 24-hour) course and update students on state-of-the-art health and safety programs, regulations and requirements, and practices and techniques employed on hazardous waste sites.

- Regulatory Review (an update)
- Recent Case Studies in Hazardous Waste
- Review of Hazard Recognition, Evaluation, and Control Techniques
- State-of-the-Art Environmental Monitoring Equipment*
- Site Characterization, Site Control
- Respiratory Protection and Respirator Fit Testing*
- Personal Protective Equipment
- Site Safety Plans and Health and Safety Programs
- Other Pertinent Health and Safety Information

INSTRUCTION TEAM: OVER 90 YEARS OF SAFETY EXPERIENCE

Peter Rice, CIH, CSP, Director, Industrial Hygiene and Safety— Mr. Rice has developed and supervised numerous safety and training programs for industry and government. He has extensive experience as a safety instructor and was senior industrial hygienist and safety officer for the California Occupational Safety and Health Administration (Cal/OSHA).

Jim Heringer, Industrial Hygiene and Safety Administrator— Mr. Heringer has extensive experience with hazardous materials exposure monitoring, principally in the maritime industry. He also is skilled in health care and health risk evaluation as a medical administrative officer for the U.S. Coast Guard.

Chris Corpuz, CIH, Associate Industrial Hygiene and Safety Specialist — Mr. Corpuz has many years of experience in industrial hygiene and safety. He is skilled in industrial safety program development and implementation, particularly in evaluating manufacturing methods and incorporating safety into engineering design procedures.

Robert Bottome, Industrial Hygienist — Mr. Bottome is skilled in industrial hygiene, safety, asbestos management programs and waste site project management.

Mr. Bottome is a frequent lecturer for U.C. Berkeley's Extension Programs in Environmental Hazard Management.

Robert Turkington, Industrial Hygienist — Mr. Turkington serves as a training team member to HLA. Mr. Turkington has over 20 years experience and is nationally recognized as an expert in hazardous materials recognition, evaluation and control.

Masayoshi Ogata, CIH, Senior Industrial Hygienist— Mr. Ogata has a wealth of experience in occupational health and safety. He was manager of the Occupational Health Branch of the Hawaii Labor and Industrial Relations Department and has been a Clinical Instructor at the University of Hawaii School of Public Health.

Others— HLA will supplement highly qualified instructors to provide the most up-to-date information possible to course participants.

REGISTRATION

Advance registration is necessary, and each student is subject to confirmation. Registration for each course is limited. Early registration is strongly recommended.

Registration fee payment or purchase order must accompany the enclosed registration form. The registration fee covers classroom materials, course manual and handouts, use of equipment and safety clothing, and refreshment breaks.

Persons with confirmed registration who do not attend and who fail to cancel in writing at least 7 days prior to the course beginning date will not be refunded the registration fee. Substitutions may be made at any time.

For further registration information, please contact the Corporate Industrial Hygiene and Safety Department at (415) 892-0821.

CONFIRMATION

Registrants will receive a confirmation letter that includes a detailed course schedule with session starting times and a location map.

REGISTRATION FORM

Please enroll me in the following Health and Safety Training Course(s):

Basic 40-hour	FEE: \$750 3 or more \$700	Date: _____	Location: _____
Basic 24-hour	FEE: \$495 3 or more \$450	Date: _____	Location: _____
Refresher 8-hour	FEE: \$175 3 or more \$150	Date: _____	Location: _____
Supervisory 8-hour	FEE: \$195 3 or more \$170	Date: _____	Location: _____

Please make check payable to Harding Lawson Associates. Full tuition is payable in advance.

NAME		COMPANY/ORGANIZATION		TELEPHONE ()	
ADDRESS		CITY	STATE	ZIP	

HLA reserves the right to cancel or to alter the schedule, course agenda or instructors, giving registrants two weeks written notice of any schedule change. Any registrant who must cancel due to HLA change will receive a full refund on request. For further information, contact HLA's Corporate Industrial Hygiene and Safety Department at (415) 892-0821.

RETURN FORM WITH PAYMENT TO:

Harding Lawson Associates

Attn: Corporate Industrial Hygiene and Safety Dept.
P.O. Box 578, Novato, CA 94948

1992/93 CSTI SCHEDULE

CSTI EMERGENCY MANAGEMENT COURSES (805) 549-3536

Earthquake	E1-92	Sep 14-18	1992
	E2-92	Nov 2-6	1992
	E3-92	Dec 7-11	1992
	E4-92	Jan 11-15	1993
	E5-92	Mar 1-5	1993
	E6-92	Apr 12-16	1993
	E7-92	May 10-14	1993
	E1-93	Sep 20-24	1993
	E1-93	Oct 25-30	1993
Disaster Planning	DP1-92	Sep 28-Oct 2	1992
	DP2-92	Feb 1-5	1993
	DP3-92	Apr 26-30	1993
	DP1-93	Sep 27-Oct 1	1993
EOC Design & Function	EOC1-92	Nov 30-Dec 4	1992
	EOC2-92	Mar 29-Apr 2	1993
	EOC1-93	Oct 11-15	1993
Terrorism	T1-92	Oct 19-23	1992
	T2-92	Mar 22-26	1993
	T3-92	Jun 7-11	1993
Crisis Comm & Media - 1	CCM1-1-92	Sep 21-25	1992
	CCM-1-2-92	Aug 17-21	1992
	CCM1-3-92	May 3-7	1993
Crisis Comm & Media - 2	CCM2-1-92	Jan 5-8	1993
	CCM2-2-92	Jun 22-25	1993
Disaster Medical Operations	DMO1-92	Feb 23-25	1993

CSTI HAZARDOUS MATERIALS COURSES (805) 549-3344

Investigations	HMI1-92	Jan 11-15	1993
	HMI2-92	Jun 7-11	1993
Exec. Policy	HMEP1-92	Jan 21	1993
Instructor Cert. for Trainers	HMIT1-92	Sep 29-30	1992
	HMIT2-92 (NR)	May 11-12	1993
Instructor Cert.	HMIC1-92	Nov 30-Dec 4	1992
	HMIC2-92	Apr 12-16	1993
Re-Certification	HMICR-92	Feb 17	1993
HM Specialist	Module 1A HMSA1-92	Nov 16-20	1992
	Module 1B HMSB1-92	Dec 7-11	1992
Module 1C	HMSC1-92	Jan 4-8	1993
Module 1D	HMSD1-92	Jan 25-29	1993
Module 1E	HMSE1-92	Feb 22-26	1993
Module 1F	HMSF1-92	Jul 13-17	1992
	HMSF2-92	Aug 10-14	1992
Module 1G	HMSF3-92	Oct 26-30	1992
	(Upgrade)		
Module 1G	HMSF4-92	Mar 15-19	1993
	HMSF5-92	Apr 19-23	1993
Module 1G	HMSF6-92	May 17-21	1993
	(Upgrade)		
Module 1G	HMSG1-92	Jul 20-24	1992
	HMSG2-92	Aug 17-21	1992
Module 1G	HMSG3-92	Nov 2-6	1992
	(Upgrade)		

CSTI HAZARDOUS MATERIALS COURSES (805) 549-3344

CAMEO	CAFR1-92	Nov 16-20	1992
	(NR)		
	CAFR2-92	Mar 1-5	1993
	CAFR3-92	May 3-7	1993
First Responder - Operations	HMFR1-92	Sep 9-11	1992
	HMFR2-92	Feb 9-11	1993
Incident Comm/ Scene Manager	HMIM1-92	Oct 19-23	1992
	HMIM2-92	Dec 14-18	1992
	HMIM3-92	Mar 8-12	1993
	HMIM4-92	Jun 14-18	1993

Post-It™ brand fax transmittal memo 7671 # of pages 4

To	Leighton	From	Susan Speer
Co.	Hope-His helps!	Co.	CSTI
Dept.		Phone #	805/549-3344
Fax #	Susan	Fax #	805/544-7103

TUITION FEE SCHEDULE

Tuitions subject to change beginning July, 1992

COURSE

TUITION FEE BY STUDENT CATEGORY

A

B

EMERGENCY MANAGEMENT COURSES

Design and Function of the Emergency Operations Center	\$175	\$350
Disaster Planning	\$175	\$350
Earthquake	\$175	\$350
Crisis Communications and the Media	\$200	\$400
Crisis Communications and the Media (Second-year course)	\$200	\$400
Crisis Communications and the Media (Third-year course)	\$300	\$600
Disaster Medical Operations	\$125	\$250

HAZARDOUS MATERIALS COURSES

First Responder "Awareness"	\$ 90	\$180
First Responder "Operational"	\$125	\$250
Incident Commander/Scene Manager	\$175	\$350
Executive Manager	\$200	\$400
Investigations	\$250	\$500
CAMEO	\$350	\$450
Medical Management of Haz. Mat. Incidents	\$100	\$100
Hazardous Materials Specialist Modules 1A-1E	\$175 (*\$200) Week	\$350 (*\$400) Week
Hazardous Materials Specialist Modules 1F-1G	\$250 (*\$300) Week	\$500 (*\$600) Week
Technician Modules 1A-1E	\$200 Week	\$400 Week
Instructor Certification	\$250	\$500
Instructor Certification for Trainers	\$150	\$300
Instructor Certification Refresher	\$100	\$200

CRIMINAL JUSTICE COURSES

Terrorism Awareness	\$175	\$350
Officer Safety and Field Tactics	\$107.50 (*\$109)	\$350
Officer Safety and Field Tactics - K-9 (with dog)	\$287.50 (*\$289)	\$500
(Supervisor - no dog)	\$187.50 (*\$189)	\$400
Tactical Diagramming	\$150	—

EXTERNAL EMERGENCY MANAGEMENT PROGRAMS

Seminars and Exercises	Fees and Tuitions vary for External Programs
Special Programs and Open Attendance Seminars	
Public Safety Communicator in Emergency Management	
Damage Assessment and Recovery Operations Seminar	

STUDENT CATEGORIES ARE:

- A. California State and local government and non-profit agencies including CA National Guard.
- B. All others, including private industry, out-of-State, and Federal, including Military (all services, Active and Reserve) except CA National Guard.

