MEMBERS PRESENT

John C. Lewin, Director
DOH

Yukio Kitagawa, Director
BOA or Representative

Keith Ahue, Director
DLIR or Representative

Mufi Hannemann, Director
DBEDT or Representative

Brian Choy, Director
OEQC or Representative

B. Z. Siegel, Dean
School of Public Health,
UH or Representative

Clifford Ikeda, LEPC
Co-Chair, Kauai CD or Representative

Harry Kim, LEPC Chairman,
Hawaii CD or Representative

Bruce S. Anderson, Deputy Director of Health, DOH

Major General
Richardson, Adjutant General, DOD or Representative

William W. Paty, Director
BLIR or Representative

Rex D. Johnson, Director,
DOT or Representative

Jiggie Hommon, Manager
Hawaii State Chapter
American Red Cross or Representative

George Kekuna, LEPC
Representative or Representative

Sel Menor, LEPC
Co-Chairman, Maui CD or Representative
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<th>NAME/AGENCY</th>
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<tr>
<td>Jim Vinton, P.R.I</td>
<td>Alaka'i St</td>
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<td>Bruce Schlieerman</td>
<td>HEC 770 Kapalani</td>
<td>543-4474</td>
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<tr>
<td>Ralph Yoshizumi</td>
<td>HPD 466 Kinoole St</td>
<td>961-8336</td>
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<td>Robert Roberts, HEC</td>
<td>99-193 Pali Hwy Dr</td>
<td>487-5561</td>
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Steve
Rhonda
OTHERS ATTENDING:

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MEMORANDUM

TO:    PAAS, Automotive Management Division
       Parking Control Branch
       PHONE: 586-0744    FAX: 586-0354

FROM:  Health, Env, Hlth, Admin, - Haz, Eval, & Emer, Resp, OFF
       DEPT, DIVISION

SUBJECT: REQUEST FOR SPECIAL FUNCTION PARKING

PURPOSE: HAWAII STATE EMERGENCY RESPONSE COMMITTEE MEETING

No. of Permits Requested: 20
Prefered Parking Lot: F

Date(s) of Function: 10/20/92
Time: 9:00 A.M. to 12 noon

Place of Function: State Office Towers Conference Room 1008

Particpants Arriving From: * Neighbor Islands & Downtown, Honolulu

Contact Person: Darlene Rodrigues

SUBMITTED BY: Steven Arrasm, Acting Manager

APPROVED FOR DIRECTOR: [Signature]

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 RECEIVED: OCT 14 1992
NO. OF VALIDATED TICKETS: 12-6/7 METERS

NOTE

PARK IN

BAGGED METER
STALL
HAWAI'I COUNTY CIVIL DEFENSE AGENCY
920 Ululani Street
Hilo, Hawaii 96720
Telephone: 935-0031  FAX: 935-6460

FACSIMILE COVER SHEET

TO: __________________________
   DoH/HEER

ATTN: _________________________
      Rhonda Goyke

FAX NO.: ______________________
586-4370

FROM: _________________________
      N. Kim

DATE: _________________________
      10-20-92

SUBJECT: _______________________
      HSERC meeting

Fax consists of 2 pages, including this page. If there are any
problems in receiving this fax, please contact Audrey or Dot at 935-0031.

_____ The original to follow through U.S. Postal Service.

_____ The original to follow through inter-departmental mail.

_____ The original to be provided upon your request.
TO:       Dr. John C. Lewin, Chairman, HSERC  
FROM:    Harry Kim, Chairman, Hawaii LEPC  
DATE:     October 19, 1992  
SUBJECT:  A Bill for an Act Relating to Emergency Planning  
          and Community Right-to-Know  

Due to commitments made several weeks ago, I am not able to attend  
the scheduled SERC meeting.  

I would like to state that in reviewing the proposed Bill, there are  
several areas in the Bill that raise serious concerns for this  
county. The Bill also contains conflicts with the proposed draft  
operating guidelines.  

I will discuss the areas of concern with the county administration  
and, perhaps, other counties before specifics are discussed with you.  