NOTE: There will be an additional charge for meals and refreshments which varies with course duration. Exact amounts will be announced in acceptance letters to applicants. In some cases, POST reimburses less than the tuition amounts charged. When this situation occurs, participants will be notified in advance.

*Price increase effective 7-1-92

(Revised 4-14-92)

July 30, 1992

Ms. Shirley Daniels
Ms. Conte Guzman-Hoffman
Superfund Training Coordinators
U.S. Environmental Protection Agency
Region IX
75 Hawthorne St.
San Francisco, CA 94105

Dear Shirley and Conte,

State Civil Defense would be very grateful if the EPA were to present hazardous material training here in Honolulu. The demand for training is enormous, but due to limited funds, only low budget hazmat training is accomplished. If possible, we would appreciate your help in having one or several courses delivered in Honolulu for this coming FY93 and in the future.

We would be interested in having any of the following courses presented here:

Hazardous Materials Incident Response Operations (165.5)

Introduction To Groundwater Investigations (165.7)

Safety And Health Compliance For Managers (165.8)

Sampling For Hazardous Materials (165.9)

Emergency Response To Hazardous Materials Incidents (165.15)

Basic Personnel Health And Safety Training (Beginner Level)
Title III Hazmat Planning - Module A: Hazardous Analysis In
Preparing Title III Plans
- Module B: Conducting Hazmat
Exercises

I may be reached at Ph. (808) 734-2161 or FAX (808) 737-4150.
Thank you for your time and cooperation.

Sincerely,

Leighton Ah Cook

September 8, 1992

Mr. Bill Lewis
On-Scene Coordinator
U.S. Environmental Protection Agency
Region IX
75 Hawthorne Street
San Francisco, CA 94105

Dear Mr. Lewis,

Hawaii State Civil Defense is very interested in having the EPA and its contractors present a 40-hour hazardous materials course here in Honolulu.

I would like to propose a few open dates we currently have available. We have the week of February 1-5, 1993, February 8-12, 1993, and May 17-21, 1993. Any of these dates would be ideal.

State Civil Defense will provide the training facility which includes a classroom with a seating capacity of 40, the necessary training equipment, ample free parking, and an outdoor area for conducting exercises.

Our target audience includes Fire Department Personnel, Police, Emergency Medical Services, State Health Department, Civil Defense, and other State and local government entities involved with hazardous materials response.

If you have any questions regarding this training request, I'll be more than glad to clarify them. I may be reached at (808) 734-2161 or FAX at (808) 734-4150.

Thank you for your time and we truly appreciate your support of our training and education program.

Sincerely,

Leighton Ah Cook

INTERIM TRAINING SCHEDULE

STATE CIVIL DEFENSE

<u>Course Title</u>	<u>Date(s)</u>	<u>Location</u>
Computer Aided Management Emergency Operations (CAMEO)	7/27-31/92	Honolulu
Hazardous Waste Operations & Emergency Response (HAZWOPER)	8/5-7/92	Honolulu
Introduction to Emergency Mgt.	8/11-14/92	Honolulu
Continuing Challenge Wkshp	9/9-11/92	California
Developing Volunteer Resources	9/22-23/92	Honolulu
Decision Making & Problem Solving	9/24/92	Honolulu
Fundamentals Course For Radiological Monitors	10/23/92	Hilo
Hazmat Awareness T-T-T	11/4-6/92	Honolulu
HAZWOPER Refresher	11/19/92	Honolulu
Hazmat Awareness	12/3/92	Honolulu

For registration information on the above courses, contact Leighton Ah Cook at 734-2161.

STATE OF HAWAII
DEPARTMENT OF HEALTH
ENVIRONMENTAL HEALTH ADMINISTRATION

DRAFT
POLICY ON USE OF THE
ENVIRONMENTAL RESPONSE REVOLVING FUND

Environmental Response Office
September 17, 1992
(ERRF.SOP)

I. BACKGROUND

- A. The Environmental Response Revolving Fund (ERRF) is authorized under Chapter 128D, Hawaii Revised Statutes (HRS). The intent of the fund is to pay for environmental emergency responses which require prompt corrective actions and for which a responsible party is unable or unavailable to fund the appropriate action. The fund is to be replenished by pursuing the responsible party(ies) and cost recovery. In addition, moneys collected by the State from environmental enforcement actions are deposited into the fund.
- B. Unfortunately the geographic nature of Hawaii and the consolidation of DOH On-Scene Coordinators (OSC) on Oahu, does not lend itself well to timely response actions on the neighbor islands. Therefore, establishing procedures for using the ERRF is imperative.

II. AUTHORIZATION

- A. §128D-2, Environmental Response Revolving Fund.
 1. There is created an environmental response revolving fund within the department which shall consist of moneys appropriated to the fund by the legislature, moneys paid to the fund as a result of departmental compliance proceedings, moneys paid to the fund pursuant to court-ordered awards or

judgements, moneys paid to the fund in court-approved or out-of-court settlements, all interest attributable to investment of money deposited in the fund, and moneys allotted to the fund from other sources; provided that when deposits of fines and penalties pursuant to §342B-11.5, §342D-39, §342F-11.5, §342H-10.5, §342J-10.5, §342L-11.5, and §342N-9.5 exceed \$3 million shall be transferred to the general fund.

2. Moneys from the fund shall be expended by the department for emergency response actions, including removal and remedial actions, consistent with this chapter.

B. §128D-4(c) states: Moneys in the fund may be expended by the Director for any of the following purposes:

1. Payment of all costs of removal or remedial actions incurred by the State or the counties in response to a release or threatened release of a hazardous substance or pollutant or contaminant.
2. Payment for the State's share of a removal or remedial action pursuant to §104(c)(3) of CERCLA.
3. Payment of all costs incurred by the State in the restoration, rehabilitation, or replacement or acquisition of the equivalent of any natural resources injured, destroyed, or lost as a result

of a release of a hazardous substance or pollutant or contaminant.

4. Payment of all costs of response actions for a release due to the legal application of a pesticide product registered under the Federal Insecticide, Fungicide, and Rodenticide Act.
 5. Payment of all costs or remedial action for any release permitted by any federal, state or local permit or other legal authority.
- C. Due to the intended use of the fund, the Governor has authorized the Department of Health (DOH) to expend money from this fund without obtaining prior administrative approvals, (e.g., contractor's bid) in order to respond to emergency situations.

III. ENVIRONMENTAL RESPONSE POLICY

- A. The Oil and Hazardous Substances Emergency Response Plan (OHSERP) outlines the specific responsibilities of each agency in an emergency. In any emergency, it is likely that the Incident Commander (IC) will be either the Fire Department, the Police or the County Civil Defense. Although DOH is identified in the OHSERP as a first responder, in most emergencies, particularly, neighbor island emergencies it is unlikely that DOH OSC will be the first responder.

- B. Page 21 of the plan outlines the responsibilities of the first emergency responder IC. The IC will:
1. Assess the situation.
 2. Activate the local emergency response system.
 3. Initiate actions necessary to protect the public.
- C. The County Incident Command System provides that the lead county emergency response agency should:
1. Assume incident command upon arriving on scene.
 2. Designate a county on-scene coordinator (COSC) for local resources.
 3. Establish an appropriate incident command post.
 4. Be in charge of and responsible for all emergency response operations.
 5. The highest ranking fire official on scene will normally be designated the IC.

- D. The plan provides that incident command will remain at the county level until emergency operations, which include stabilization and control activities, are completed unless:
 - 1. The local resources are overtaxed and the IC requests that the State On-Scene Coordinator (OSC) assumes control. The IC would then remain with the OSC unless State resources are overtaxed and the IC requests assistance from EPA and a Federal On-Scene Coordinator arrives from Region IX.

IV. PROCEDURES FOR USING THE ERRF

- A. The Department is responsible for ensuring that the ERRF expenditures are in accordance with §128D-2, HRS and in compliance with the Governor's approval under §103-23, HRS, to exempt the spending of the ERRF from normal contracting procedures. Therefore, the Department cannot delegate authority to expend ERRF moneys to anyone outside of the Department.
- B. The OHSERP outlines that the local IC is to coordinate local resources. Therefore, the IC shall coordinate for the use of local resources to confront the emergency to the extent practical.
- C. The OHSERP provides that the IC can request a Change-of-Command when local resources are overtaxed. However, in a real emergency, local resources may become overtaxed prior to the

State arriving on-scene. Therefore, if the emergency becomes too great for the local resources and the State cannot assume the role of the IC, then a Unified Incident Command System shall be activated. While the OSCs from the DOH are in route to the incident command post, decisions on a course of action and expenditures from the ERRF will be communicated via phone to the IC. The IC shall keep the DOH On-Scene Coordinator apprised of all actions and discuss plans of action with the DOH OSC via phone. Any decision requiring immediate expenditure of funds from the ERRF shall be at the discretion of the DOH OSC in communication with the IC. The DOH OSC shall arrange for assistance.

- D. Upon the arrival of OSCs from the DOH, the DOH OSC will assume the lead for DOH. **All decisions to expend money from the ERRF will be at the discretion of and the responsibility of the DOH OSC.**

JOHN WAIHEE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF HEALTH

P. O. BOX 3378
HONOLULU, HAWAII 96801

October 5, 1992

mailed 10/8/92
COPY

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

In reply, please refer to:
HEER OFFICE

E1002RG.M1

To: Laurence K. Lau, Deputy Attorney General
Department of the 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 held
on September 22, 1992

Thank you for taking time out of your busy schedule to attend the September 22, 1992, meeting of the Hawaii State Emergency Response Commission, (HSERC). The information you requested at the HSERC meeting:

1. Information regarding how the Local Emergency Planning Committees (LEPCs) were established; and
2. Draft Honolulu LEPC Rules, are enclosed for your use.