DATE: 09-29-1992
TIME: 10:16AM
TO: 64370
FROM: RONIE
DOCUMENT NAME: C:XFN1271.FAX
NUMBER OF PAGES IN DOCUMENT: 2
(Not Including Banner Sheet.)
Facsimile Transmittal

DATE: Sept. 29, 1992
TO: DEPT. OF HEALTH/HEER OFC.
ATTN: AL
FROM: RONIE

TIME: 10:20 a.m.
FAX NO.: 6-4370

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:
AUTHORIZATION FOR USE OF CONFERENCE ROOM

DATE: 9/28/92

TO: Kevin M. Roots, Sergeant at Arms


ADDRESS: 5 Waterfront Plaza, 500 Ala Moana Blvd., Ste. 250C

PHONE: 586-4249 CONTACT PERSON: Rhonda Goyke

REQUESTING USE OF CONFERENCE ROOM:

X 71099 71111 71209 71210 6

Date of Use: 10/20/92 Time Start: 8:00 am Time End: 12 noon

Number of Persons Attending: 30-35

Purpose: Hawaii State Emergency Response Commission

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

2. " Equipment & other needs:

Note: All requests will be subject to availability of services and/or equipment.
" Indicates equipment for internal use only. There may be an hourly charge for air conditioning if requested after regular office hours (Monday - Friday: 8:30 a.m. - 5:30 p.m.). Saturday, Sunday and holidays.

Approved: 

Not Approved:

Requested Room No.:

Date: 9/29/92
September 28, 1992

HAWAII STATE EMERGENCY RESPONSE COMMISSION (HSERC)
DRAFT MINUTES
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., Chairman, 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 Dr. John 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. Dr. Lewin encouraged a frank discussion of the administrative responsibilities of the HSERC. Dr. 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 Dr. 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.

Dr. 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 HSERC staff must report to an established agency the chairperson should remain in the lead agency, as well as 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. Larry 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. Larry 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)

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

Mr. Anderson informed the Commission that Ms. 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.

Mr. 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.

Mr. Takeno informed the HSERC that they could sue 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 [Name] 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.

[Name] 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 near island emergencies.

[Name] 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. Dr. Anderson questioned the appropriateness of the amount of the reporting fee and would like to see "quantity stored" worked into the reporting structure.

Ms. 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.

Captain 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 (#13)

The commission agreed that the next meeting should be held in 3 or 4 weeks. Tentative dates were set, either October 20, 21, or 22 depending on Dr. Lewin's schedule.
MAJOR CONFLICTS BETWEEN
DRAFT EPCRA BILL AND DRAFT HSERC GUIDELINES

DRAFT EPCRA BILL

1. § 2(B) The HSERC shall consist of the following State officials or their appointed designees: the Directors of Health, DLIR, BLNR, DBEDT, DOT, and OEQC; Adjutant General, Dean School of Public Health, Manager Hawaii Red Cross, and a representative from each of the LEPCs.

2. § 2(c) The Chairperson shall be the Director of Health.

3. § 2(e) Five members shall constitute a quorum.

4. § 2(f) The HSERC support personnel shall be supervised by the department. These employees shall report directly to the Director of Health.

DRAFT HSERC GUIDELINES

1. Page 3.A. The membership of the Commission shall consist of those state officers and individuals designated by the Governor.

2. Page 5.A. The Chairperson shall be elected annually by members of the Commission.

3. Page 4.A. 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...

4. Page 5.A. The HSERC coordinator is a chief staff person provided by the Hawaii Department of Health as staff to the HSERC.
§ 2(g) The HSERC shall: please see page 12-#4, #1 - (13).

§ 3 Each county is designated an emergency planning district for the purposes of this chapter.

§ 4(a) The Mayor shall designate an agency to act as the lead for the LEPC and shall appoint the LEPC Chairperson.

Page 2.B. Duties: please see #1-3.

Page 2.2. 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.

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By title

Page 3.B. Members appointed by the governor shall serve for terms to two years. Any vacancy shall be filled for the unexpired term by appointment of the governor.

Page 4.B. Any designee for a state officer may resign by filing a written resignation with the executive director or chairperson and their appointed state officer.
10. Annual meeting. Not addressed.
MEETING SUMMARY
HAWAII STATE EMERGENCY RESPONSE COMMISSION
MEETING #10

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 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. GOYKE 10/17/92

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.

DELWARE

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 in 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.
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.
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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. Hereinafter 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 affecting 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. 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 electron-
ic 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
television 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, Ha-
waii 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 hard-
ware. 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 scen-
ario 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 TECTRONIX 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 HSFCRC 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.
DEPARTMENT: Health

TITLE: A BILL FOR AN ACT RELATING TO THE ENVIRONMENT.