We hope this information we be useful.

Also, the next HSERC meeting is scheduled for October 20, 1992, at the State Office Towers, Conference Room 1008. We will forward you an agenda with specific meeting details as soon as it is available. We look forward to seeing you at the meeting.

Enc.: Historic LEPC files
Draft Honolulu LEPC Rules

c: Sonia Faust, Deputy Attorney General (w/o Enclosures)



Civil Defense Agency

Lorraine R. Inouye
Mayor

County of Hawaii • 920 Ululani St. • Hilo, Hawaii 96720 • (808) 935-0031 • Fax (808) 935-6460

Rhonda
57
doc07600

TO: Rhonda Goyke, HEER
FROM: Harry Kim, Civil Defense *HK dy*
DATE: September 1, 1992
SUBJECT: Survey for EPCRA program

In response to Mr. Armann's memo of August 13, 1992, the following is submitted.

1. Under Section 311 and 312:

Facilities have reported a total of 341 chemicals.

Note: Some individual chemicals have been counted several times or more as many different facilities use the same chemicals.

2. The exact number of employees needed in the end run would be difficult to assess due to correlation with workload. To start, a staff of three would be adequate.

3. Clerical--1
Planners--2

4. Equipment

a. Equipment Needed:

Macintosh Quadra with expandable memory and 80 megabyte hard-drive.

Macintosh extended keyboard with mouse

High resolution color monitor, minimum 13"

Color laser printer

9600 BAUD telecom modem

Scanner (compatible for CAMEO mapping)

Software (latest versions) HyperCard, CAMEO

Microsoft works, Excel, etc.

b. \$15,000.00

c. \$ 1,700.00/yr.

5. This would be pending discussion and decision of the SERC.

6. Approximately \$100,000.00

7. It seems that the issue of funding the program or establishing goals of the program must be a SERC matter.

dy



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
(Use Black or Blue Ink Only)

DATE: 9/2/92 No. of pages (Incl. cover sheet): 3

TO: CAPT. BLACKBURN

Office/Phone/Mail Stop: MAUI F.D. 243-7561

FAX 243-7919

FROM: RHONDA GOYKE

Office/Phone/Mail Stop: DOH/HEER 586-4251

FAX 586-4370

SUBJECT/MESSAGE: JOE, SEL ASKED ME TO WORK WITH

YOU RE: THE ATTACHED SURVEY. IF POSSIBLE

COULD I GET A "BEST ESTIMATE" BY

FRI (9/4). CALL ME IF YOU HAVE QUESTIONS

THANKS FOR YOUR HELP!!

SIGNATURE OF SENDER: Rhonda Goyke

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

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

August 16, 1992

In reply, please refer to:
HEER OFFICE
E0815RG.3

Sel Menor, Co-Chairman
Maui Local Emergency Response Committee
200 South High Street
Wailuku, Hawaii 96793

Dear Mr. Menor:

Subject: Survey For A State Emergency Planning and Community Right-to-Know Statute for Hawaii

As you are well aware, the Emergency Planning and Community Right-to-Know (EPCRA) program in Hawaii has been struggling due to lack of dedicated resources. The only real solution is to establish a state EPCRA law which among other things would establish a reporting fee system for regulated facilities and therefore provide a funding source for our EPCRA program.

We plan to introduce such a state statute during this years legislative session. Such an accomplishment will require a coordinated effort from all levels and the Local Emergency Planning Committees (LEPCs) will play a vital role in this process.

We would like to begin by laying a strong supportive foundation by establishing the actual needs that would be required to support a fully operational EPCRA program in Hawaii. As such, please complete the attached survey and return to Rhonda Goyke of the Office of Hazard Evaluation and Emergency Response, 5 Waterfront Plaza, Suite 250C, 500 Ala Moana Blvd, Honolulu, Hawaii 96813, by August 28, 1992. Attached for your reference is a copy of a list of mandatory and optional LEPC responsibilities with estimated time requirements for each. Please use this document as a base and edit as appropriate.

Sincerely,

Steven Armann, Acting Manager
Office of Hazard Evaluation and
Emergency Response

Attachments

SURVEY
ANTICIPATED NEEDS OF MAUI COUNTY:

STATE EMERGENCY PLANNING AND COMMUNITY-RIGHT-TO-KNOW
STATUTE FOR HAWAII

1. According to our records the number of facilities that have reported according to the EPCRA requirements are as follows:
Section 302 = 20
Section 311 = 17
Section 312 = 33, if a fee were imposed "per chemical" how many individual chemicals would these 33 reports represent?
2. Anticipated number of FTE needed to support a "funded" LEPC program?
3. What position levels would be required?
4. EQUIPMENT:
 - a. Equipment needed?
 - b. Estimated revenues needed for equipment?
 - c. Annual revenues needed for equipment, equipment maintenance etc?
5. Organizational structure of future LEPC?
6. Estimation of the total annual revenues needed to support a fully operational LEPC for your County?
7. Other, please specify

Please provide additional justification or background if you feel it would be helpful.

September 4, 1992

E0814RG.3

Clifford Ikeda, Co-Chairman
Kauai Local Emergency Response Committee
4396 Rice Street, Room 107
Lihue, Hawaii 96766

Dear Mr. Ikeda:

Subject: Survey For A State Emergency Planning and Community Right-to-Know Statute for
Hawaii

As you are well aware, the Emergency Planning and Community Right-to-Know (EPCRA) program in Hawaii has been struggling due to lack of dedicated resources. The only real solution is to establish a state EPCRA law which among other things would establish a reporting fee system for regulated facilities and therefore provide a funding source for our EPCRA program.

We plan to introduce such a state statute during this years legislative session. Such an accomplishment will require a coordinated effort from all levels and the Local Emergency Planning Committees (LEPCs) will play a vital role in this process.

We would like to begin by laying a strong supportive foundation by establishing the actual needs that would be required to support a fully operational EPCRA program in Hawaii. As such, please complete the attached survey and return to Rhonda Goyke of the Office of Hazard Evaluation and Emergency Response, 5 Waterfront Plaza, Suite 250C, 500 Ala Moana Blvd, Honolulu, Hawaii 96813, by August 28, 1992. Attached for your reference is a copy of a list of mandatory and optional LEPC responsibilities with estimated time requirements for each. Please use this document as a base and edit as appropriate.

Sincerely,

Steven Armann, Acting Manager
Office of Hazard Evaluation and
Emergency Response

Attachments

SURVEY
ANTICIPATED NEEDS OF KAUAI COUNTY:

STATE EMERGENCY PLANNING AND COMMUNITY-RIGHT-TO-KNOW
STATUTE FOR HAWAII

1. According to our records the number of facilities that have reported according to the EPCRA requirements are as follows:
Section 302 = 90
Section 311 = 27
Section 312 = 90, if a fee were imposed "per chemical" how many individual chemicals would these 90 reports represent?
2. Anticipated number of FTE needed to support a "funded" LEPC program?
3. What position levels would be required?
4. EQUIPMENT:
 - a. Equipment needed?
 - b. Estimated revenues needed for equipment?
 - c. Annual revenues needed for equipment, equipment maintenance, etc?
5. Organizational structure of future LEPC?
6. Estimation of the total annual revenues needed to support a fully operational LEPC for your County?
7. Other, please specify

Please provide additional justification or background if you feel it would be helpful.

r

September 4, 1992

E0813RG.3

George Kekuna, Coordinator
Honolulu Local Emergency Response Committee
650 South King Street
Honolulu, Hawaii 96813

Dear Mr. Kekuna:

Subject: Survey For A State Emergency Planning and Community Right-to-Know Statute for Hawaii

As you are well aware, the Emergency Planning and Community Right-to-Know (EPCRA) program in Hawaii has been struggling due to lack of dedicated resources. The only real solution is to establish a state EPCRA law which among other things would establish a reporting fee system for regulated facilities and therefore provide a funding source for our EPCRA program.

We plan to introduce such a state statute during this years legislative session. Such an accomplishment will require a coordinated effort from all levels and the Local Emergency Planning Committees (LEPCs) will play a vital role in this process.

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Sincerely,

Steven Armann, Acting Manager
Office of Hazard Evaluation and
Emergency Response

Attachments

SURVEY
ANTICIPATED NEEDS OF HONOLULU COUNTY:

STATE EMERGENCY PLANNING AND COMMUNITY-RIGHT-TO-KNOW
STATUTE FOR HAWAII

1. According to our records the number of facilities that have reported according to the EPCRA requirements are as follows:
Section 302 = 272
Section 311 = 124
Section 312 = 257, if a fee were imposed "per chemical" how many individual chemicals would these 257 reports represent?
2. Anticipated number of FTE needed to support a "funded" LEPC program?
3. What position levels would be required?
4. EQUIPMENT:
 - a. Equipment needed?
 - b. Estimated revenues needed for equipment?
 - c. Annual revenues needed for equipment, equipment maintenance etc?
5. Organizational structure of future LEPC?
6. Estimation of the total annual revenues needed to support a fully operational LEPC for your County?
7. Other, please specify

Please provide additional justification or background if you feel it would be helpful.

September 4, 1992

E0812RG.3

Harry Kim, Chairman
Hawaii Local Emergency Response Committee
920 Ululani Street
Hilo, Hawaii 96720

Dear Mr. Kim:

Subject: Survey For A State Emergency Planning and Community Right-to-Know Statute for Hawaii

As you are well aware, the Emergency Planning and Community Right-to-Know (EPCRA) program in Hawaii has been struggling due to lack of dedicated resources. The only real solution is to establish a state EPCRA law which among other things would establish a reporting fee system for regulated facilities and therefore provide a funding source for our EPCRA program.

We plan to introduce such a state statute during this years legislative session. Such an accomplishment will require a coordinated effort from all levels and the Local Emergency Planning Committees (LEPCs) will play a vital role in this process.

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Sincerely,

Steven Armann, Acting Manager
Office of Hazard Evaluation and
Emergency Response

Attachments

SURVEY
ANTICIPATED NEEDS OF HAWAII COUNTY:

STATE EMERGENCY PLANNING AND COMMUNITY-RIGHT-TO-KNOW
STATUTE FOR HAWAII

1. According to our records the number of facilities that have reported according to the EPCRA requirements are as follows:
Section 302 = 10
Section 311 = 88
Section 312 = 83, if a fee were imposed "per chemical" how many individual chemicals would these 83 reports represent?
2. Anticipated number of FTE needed to support a "funded" LEPC program?
3. What position levels would be required?
4. EQUIPMENT:
 - a. Equipment needed?
 - b. Estimated revenues needed for equipment?
 - c. Annual revenues needed for equipment, equipment maintenance etc?
5. Organizational structure of future LEPC?
6. Estimation of the total annual revenues needed to support a fully operational LEPC for your County?
7. Other, please specify

Please provide additional justification or background if you feel it would be helpful.

September 4, 1992

E0815RG.3

Sel Menor, Co-Chairman
Maui Local Emergency Response Committee
200 South High Street
Wailuku, Hawaii 96793

Dear Mr. Menor:

Subject: Survey For A State Emergency Planning and Community Right-to-Know Statute for Hawaii

As you are well aware, the Emergency Planning and Community Right-to-Know (EPCRA) program in Hawaii has been struggling due to lack of dedicated resources. The only real solution is to establish a state EPCRA law which among other things would establish a reporting fee system for regulated facilities and therefore provide a funding source for our EPCRA program.

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Sincerely,

Steven Armann, Acting Manager
Office of Hazard Evaluation and
Emergency Response

Attachments

SURVEY
ANTICIPATED NEEDS OF MAUI COUNTY:

STATE EMERGENCY PLANNING AND COMMUNITY-RIGHT-TO-KNOW
STATUTE FOR HAWAII

1. According to our records the number of facilities that have reported according to the EPCRA requirements are as follows:
Section 302 = 20
Section 311 = 17
Section 312 = 33, if a fee were imposed "per chemical" how many individual chemicals would these 33 reports represent?
2. Anticipated number of FTE needed to support a "funded" LEPC program?
3. What position levels would be required?
4. EQUIPMENT:
 - a. Equipment needed?
 - b. Estimated revenues needed for equipment?
 - c. Annual revenues needed for equipment, equipment maintenance etc?
5. Organizational structure of future LEPC?
6. Estimation of the total annual revenues needed to support a fully operational LEPC for your County?
7. Other, please specify

Please provide additional justification or background if you feel it would be helpful.

EN 26
28

SR 29

9/4
meeting

Chlorinated H₂O
reduces life
expectancy

(24)
planners \$21,000 + 29,000
clerical \$15,000

H
* state should do

administrative assignment of ~~SEPC~~ SERC.

city corp. council

LEPC org. of the state or of the Mayor
confusion on SERC.

HSEPC not developed

R
infrastructures in state + local level need

H
wants to ask the
Gov. to re-designate SERC to SCD.

→ copy of historic file to Roy orig. letter designating HSEPC

→ Send all HSEPC corresp. for Main to the Mayor who is
the chairman

September 4, 1992

To: Larry Lau, Deputy Attorney General
Department of the Attorney General

From: Steve Armann, Manager
Office of Hazard Evaluation and Emergency Response

Subject: Hawaii State Emergency Response Commission Meeting

The date and location of the next Hawaii State Emergency Response Commission (HSERC) meeting, originally scheduled for September 25, 1992, has been changed. The meeting is currently scheduled for September 22, 1992, from 8:00 a.m. to 12:00 noon and will be held at the State Office Towers, Conference Room 1206, 235 South Beretania. Attached for your reference is a meeting agenda. Your assistance and support is greatly appreciated.

Attachment

SA:RG

September 4, 1992

To: Roy Price, Sr., Vice Director of Civil Defense
State Civil Defense

From: Steve Armann, Manager
Office of Hazard Evaluation and Emergency Response

Subject: Hawaii State Emergency Planning Committee Meeting

The next meeting of the Hawaii State Emergency Response Commission (HSERC) has been scheduled for September 22, 1992. Included on the agenda is "Training". As such, we would like to request that a brief presentation be prepared to update the HSERC on the status of the Training Program that is ongoing at State Civil Defense. Some of the questions that have been raised regarding the training program are:

- (1). What training program does the State have?
- (2) Why don't we receive notifications of the classes that are being offered?
- (3) What classes have been conducted this year and are planned for the next six months?
- (4) Details regarding the video training program that is currently available.

Thank you for your support. We look forward to learning more about the Training Program provided by the State Civil Defense.

Attachment

SARG

BOB MILLER
Governor

STATE OF NEVADA



WAYNE R. TEGLIA
Co-Chairman
(702) 687-5375

ROBERT BROADBENT
Co-Chairman
(702) 739-5211

EMERGENCY RESPONSE COMMISSION

555 Wright Way
Carson City, Nevada 89711-0900

STATE EMERGENCY RESPONSE COMMISSION

MISSION STATEMENT AND GOALS

MISSION STATEMENT

The mission of the State Emergency Response Commission which was established by the Governor of the State of Nevada and mandated by Public Law 99-499 is the oversight and implementation of that law's mandated provisions as described therein.

GOALS

Consistent with its Mission Statement, the Commission's goals are specific to all provisions of PL 99-499 and related matters encompassing designation and support of Local Emergency Planning Committees, community planning and efforts to improve public safety capabilities, hazardous materials identification and reporting requirements, community right-to-know provisions and all other requirements contained within SARA Title III.

Assignments and goals are delegated to member agencies, sub-committees and staff by SERC which retains its program management/oversight responsibilities for SARA Title III program implementation.

Current goals with sub-committee assignments include the following:

1. On-going support for Local Emergency Planning Committees (SERC, LEPC representatives, staff)
2. LEPC Communications and Representation (SERC, LEPC representatives, staff)
3. Support Local Emergency Planning Committees by way of training/equipment and operations grants (Contingency Fund/Training)
4. Establish and administer standards for the evaluation and administration of SERC grants (Contingency Fund/Training)

5. Support SARA Title III activities delegated by SERC to member agencies through grant process.
(Contingency Fund/Training)
6. Establish training criteria and guidance relative to SARA Title III training
(Contingency Fund/Training)
7. Coordinate the delivery of SARA Title III training programs within the State of Nevada
(Contingency Fund/Training)
8. Development of SERC's legislative proposal
(Legislative)
9. Strategy/Assistance in moving proposal through the legislature
(Legislative)
10. Tracking of SARA Title III related legislation
(Staff/Legislative)
11. Legislative updates for SERC
(Legislative)
12. Assure 24 hour access of Title III data to all local jurisdictions in Nevada
(Information Management)
13. Facilitate LEPC informational management requests relative to data and systems
(Information Management)
14. Provide information management, technical, and advisory assistance to SERC
(Information Management)
15. Consolidate Reporting Forms
(Staff/Policy & Procedures)
16. Development of SERC Operational Guidelines
(Policy & Procedures)
17. Additional Procedures as needed in support of LEPC
(Policy & Procedures)
18. Development of procedures to facilitate SERC process and timeliness of action
(Policy & Procedures)
19. Methods/Procedures to further greater coordination and cohesion among SERC entities
(Policy & Procedures)
20. Maintain chemical incident response among the State's

Emergency Planning Districts based on coordinated chemical emergency response planning
(Community Planning)

21. Support the development and maintenance of chemical hazard identification and assessment information to maximize planning and response effectiveness
(Community Planning)
22. Support the Division of Emergency Management in the correct preparation of local Title III emergency response plans (annexes) as set forth in federal guidance (SARA Title III; Section 303)
(Community Planning)
23. Conduct Title III emergency response plan reviews annually and not later than 90 days after the required annual review by Local Emergency Planning Committees and within 90 days after notification by the Division of Emergency Management of any change in the emergency planning district which could significantly alter response planning
(Community Planning)
24. Research legislative initiatives taken by other states to enforce SARA Title III provisions
(Enforcement)
25. Work closely with SERC Legislative Sub-committee on enforcement issues that may arise from SERC's legislative proposal
(Enforcement)
26. Provide enforcement information and advice to SERC as needed
(Enforcement)

BRIEF:
DR. LEWIN
DR. ANDERSON

*Finalizing Exo
by end of meeting
but be prepared to
finalize
→ brief summary of
what received comments of me
received comments of me
→ set where we went to go.*

R

HAWAII STATE EMERGENCY RESPONSE COMMISSION (HSERC)
Meeting #10

MTG10.BRF-RG3

Monday July 27, 1992
9:00 a.m. - 12:00 noon

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

1250 Punchbowl Street

** look through
mis ACTIONS
requested → name on
parent done!*

AGENDA

I. Introductions (5 min) DR. LEWIN

*add * parking
@ * schedule for the day.*

A. Opening Remarks

Mark Ingolia has resigned as the manager of the Office of Hazard Evaluation and
Emergency Response, as most of your know his last day was May 15th. As of July
1st Steve Armann is the new manager of the HEER Office.