PURPOSE: To establish a State Emergency Planning and Community Right-to-Know program, including establishing a Emergency Planning and Community Right-to-Know 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 codified in the federal law only 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. Without a state EPCRA law, any recovery of penalties for non-compliance with Title III can only be under federal law, and penalties must be returned to the federal government, even if the State conducts the enforcement action. Once a state EPCRA law is in place penalties under the state law can go to the state fund.

GENERAL FUNDS: None

OTHER FUNDS: None

PPBS
Designation: HTH 849-FD

OTHER AGENCIES AFFECTED: DOA, DOD, DLIR, DLNR, DBEDT, DOT, OEQC, UH, American Red Cross, County Civil Defense Agencies, Counties, U.S.

HTH-9(93)
A BILL FOR AN ACT

RELATING TO THE ENVIRONMENT

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. The legislature finds that exposure to hazardous materials has the potential for causing undesirable health and environmental effects and poses a threat to the health, safety, and welfare of the residents of this State, and that the residents of this State and emergency service personnel who respond to emergency situations should be protected from the health hazards and harmful exposure resulting from hazardous material releases at facilities and from transportation-related accidents.

The purposes of this Act are to:

(1) Create a strong working relationship and partnership between business, industry, the public, and the State and its counties to protect and safeguard the residents of this State from the health hazards and other risks of harm resulting from or incident to the use, storage, distribution, and transportation of hazardous materials;
Designate the Hawaii state emergency response commission as the State's emergency response commission and a local emergency planning committee (LEPC) in each county of this State to act in accordance with the provisions of the Emergency Planning and Community Right-To-Know Act of 1986 (Title III of Public Law 99-4990), 42 U.S.C. §§11001-11050;

Create the Hawaii emergency planning and community right-to-know act (HEPCRA) fund to provide financial assistance to state agencies and counties to develop an effective and integrated response capability to the health hazards, dangers, and risks which hazardous material releases pose to the general public;

Assign responsibilities to various state and local agencies to ensure the development and furtherance of a comprehensive EPCRA program; and

Provide civil liability protection to officials and emergency response personnel of the State and counties who are carrying out their duties and responsibilities under this Act.

SECTION 2. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows:
"CHAPTER"

HAWAII EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT

§ 1 Definitions. As used in this chapter, unless the context otherwise requires:

"Administrator" means the Administrator of the United States Environmental Protection Agency.


"Commission" or "HSERC" means the Hawaii state emergency response commission.

"Committee" or "LEPC" means the local emergency planning committee within each county responsible for preparing hazardous material plans and performing other functions under EPCRA and HEPCRA.

"County agency" means a county or any officer or agency thereof.

"Department" means the department of health.

"Director" means the director of health.


"Extremely hazardous substance" means any substance listed in Appendix A of 40 C.F.R. Part 355, as amended, as of July 1, 1992, or as defined by rule adopted by HSERC.
"Environment" means any waters, including surface water, ground water, or drinking water, any land surface or any subsurface strata, or any ambient air within the State of Hawaii or under the jurisdiction of the State.

"Facility" means all building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor carrier, rolling stock, or aircraft, or any site or area where a hazardous substance or pollutant or contaminant has been deposited, stored, disposed of, or placed, or otherwise comes to be located; but does not include any consumer product in consumer use.

"Hazardous material" or "Hazardous substance" means any hazardous substance as defined in chapter 128D.

"HEPCRA" means the Hawaii emergency planning and community right-to-know act.

"Person" means an individual, firm, corporation, association, partnership, consortium, joint venture, commercial entity, state, county, commission, political subdivision of the State, or, to the extent they are subject to this chapter, the United States or any interstate body.

"Release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing of any hazardous substance or pollutant or
contaminant into the environment (including the abandonment or
discarding of barrels, containers, and other closed receptacles
containing a hazardous substance or pollutant or contaminate);
but excludes:

(1) Any release which results in exposure of persons solely
within a workplace, with respect to a claim which such
exposed persons may assert against their employer;

(2) Emissions from the engine exhaust of a motor vehicle,
rolling stock, aircraft, vessel, or pipeline pumping
station engine;

(3) Release of source, byproduct, or special nuclear
material from a nuclear incident, as those terms are
defined in the Atomic Energy Act of 1954 (42 U.S.C.
§2011), if such release is subject to requirements with
respect to financial protection established by the
Nuclear Regulatory Commission under 42 U.S.C. §2210;

(4) Any release resulting from the normal application of
fertilizer;

(5) Any release resulting from the legal application of a
pesticide product registered under the Federal
Insecticide, Fungicide, and Rodenticide Act; or

(6) Release from sewerage systems collecting and conducting
primarily domestic wastewater.