B. Discussion/Approval of Minutes from HSERC Meeting #9

II. Update by the Attorney Generals Office (5 min) Dr. LEWIN

Sonia Faust has officially designated Judy So as Deputy Attorney General to support
the HSERC. However, Judy So in on maternity leave and will not be able to brief us
today. Therefore, the update by the Attorney General's Office will be rescheduled for

** YES -
Must be
there
Call someone
wont cont. a bit
but can brief
Hill TAM different
panel Nat. Review
DECISION
IN NEED OF
meeting
conducted
properly
just sit in
no brief
for out-ut
AG - need
to announce
AG - unanswered
questions.
ZHR*

BRIEF:
DR. LEWIN
DR. ANDERSON

the next HSERC meeting.

III. Distribution of Hawaii's Oil and HAZMAT Operations Plan (5 Min) DR. LEWIN

Hawaii's Oil and Hazardous Materials Emergency Response Plan has been completed and we would like to distribute the Plan today. Section J of your HSERC Handbooks has been set up for a copy of the Plan. If you need extra copies for your offices please contact Rhonda Goyke and she will provide them to you. We encourage you to all read the Plan and distribute it to any staff personnel who may need to refer to the information in an emergency. Please keep this Plan and all other contingency plans were they can readily be referenced and used.

IV. Report on Other States' Programs (15 min)

Dr. Lewin introduce Rhonda Goyke

STEVE V. Available Grants (15 min) DR. LEWIN introduces Steve ARMANN

Through HMTSA \$50,000 - \$100,000 in Planning and Training may be available.

What ideas do the HSERC members have regarding grants applications?

VI. Data Management Advisory Committee - Preliminary Report (15 min)

Dr. Lewin introduces Rhonda Goyke

A. A Data Management Task Force met on June 23, 1992 to discuss the needs and objectives of a computerized system or systems. They have prepared a report for your information and review. In general it appears that two systems are currently in place and with a little effort the holes can be plugged so that a network of shared information exists and EPCRA information is only input once.

B. Question, Comments &/or Discussion (15 min) DR. LEWIN

BRIEF:
DR. LEWIN
DR. ANDERSON

VII. HSERC Goals & Objectives (45 min) DR. LEWIN

A. Input on Draft Goals & Objectives

Draft goals and objectives were mailed out to all the HSERC members more than a month before the meeting, comments were requested. No comments were received.

Is discussion necessary or does the HSERC want to vote to adopt the goals and objectives as written?

B. Finalize Goals & Objectives of the HSERC (45 Min) DR. LEWIN

* ADD (A COPY OF 640 FROM NEVADA ENCLOSED)

1. If accepted, brainstorming session for action steps to achieve the agreed upon goals and objectives.

2. If not accepted, brainstorming session to edit and modify goals and objectives until consensus can be reached.

VIII. Schedule Next HSERC Meeting (#11) (5 min) DR. LEWIN

The HSERC should meet at least once and preferably twice more before the legislative session starts next year. When should the meeting(s) be scheduled?

TO DO
* focus
up note
from Jack
interested in
comments/stories on
Rhonda
questions
didn't get
to in last
meeting
workshop
what we
didn't cover

pick up from
uncompleted business
from mtg #9

complete #9 stuff

what we would like to see
→ long term planning or
→ decision tree
→ what state can do to assist to LEPC
→ get them going

NEXT MEETING:

- 1) Legislative Package (other states EPCRA laws)
- 2) Finalize Guidelines per request per info
- 3) Training Guidelines distributed
- 4) Pg. 25 of "State Plan" → develop equipment standards
- 5) Formation of advisory committees to work on these
- 6) TRI update
- 7) PIP program demonstration

REVISED SCHEDULE OF DEMONSTRATIONS
OF COMMUNITY RIGHT-TO-KNOW COMPUTER PROGRAM

OAHU

<u>Date</u>		<u>Time and Place</u>
Sept. 24	Honolulu Community College	5:00 p.m. Bldg. 2, Rm. 501

Contact: Ken Henserling 845-9291 off -9293 lab
Honolulu Community College
Building 2, Room 508
874 Dillingham Blvd.
Honolulu, HI 96817

<u>Date</u>		<u>Time and Place</u>
Sept. 29	Leeward Community College 96-045 Ala Ike Pearl City, HI 96782	5:00 p.m. Physical Science Rm. 201B

Contact: Penny Johnson 455-0477

<u>Date</u>		<u>Time and Place</u>
Sept. 30	Windward Community College	7:00 p.m. Eckerdt Room 102

Contact: Roy Fujimoto, Director
Community Services
235-7433

MAUI

<u>Date</u>		<u>Time and Place</u>
Oct. 5	Maui Community College	5:00 p.m. Science Bldg. Room 11A

Contact: Steve George 242-1283
310 Kaahumanu Ave.
Kahului, Maui 96732

June Iwamoto
Office of Community Services
242-1231

HAWAII

<u>Date</u>		<u>Time and Place</u>
Oct. 6	Hawaii Community College	5:00 p.m. UH-Hilo Campus Center Room 301 or 306/7
	Contact: Steven Smith 933-3591 Business Education Division Hilo, Hawaii 96720	

CANCEL

KAUAI

<u>Date</u>		<u>Time and Place</u>
Sept. 29	Kauai Community College	5:00 p.m. Dining Room
	Contact: Tom Kajihara 245-8342 3-1901 Kaumualii Lihue, HI 96766	
CANCEL	(Ms.) Arnet Lee, Office of Community Services 245-8234	

BRIEF
Dr. Lewin
Dr. Anderson

*open to
discussion
comments +
changes 2 week
deadline*

*RS
copy*

MTG11.AG-RG3

**HAWAII STATE EMERGENCY RESPONSE COMMISSION (HSERC)
Meeting #11**

Tuesday September 22, 1992
8:00 a.m. - 12:00 noon

State Office Towers
Conference Room 1206

235 South Beretania

** Gov. established
Jack as Chairman*

AGENDA

I. Call to Order - **Dr. Lewin** (15 min)

of issues

A. Opening Remarks

We have scheduled a very long meeting for today because of some vital issues that need to be discussed and resolved.

B. Discussion/Approval of Minutes from HSERC Meeting #10

II. Update by the Attorney Generals Office - **Larry Lau** (30 min)

III. Draft State EPCRA Law - **Dr. Lewin** (45)

A. As you are aware our EPCRA program has been struggling due to lack of dedicated resources, both the HSERC and the LEPCs haven't been able to do all the work that needs to be accomplished according to the mandates of SARA, Title III. The only real solution is to establish a State EPCRA law which will clarify roles & responsibilities as well as establish a fee structure to help fund the program. Due to the deadlines of this years legislature the HSERC staff was delegated the task to research other state EPCRA laws and to draft a preliminary Hawaii EPCRA bill that could be presented to the legislature by the October 11,

Larry will be there

*add
discussion
of*

BRIEF

Dr. Lewin

Dr. Anderson

1992 deadline. This bill is very important to the future success of the program in Hawaii and we hope that you will all support this measure as we go forward into the legislative session. Of course we understand that there are details to be worked out and issues to be resolved, but we can work together to modify and edit this draft bill into a complete EPCRA program for Hawaii.

- B. I would like to ask **Steve Armann & Rhonda Goyke** to go over the process that brought the bill to this stage and to go over a few areas that we feel will initiate some debate.

IV. Demonstration of Public Interactive Program (public access to EPCRA info) UH contract. - **Dr. Lewin (45 min)**

- A. In 1990 an innovative projects grant was received from EPA to develop an interactive computer program using the EPCRA information that was already collected and provide an innovative and information educational program to the public. The primary objective of this project is a public education campaign featuring a user-friendly CAMEO based interactive computer program for public information. In addition to developing the program itself the contract which was awarded to UH Environmental Center, includes a publicity campaign and public demonstration.

- B. As such, today we have asked **Russ Josephson & Sonia Chan-Hui** to give the HSERC the first demonstration of the program. A press conference will be held later this afternoon to begin the publicity campaign and during the following two weeks public demonstrations will be held to initiate the outreach portion of the program.

V. HSERC "Guidelines" - **Dr. Lewin (45 min)**

- A. In our last meeting it was decided that a task force would be formed to draft HSERC Guidelines. That task force consist of Roy Price, Harry Kim, Sel Menor and Rhonda Goyke. The task force has drafted such a document and would like

BRIEF

Dr. Lewin

Dr. Anderson

to present this draft to the HSERC.

B. Rhonda Goyke will present the draft Guidelines.

VI. Training - Dr. Lewin (45 min)

A. Training seems to be one of those issues that generates the most questions. As such, in 1989 the HSERC developed the "State of Hawaii Chemical Emergency Response Training Guidelines" to assist supervisors determine what level and amount of training is needed by their personnel. We would like to redistribute this training guidance at this time, with the hope that it will help clear up some of the confusion that exists regarding training needs.

B. As you all know DOD is organizing and providing Hazmat training. At this time we would like to ask ^{Leighton Ah Ewah} ~~Roy Price~~ to provide an update on the training programs which are ongoing and are planned for the future.

VII. Policy regarding the use of the Environmental Response Revolving Fund in neighbor island emergencies - Dr. Lewin introduces Steve Armann (15 min)

VIII. Schedule Next HSERC Meeting (#11) - Dr. Lewin (5 min)

stines
comments

HAWAII STATE EMERGENCY RESPONSE COMMISSION

Photo

DRAFT *OPERATING GUIDELINES*

Submitted
September 10, 1992
(HSERC.SOP)

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I. INTRODUCTION

- A. These guidelines are adopted by the Hawaii State Emergency Response Commission of the State of Hawaii. This Commission is empowered to implement the provisions of Title III of PL-99-499, the Emergency Planning and Community Right-to-Know Act of 1986 and the Hawaii Emergency Planning and Community Right-to-Know Act when enacted.

II. NAME

- A. The name of this commission shall be the Hawaii State Emergency Response Commission. Here inafter referred to as HSERC or the Commission.

III. PURPOSE


- A. Purpose: The purpose of the HSERC shall be to carry out the provisions of the Emergency Planning and Community Right-to-Know Act of 1986, and amendments thereto. These include providing assistance in the coordination of state agencies activities relating to:
 - 1. Chemical emergency training, preparedness, and response;
and

2. Chemical release reporting and prevention, transportation, manufacture, storage, handling, and use.

B. Duties.

1. The commission shall perform such duties as specified in the federal act to be performed by such Commissions and, in addition thereto such duties as specified in the laws of this state or as are deemed necessary and appropriate by the Commission to achieving its purposes in accordance with the requirements of the federal act.

*DIFFERENCE IN
PROPOSED LAW*



2. The Commission shall establish local planning districts, subject to approval by the Director of Health and shall appoint a local planning committee for each such district.

3. Local planning committees shall perform such duties as specified in the federal act to be performed by such committees, and in addition thereto, such duties as are assigned by the Commission or by any member of the Commission acting on behalf of or at the direction of the Commission, or are as deemed necessary and appropriate by each such committee to achieve its purposes.

IV. MEMBERSHIP

*Departure
from law*

- A. The membership of the Commission shall consist of those state officers and individuals designated by the Governor.
- B. Members of the Commission appointed by the governor shall serve for terms to two years. Any vacancy in the office of an appointed member of the Commission shall be filled for the unexpired term by appointment of the governor.
- C. State officers shall provide written notice to the chairperson of the Commission of their appointed designee. Designees may be appointed for any period at the discretion of the state officer making the appointment. Such appointments shall be noticed to the chairperson prior to their effective date and further the chairperson shall be noticed when the term of such appointment shall expire or when a new appointment is made.
- D. Designees shall serve at the pleasure of the state officer making their appointment and have the authority to act on behalf of the state officer in all matters before the Commission in a manner consistent with the equivalent to that authority residing in the state officer which the designee represents. The term of the appointment of the designee shall expire with that of the individual state officer appointing said designee unless otherwise reappointed by a successor to the state officer.

V. VOTING

A. Quorum: A quorum shall consist of the majority of the members or their voting designees. A quorum is necessary for the conduct of any official business or official votes of the Commission.

2 VOTES?

B. One vote is allocated to each state officer or their designee, and each appointed member. A majority of those voting yea or nay shall determine all presented at regular or special meetings of the Commission.

C. Counts of all votes, including abstinence, shall be recorded in the minutes of all meetings.

VI. MEMBERSHIP RIGHTS AND PRIVILEGES

A. The Chairperson is the sole individual authorized to represent the Commission unless otherwise provided for in these guidelines. In addition, the Chairperson on behalf of the Commission may call upon the DOH to perform special studies and surveys or provide other support services within reason and consistent with the goals and objectives of the Commission, and resources available.

If chair is not DOH Director will this work?

B. Resignation: Any designee for a state officer may resign by filing a written resignation with the executive director or chairperson and their appointing state officer.

- C. Annual meeting: The first meeting in April of the Commission shall be considered the annual meeting for purposes of election of officers, appointment of committee chairperson, and date for commission for filling vacancies of appointed member.

VII. OFFICERS, AND STAFF DIRECTOR

- A. Administration of the HSERC is vested in a Chairperson, Vice-Chairperson and HSERC coordinator. The HSERC coordinator is the chief staff person provided by the Hawaii Department of Health as staff support to the Commission. The HSERC coordinator is authorized to serve on all committees and sub-committees of the Commission at the direction of the Chairperson. The Chairperson shall be elected annually by member of the Commission. A Vice-chairperson shall be designated by the Chairperson on an annual basis to serve in the absence of the Chairperson.

a member of the HSERC?

- B. The Chairperson and the HSERC coordinator shall carry out the routine work of the Commission and may further act on the behalf of the Commission between meetings.

VIII. DUTIES OF THE CHAIRPERSON

- A. The Chairperson shall establish standing and temporary sub-committees for those purposes necessary to carry out the work of the Commission. The Chairperson shall appoint committee and

sub-committee chairpersons and membership.

- B. The Chairperson shall be responsible for coordinating Commission administrative activities with the HSERC Coordinator. These activities shall include staffing various committees and sub-committees, providing research, preparing and signing correspondence, preparing reports, representing the Commission before public bodies, at public meetings, and to carry out other such business as directed by the Chairperson. The Chairperson may delegate the authority to carry out these activities on behalf of HSERC to the HSERC Coordinator or any member of the Commission, acting instead of the Chairperson.

IX. ELECTIONS, TERM OF OFFICE, AND SUCCESSION TO OFFICE

- A. The Chairperson shall be elected annually by member of the Commission. The Chairperson is the only officer elected by the Commission. A Vice-chairperson shall be designated by the Chairperson to serve in the absence of the Chairperson.
- B. Vacancy in office:
 - 1. In the event a vacancy in the office of the Chairperson the Vice-Chairperson shall immediately succeed into the position of Chairperson for the remainder of the term. He/She may

in turn appoint an interim Vice-Chairperson who shall serve also until the remainder of the term.

2. In the event of a vacancy in the office of the Chairperson and Vice-chairperson the Commission at its next scheduled meeting shall elect an interim Chairperson from its members to serve out remainder of the term. The Chairperson so elected may in turn appoint an interim Vice-Chairperson to serve out the remainder of term.

X. COMMITTEES-*This section is borrowed from Kansas and is submitted as an example only, to be used for discussion purposes.*

- A. The Chairperson may establish such standing and special committees as are needed to promote the work of the Commission and the Chairperson may appoint committee and sub-committee chairperson and committee or sub-committee members. The Chairperson may further, as discretion dictates, appoint non-voting member to such committees of individuals with skills, experience, or interests that the Chairperson considers would contribute to the work of said committees or sub-committees. These members may be from the public, private sector, or academia.

B. The following shall be standing committees for the commission.

1. Administrative Committee which would include by-laws, funding, and strategic planning (legislative and regulation).

↳ ⁷ including development of Plans
required under section ?

2. Information Management Committee which would include CAMEO, Spill Reporting, and Compliance and Enforcement.
3. Emergency Planning Committee, which would include Local Emergency Planning Committees' training.

C. Functions of committees:

- change to this*
1. The Administrative Committee shall consist of the Cent Chairperson and department head or designee from the Kansas Department of Health and Environment and the Adjutant General's Department. The staff director and vice-chairperson are nonvoting members of the Administrative Committee. The Administrative Committee shall provide counsel to the Chairperson in the performance of the routine functions of management of the affairs of the Commission between Commission meetings including proposal and adoption of administrative policies and procedures, consistent with these by-laws. Major actions taken by the Administrative Committee which reflect upon policy not previously established by the Commission shall be presented to the full Commission for ratification at the next subsequent full Commission meeting. In addition, the Administrative Committee shall recommend the adoption of by-laws to clarify operating procedures; evaluate and recommend

alternative funding mechanisms to pay for activities to be accomplished under the Kansas Emergency Planning and Community Right-to-Know Act; and shall have a broad mandate to investigate, review and advise the Commission on matters effected by or effecting legislation, rules and regulations, policy, or other actions at the federal, state, or local level impacting upon or impacted by the activities of the Commission.

2. The Information Management Committee shall review and advise the Commission regarding technologies and options for information management including the state wide Data Management System and CAMEO applications; and coordinate state agency programs for receipt and handling of reports of spills incidents which may result in episodic releases of hazardous material. Further, the committee shall investigate and coordinate agency compliance and enforcement activities associated with emergency response planning, hazardous chemical releases, and other activities associated with hazardous chemicals in the community.
3. The Emergency Planning Committee shall recommend adoption of standards, procedures, and methods of accreditation of training courses and instructors; and shall assist the Division of Emergency Preparedness in implementation of a registration program for accredited

training courses, instructors and students successfully completing such courses. Further the committee shall investigate and recommend to the Commission adoption of policies or guidelines regarding regionalization of state and local response and planning activities associated with hazardous chemical release prevention and discharge clean-ups. The committee shall consult with LEPCs and make recommendations to the Commission regarding LEPC activities, appointments of members, Designation of Local Emergency Planning Districts, and/or any other state actions effecting LEPCs.

- D. The Administrative Committee shall provide recommendations on behalf of the Commission to the Secretary of Health and Environment regarding budgetary needs of the Commission. The Administrative Committee, with the advice of the Staff Director, shall be authorized to direct expenditures on behalf of the Commission, its members, or for any other purpose consistent with those limitations provided on the Commission by the Legislature through legislative appropriation for the Commission contained within the Kansas Department of Health and Environment budget.
- E. The Administrative Committee, on behalf of the Commission and after consultation with the Adjutant General's Department and Kansas Department of Health and Environment is authorized to apply for and receive monies, grants, contracts, or awards from

any source where such activities are contingent upon approval or concurrence of the State Emergency Response Commission. The Administrative Committee may, as necessary, delegate this authority to state agency acting on behalf of SERC.

XI. FISCAL YEAR

- A. The fiscal year of the Commission shall coincide with that of the State and ending on June 30 of each year.

deferred in our law

XII. AMENDMENTS

- A. These guideline may be amended by majority vote of the quorum present at an annual meeting or special meeting of the State Emergency Response Commission, providing notice of proposed amendments has been sent to all members not less than thirty (30) days before the annual meeting, and providing a copy of the proposed amendment accompanies the notice.
- B. For purpose of taking action on amendments to guideline a quorum shall mean two-thirds of the current membership of the HSERC.
- C. All amendments to such proposed amendments must be in writing and may be adopted immediately by a two-thirds vote of those present. If adopted the amended amendment shall then be voted upon. Amendments may be proposed to the Commission by any

member and at any time prior to an annual or special meeting consistent with subsection "A" of this article.