"Reportable quantity" means the quantity of a hazardous
material stated on the various lists of hazardous substances as defined in chapter 128D.

"Threshold planning quantity" or "TPQ" means the threshold planning quantity for an extremely hazardous substance as defined in 40 C.F.R. part 355.

"Toxic chemical" means a substance appearing on the list of chemicals described in section 313 of EPCRA, as set forth in 40 C.F.R. part 372.

§ 2 Designation and functions of the Hawaii state emergency response commission. (a) There is created the Hawaii state emergency response commission (HSERC), placed for administrative purposes within the department, to carry out all requirements of this chapter.

(b) The HSERC shall consist of the following:

(1) State officers or their appointed designees: the director of health, the chair of the board of agriculture, the director of the department of defense, the director of labor and industrial relations, the chair of the board of land and natural resources, the director of business, economic development, and tourism, the director of transportation, the dean of the University of Hawaii school of public health;

(2) A representative from each LEPC designated by the mayor of the respective county; and
(3) Other members as appointed by the governor to, at a minimum, meet the requirements of EPCRA.

(c) A state officer may designate in writing a designee to act in place of the officer. This designee shall have all the power of a commission member.

(d) The chair of the HSERC shall be the director of health. A vice-chair shall be designated by the chair to serve in the absence of the chair or the chair designee. The chair or the chair designee shall have the authority to assign, delegate, or transfer tasks, duties, and responsibilities to members of the HSERC.

(e) Members shall serve without compensation, but shall be reimbursed for necessary and reasonable actual expenses, such as travel expense, incurred in connection with attendance at HSERC meetings. Expenses shall be paid from the HEPCRA fund established in section -10.

(f) The HSERC and LEPC support personnel shall be supervised and administered by the chair as the HSERC's primary agent responsible for performing the functions and duties of the HSERC established pursuant to this chapter. For this purpose, the department shall employ such professional, technical, administrative, and other staff personnel as may be deemed essential to carry out the purposes of this chapter.

(g) The HSERC shall:
officers.

(a) The HSRC may adopt, amend, and repeal rules to

-3 Powers; rulemaking; appointment of hearing

Do all other acts necessary for the implementation of
this chapter and the requirements of EPCRA.

Develop rules necessary to implement this chapter, and
lieu of the federal Tier II form and chemical list
requirements.

The HSRC shall appoint members of the IEPC, based upon
the recommendation of the mayor of the respective
counties.

(3) Develop state contingency plans relating to the
implementation of this chapter, and

supervise, coordinate, and provide staff support to the
IEPCs for the implementation of this chapter and EPCRA.

(4) Develop a public information, education, and
participation program for the public and facility
owners covering the requirements of this chapter and
interpretation of the chemical information collected
pursuant to this chapter and the risks those chemicals
pose to the public health and environment.

state emergency response commission as specified in

(5) Pursuant to this chapter and the risks those chemicals
pose to the public health and environment.
implement this chapter. Such rules shall include, but shall not be limited to the establishment of rules regarding release reporting. Any person heard at the public hearing shall be given written notice of the action taken by the HSERC with respect to the rules.

(b) In addition to other specific powers provided in this chapter, the HSERC may appoint, without regard to chapters 76 and 77, hearing officers to conduct public participation activities including public hearings and public informational meetings.

§ -4 Establishment of emergency planning districts.
Each county is designated an emergency planning district for the purposes of this chapter. For the purposes of this chapter the department will be responsible for Kalawao county.

§ -5 Establishment and functions of local emergency planning committees. (a) A minimum of one LEPC shall be established in each county. The LEPC shall be subject to the requirements of this chapter and section 303 of EPCRA, 42 U.S.C. section 11003.

(b) The members of an LEPC shall be appointed by the HSERC, based upon the respective mayor's recommendations. The list of appointees shall contain the titles of at least one person from each of the groups listed in subsection (c). The HSERC may reject the recommendation of the mayor and appoint LEPC members not receiving the recommendation of the mayor.
(c) An LEPC shall be composed of at least one person selected from each of the following groups:

(1) Elected state and country officials;
(2) Law enforcement, first aid, health, local environmental, hospital, and transportation personnel;
(3) Firefighting personnel;
(4) Civil defense and emergency management personnel;
(5) Broadcast and print media;
(6) Community groups not affiliated with emergency service groups;
(7) Owners and operators of facilities subject to the requirements of EPCRA; and
(8) Others, as recommended by the mayor and appointed by the HSERC.