XIII. MEETINGS

- A. The Commission shall have an annual meeting as specified by these by-laws.
- B. Meeting of the Commission shall be held on the second Thursday of the month unless otherwise designed by the Chairperson or Commission.
- C. At any meeting of the Commission, issues may be discussed briefly before formal motion is made. Whenever a question of procedure is raised, Roberts Rules of Orders newly revised shall prevail. Federal and state statute, rules and regulations shall have priority where conflicts with Roberts Rules may occur.
- D. Records of all meetings, votes, discussions and other transaction at annual meeting, special meetings and or committees shall be maintained by the HSERC Coordinator. Such reports shall be available at the next regular meeting of the Commission. Summary reports will be mailed or presented at each meeting to Commission members by the HSERC Coordinator or by appropriate committee or sub-committee chairperson.

E. Prior notice of Commission meetings shall be posted in the Lieutenant Governor office. All meetings of the Commission are open to the public consistent with the Sunshine Law and all records of the Commission unless otherwise designated and consistent with provisions of the Sunshine Law shall be open to the public.

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

August 25, 1992

In reply, please refer to:
HEER OFFICE

MTG11.NOT-RG3

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

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

Subject: NOTICE FOR HSERC MEETING #11

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 September 22, 1992, 8:00 a.m. to 12:00 noon. The meeting will be held at the State Office Towers, Conference Room 1206, 235 South Beretania. Topics to be discussed include HSERC Guidelines, training and a State EPCRA law. In addition there will be a demonstration of the Public Interactive Program to provide public access to Community Right-to-Know information via computers.

Please find enclosed a copy of the meeting agenda, draft minutes from HSERC meeting #10, and the final Meeting Summary for HSERC meeting #9. Parking permits have been requested for the commission members at Iolani Palace located at the corner of King and Richards Street. We will be kept informed regarding the status of the permits. If you have any questions, please contact Rhonda Goyke at 586-4277.

Enclosures

1. Agenda
2. HSERC Draft Meeting Summary July 27, 1992
3. HSERC Final Meeting Summary April 21, 1992

JCL:RG

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

MTG11.AG-RG3

**HAWAII STATE EMERGENCY RESPONSE COMMISSION (HSERC)
Meeting #11**

Tuesday September 22, 1992
8:00 a.m. - 12:00 noon

State Office Towers
Conference Room 1206

235 South Beretania

AGENDA

- I. Call to Order
 - A. Opening Remarks
 - B. Discussion/Approval of Minutes from HSERC Meeting #10
- II. Update by the Attorney Generals Office
- III. Draft State EPCRA Law
- IV. Demonstration of Public Interactive Program (public access to EPCRA info) UH contract.
- V. HSERC "Guidelines"
- VI. Training
- VII. Policy regarding the use of the Environmental Response Revolving Fund in neighbor island emergencies.
- VIII. Schedule Next HSERC Meeting (#11)

BRIEF

Dr. Lewin

Dr. Anderson

MTG11.AG-RG3

HAWAII STATE EMERGENCY RESPONSE COMMISSION (HSERC)

Meeting #11

Tuesday September 22, 1992

8:00 a.m. - 12:00 noon

State Office Towers
Conference Room 1206

235 South Beretania

AGENDA

I. Call to Order - Dr. Lewin (15 min)

A. Opening Remarks

We have scheduled a very long meeting for today because of some vital issues that need to be discussed and resolved.

B. Discussion/Approval of Minutes from HSERC Meeting #10

II. Update by the Attorney Generals Office - Larry Lau (30 min)

III. Draft State EPCRA Law - Dr. Lewin (45)

A. As you are aware our EPCRA program has been struggling due to lack of dedicated resources, both the HSERC and the LEPCs haven't been able to do all the work that needs to be accomplished according to the mandates of SARA, Title III. The only real solution is to establish a State EPCRA law which will clarify roles & responsibilities as well as establish a fee structure to help fund the program. Due to the deadlines of this years legislature the HSERC staff was delegated the task to research other state EPCRA laws and to draft a preliminary Hawaii EPCRA bill that could be presented to the legislature by the October 11,

BRIEF

Dr. Lewin

Dr. Anderson

1992 deadline. This bill is very important to the future success of the program in Hawaii and we hope that you will all support this measure as we go forward into the legislative session. Of course we understand that there are details to be worked out and issues to be resolved, but we can work together to modify and edit this draft bill into a complete EPCRA program for Hawaii.

- B. I would like to ask **Steve Armann & Rhonda Goyke** to go over the process that brought the bill to this stage and to go over a few areas that we feel will initiate some debate.

IV. Demonstration of Public Interactive Program (public access to EPCRA info) UH contract. - **Dr. Lewin (45 min)**

- A. In 1990 an innovative projects grant was received from EPA to develop an interactive computer program using the EPCRA information that was already collected and provide an innovative and information educational program to the public. The primary objective of this project is a public education campaign featuring a user-friendly CAMEO based interactive computer program for public information. In addition to developing the program itself the contract which was awarded to UH Environmental Center, includes a publicity campaign and public demonstration.

- B. As such, today we have asked **Russ Josephson & Sonia Chan-Hui** to give the HSERC the first demonstration of the program. A press conference will be held later this afternoon to begin the publicity campaign and during the following two weeks public demonstrations will be held to initiate the outreach portion of the program.

V. HSERC "Guidelines" - **Dr. Lewin (45 min)**

- A. In our last meeting it was decided that a task force would be formed to draft HSERC Guidelines. That task force consist of Roy Price, Harry Kim, Sel Menor and Rhonda Goyke. The task force has drafted such a document and would like

BRIEF

Dr. Lewin

Dr. Anderson

to present this draft to the HSERC.

B. Rhonda Goyke will present the draft Guidelines.

VI. Training - **Dr. Lewin** (45 min)

A. Training seems to be one of those issues that generates the most questions. As such, in 1989 the HSERC developed the "State of Hawaii Chemical Emergency Response Training Guidelines" to assist supervisors determine what level and amount of training is needed by their personnel. We would like to redistribute this training guidance at this time, with the hope that it will help clear up some of the confusion that exists regarding training needs.

B. As you all know DOD is organizing and providing Hazmat training. At this time we would like to ask **Roy Price** to provide an update on the training programs which are ongoing and are planned for the future.

VII. Policy regarding the use of the Environmental Response Revolving Fund in neighbor island emergencies - **Dr. Lewin introduces Steve Armann** (15 min)

VIII. Schedule Next HSERC Meeting (#11) - **Dr. Lewin** (5 min)

Approved

DRAFT MEETING SUMMARY
HAWAII STATE EMERGENCY RESPONSE COMMISSION
MEETING #10

MTG10DR.MIN-RG3

Monday July 27, 1992
9:00 a.m. - 12:00 noon

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

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
Jiggie Hommon, American Red Cross
George Kekuna, Oahu Planning District
Clifford Ikeda, Kauai Planning District
Sel Menor, Maui Planning District
Harry Kim, Hawaii Planning District

Other Attendees:

Bill Norris, SCD
Chris Takeno, OCDA
Jim Vinton, PRI
Larry Lau, State AG Office
Steve Armann, DOH/HEER
Rhonda Goyke, DOH/HEER
Mike Cripps, DOH/HEER

I. OPENING REMARKS

- A. The tenth meeting of the HSERC was called to order by Dr. Lewin. He introduced Steve Armann as Mark Ingoglia's replacement.
- B. Minutes of HSERC meeting #9 approved.

II. Update by the Attorney General

- A. Judy So, Deputy Attorney General has been designated to support the HSERC. In her absence Mr. Larry Lau, Deputy District Attorney, presented an update to the HSERC. 1) Does the HSERC need an Executive Order? Probably not, but may have additional benefits. 2) Are the LEPCs a subcommittee of the HSERC? Federal Law does not use that language. 3) Is the Sunshine Law applicable to the LEPCs? By broad definition the LEPCs should be complying with the Sunshine Law. 4) Information on tort liability is not available at this time. Mr. Lau emphasized that the HSERC and LEPCs clearly have a job to do and must continue to work to protect the public.

B. Questions/Comments

Mr. Roy Price informed the HSERC that in New York the Supreme Court ruled that the LEPCs were State entities.

Mr. Harry Kim requested that the Attorney Generals Office make a determination as to whether the Hawaii LEPCs are under state or county jurisdiction.

III. Distribution of Hawaii's Oil and HAZMAT Operations Plan

Ms. Rhonda Goyke urged committee members to review and become familiar with the Contingency Plan, and that internal involvement with staff members of each department and agency take place.

The issue of overlapping the Contingency plans with OPA were raised, and although some overlapping would occur, it would not be much. More discussion in regards to overlapping of plans to take place in future meetings.

IV. Report on Other State's Programs

Ms. Goyke presented a brief update on other states EPCRA programs, specifically, the feasibility of one statewide LEPC (attachment 1). Also presented was a copy of the Kansas SERC By-Laws (attachment 2). Mr. Kim make a motion for the HSERC to adopt By-Laws, using the Kansas document as a guide. Mr. Price amended the motion, requesting that the reference to Kansas be deleted. The amended motion was passed. A work group was formed consisting of Mr. Kim, Mr. Menor, Mr. Price and Ms. Goyke.

V. Available Grants

Mr. Armann reported on HMTUSA grants available to states for planning and training. Applicants must be in compliance with 301 and 303 with

EPCRA and maintain the current two year state funding in order to qualify for an application. There is \$5 million available from 1993 to 1998 for planning and \$7.8 million for training. Possible difficulties with grant may arise due to the current State budget which could not accommodate a reimbursable grant nor a hard match.

Applications will be available in approximately two weeks. Department of Transportation deadline for application is November 1, 1992, for available funds this fiscal year. Next application date July 1993 for next fiscal year. State Civil Defense has the lead for receiving this grant.

Mr. Price relayed that 36 states will also be applying for this grant. Mr. Price has not received a current status update on grant applications from the Department of Transportation. Mr. Price added that the National Emergency Management Association received the House Appropriation Subcommittee proposal of \$5 million for SARA Title III training. Current HAZMAT training for firefighters in operations. Shortages in personnel to administer training program is a major issue. With impending budget constraints forecasts for the next three years, Federal funding seems the best avenue to implement future training.

Dr. Lewin requested that Steve Armann determine resources needed by Hawaii and to negotiate strategies to locate available federal funds.

Mr. Kim proposed a meeting be called to discuss HEER involvement with On-Scene Coordinators and Emergency Response Revolving Fund guidelines and operations. Mr. Armann to arrange for such a meeting.

VI. Data Management Advisory Committee - Preliminary Report

Mr. Bill Norris of State Civil Defense presented an overview of proposed data management system (attachment 3). The Operations Plan is still in draft form and comments are expected from the task force. The HSERC voted to accept the "Concept" of the Draft Operations Plan with the understanding that there were still bugs to be worked out.

VII. HSERC Goals & Objectives

The Commission determined that it would be prudent to establish the "Guidelines" before finalizing the Goals & Objectives.

The motion to adjourn the meeting at 11:45 p.m. The motion was unanimously passed.

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

Respectfully submitted,

RHONDA K. GOYKE

date

OTHER STATES UPDATE
EMERGENCY PLANNING & COMMUNITY RIGHT-TO-KNOW PROGRAMS

July 6, 1992

OREGON

Program description: See Attachment 1 "State of Oregon" for details. The State of Oregon has designated the entire State as one LEPC. Local planning groups were formed in all 36 counties, as well as most cities and major towns. SERC and LEPC are two separate groups. Local planning groups may form a LEPC upon approval by the SERC.

EPA Headquarters Official Opinion: One statewide LEPC can not fulfill the intent of the law. Large numbers of LEPCs are needed for adequate local input for an emergency planning and prevention program. Headquarters refused to print Attachment 1 in any of the EPA publications providing updates and assistance to SERCs and LEPCs.

EPA Region X Opinion: One statewide LEPC works very well for Oregon. In fact, the LEPC is operating better than any other state in Region X. Oregon has legislation to support the program, therefore there is sufficient funding and staffing for the program. Grant money is used to develop CAER groups in seven cities to get local input.

Oregon LEPC Coordinator Opinion: One LEPC works excellently. Appointed to LEPC by the SERC to fulfill requirements as stated in EPCRA. Governor chairs the SERC, two distinct groups. SERC meets quarterly, executive committee to the SERC meets monthly, LEPC meets every two months. CAER groups around the state are encouraged to take the lead on local needs.

Future Projections: Due to the availability of funds from the HMTSA Grant, Local Planning Groups may split out as official LEPCs. If they are established as LEPCs they are eligible for 75% of the funds from the Grant.

DELAWARE

Originally one statewide LEPC, did not work. One LEPC was not community based planning, met the letter of the law but not the intent. Each county is now a LEPC. The State is committed to funding, a fee system is now in place but took three years to pass. General funds were used during the three years required to establish a fee system.

SOUTH DAKOTA

Originally six planning districts, did not work. Counties did not work well together. The decision was made to go with 66 County divisions, where the infrastructure was already in place. Multiple division are necessary to achieve local input. The FEMA Emergency Plan is the basis Plan for the State and EPCRA is an appendix. EPCRA requirements are fulfilled by two separate divisions: 1)Reporting requirements and facilities, and 2)Emergency management which handles emergency plans and LEPCs.

KANSAS

105 LEPCs by County divisions, 75-80% working well. Emphasis has been placed on requesting assistance and benefiting from existing agencies, organizations and financial assistance from available grants. For example, Kansas has received equipment and computers for the LEPCs through EPA Section 313 enforcement using beneficial offset penalties. There are also grants available through the International City Managers Association (ICMA) which assists SERCs and LEPCs through a "Peer Exchange Program", ICMA pays for the costs associated with the peer exchange.

Compliance enforcement has also been top priority with Kansas. They have used an EPA grant to set up an Expert Computer System (Artificial Intelligence). Simple stated, this is a two part program: 1) learning and 2) the application of rules. The system looks at available data such as Dunn and Bradstreet, SIC codes, IRS information, taxes, ground water injection, land ownership, electricity usage, etc. to determine the probability that a facility should report under EPCRA.

REC'D MAY 1992

Post-It™ brand fax transmittal memo 7571		# of pages ▶ 3
To Rhora	From Wait. Jasper	
Co. Emerg Mgt.	Co. USEPA Seattle	
Dept. State of Hawaii	Phone # (206) 553-9255	
Fax # 808-586-4370	Fax # (206) 553-0175	

LEPC Organization

Planning

Information Management

Funding

DRAFT: November 14, 1990

STATE OF OREGON

~~LOCAL EMERGENCY PLANNING COMMITTEE (LEPC):~~

26 members, including a representative from every State agency, and representatives of local government, public interest groups, industry, and citizens. All members received a letter from the Governor requesting their participation.

Population: 2,650,000

Facilities: 80,000, ranging from large manufacturers to gas stations

Oregon has taken a unique approach in implementing Title III. In order to meet the deadlines and maximize use of its resources, the entire State was designated as one LEPC. In establishing this Statewide LEPC, Oregon expanded its existing Interagency Hazard Communication Council to serve as the State Emergency Response Commission. A single LEPC was formed, using community and private-sector groups and local government officials to fulfill the spirit of broad-based participation.

In fulfilling its responsibilities for Oregon, the State LEPC combined the task of collecting and managing Title III information with the Oregon State Fire Marshal's Community Right-to-Know program. This information is maintained on a data base which is accessible to local emergency planners and responders via modem 24 hours a day. Data is available to the general public in hard copy form. While the State LEPC adapted an existing State emergency response plan to meet the Title III planning deadline, the LEPC recognized the need for comprehensive planning at the local level that incorporates Title III information on chemical hazards in each community.

Although Oregon has only one official LEPC for the entire State, more than 250 local groups were formed under State law to develop comprehensive emergency plans that address community-specific hazards. The State LEPC asked these planning groups to have as much broad-based participation as possible, in keeping with Federal law. Oregon undertook this approach in establishing its Title III structure in order to:

- Meet the short deadlines established in the Statute;
- Allow the State more control to ensure that the planning was accomplished in a thorough and timely manner; and
- Establish and manage statewide information systems, which would reduce paperwork burdens for the local planning groups.

At present, there are planning groups and planning processes developed in virtually all communities within Oregon. Upon request, the State LEPC would allow these planning groups to become formal LEPCs themselves. Several planning groups have indicated interest in making such a request.

LEPC ACTIVITIES

PLANNING. Local planning groups were formed in all 36 counties in Oregon, as well as most cities and major towns throughout the State. The State LEPC and these groups were established two months prior to the passage of Title III in order to develop a State-mandated hazardous materials plan. With the passage of Title III, the scope of their State-mandated task was expanded to include Title III planning requirements.

At present, 98 percent of the planning groups, representing a majority of the State's population, have completed their plans. Each of the plans is required to be consistent with the State plan and, more importantly, to integrate state support of local jurisdictions. Each local plan will eventually be an annex to the State LEPC plan.

In addition, the State LEPC requires all facilities that report under Section 302 to develop, or prove that they have developed, facility emergency response plans. Oregon estimates that approximately 90 percent of facilities covered by Section 302 have reported.

INFORMATION MANAGEMENT. The Oregon State Fire Marshal has incorporated information provided by facilities under Title III Sections 302, 303, 304, 311, and 312 into a computer data base. The data base is maintained on a 3-COM local area network using SUPERBASE software. The data management software is designed to establish information fields for the collection and maintenance of data, as well as the generation of Title III information in many formats. A hard copy of the Title III information is printed from the data base and sent annually to each fire district, lead county health official, and local planning group. After receiving this hard copy summary, many recipients have made special requests to the State Fire Marshal for more specific information from the data base—for example, the locations by county of all facilities that handle a specific hazardous chemical.

Local planning groups can access this data base, known as HAZCOM, by modem 24 hours a day. A separate emergency phone number has been established to provide emergency responders with access to the computerized information in an emergency situation. State Fire Marshal staff are also available 24 hours a day to help local planning groups and emergency responders access the data base or interpret the data.

This data base has proven to be crucial in emergency situations. For example, a local fire department responded to a fire in a repair shop at a State-owned facility. By using the data base, the fire department identified the chemicals present and determined it was safer to let the fire burn out than to try to extinguish it. The fire department believes they saved thousands of dollars in response costs by letting the fire burn rather than dousing it with water, which would have created a larger, more toxic plume.

Modem access to the data base is free, but prior State Fire Marshal approval is required. State Fire Marshal staff can also research information and provide hard copy summaries. Data in the data base is also available to the general public.

FUNDING. Title III Sections 301-303 implementation are not funded. The Title III Section 302 program, however, is self-supporting. Employers that fall within the reporting guidelines of Section 302 must pay a fee based upon the types and quantities of hazardous materials that they use, manufacture or store. This fee is a sliding scale, adjusted for both the quantity and the level of hazard that the material represents.

The LEPC function is not funded, but is staffed and supported by the Office of State Fire Marshal. The Agency also provides staff support and coordination for the State Emergency Response Commission.

ADMINSFM/C

OREGON

JOHN WAIHEE
GOVERNOR OF HAWAII



Approved

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 losing 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,

RHONDA K. GOYKE date