(d) Within sixty days of the occurrence of a vacancy, the HSERC, based upon the recommendations of the mayor, shall appoint, a successor member to the LEPC, unless the requirements of section (c) have been fulfilled.

(e) Upon the failure of the mayor of a county to submit a list of appointees to the HSERC within forty-five days, the HSERC may appoint members, unless the requirement of subsection (c) have been fulfilled.

(f) An LEPC shall:

(1) Adopt, amend, and repeal bylaws and other
administrative procedures to carry out the duties, requirements, and responsibilities of an LEFC as set forth in this chapter, and as required by the HSERC and EPCRA;

(2) Take appropriate actions to ensure the preparation, implementation, and annually update and review the local emergency response plan required by this chapter and EPCRA; The local emergency response plans shall include (but are not limited to) each of the following:

(A) Identification of each facility subject to the requirement of section 303 of EPCRA, 42 U.S.C. §11003, that are within the emergency planning district, identification of routes likely to be used for the transportation of substances on the list of extremely hazardous substances, and identification of additional facilities contributing or subjected to additional risk due to their proximity to facilities subject to the requirement of this section, such as hospitals or natural gas facilities;

(B) Methods and procedures to be followed by facility owners and operators and local emergency and medical personnel to respond to any release of such substances;
(C) Designation of a community emergency coordinator
and facility emergency coordinators, who shall
make determinations necessary to implement the
plan;

(D) Procedures providing reliable, effective, and
timely notification by the facility emergency
coordinator and the community emergency
coordinator to persons designated in the emergency
plan, and to the public, that a release has
occurred, consistent with the notification
requirements of this chapter and section 304 of
EPCRA, 42 U.S.C. §11004;

(E) Methods for determining the occurrence of a
release, and the area or population likely to be
affected by such release;

(F) A description of emergency equipment and
facilities in the county and at each facility in
the county subject to the requirement of this
section, and the identification of the persons
responsible for such equipment and facilities;

(G) Evacuation plans, including provisions for
precautionary evacuation and alternate traffic
routes;

(H) Training programs, including schedules for
training or local emergency response and medical personnel; and

(I) Methods and schedules for exercising the emergency plan.

(3) Request additional information from the facilities if necessary to develop emergency response plans;

(4) With support from the HSERC and Civil Defense local emergency respond plans shall be submitted to the HSERC for review and to other affected agencies upon request;

(5) Report to the HSERC on alleged violations of this chapter;

(6) Prepare reports, recommendations, and other information related to the implementation of this chapter, as requested by the HSERC;

(7) Have the primary responsibility for receiving, processing, and managing hazardous chemical information forms and data, trade secrets, and public information requested pursuant to this chapter;

(8) Accept and deposit into the HEP CRA fund established in section 10 any grants, gifts, or other funds received which are intended for the purpose of carrying out this chapter; and

(9) Evaluate the need for resources necessary to develop, implement, and exercise the emergency plan, and make
recommendations with respect to additional resources that may be required and the means for providing such additional resources.

(g) The administrative and operational expenses of an LEPC may be paid by the state through a combination of sources including money received from the HSERC in accordance with section -8.

§ -6 Reporting requirements. (a) The owner or operator of a facility in the State that stores, uses, or manufactures any hazardous substance must comply with the following requirements:

(1) Each owner or operator of a facility in the state shall comply with the emergency planning and notification requirements of section 302 and 303 of EPCRA, 42 U.S.C. §§11002 and 11003, if an extremely hazardous substance is present at the facility in an amount in excess of the threshold planning quantity established for such substance;

(2) Each owner or operator of a facility in this State that is required to prepare or have available a material safety data sheet for a hazardous chemical under the Occupational Safety and Health Act of 1970 and regulations promulgated under that Act (15 U.S.C. 651 et seq.), shall comply with the following reporting requirements. Information shall be submitted to the
HSERC, the respective LEPC and fire department:

(A) Complete a chemical list by March first of each year. Material safety data sheets shall be submitted within thirty days of request to the HSERC or LEPC;

(B) Completing the state chemical inventory form, by March first of each year, a Tier II shall be used until the state form is available;

(C) Submit facility diagrams and location area maps by March first, and update the maps annually as needed; and

(D) Upon LEPC or HSERC request submit emergency response plans required under state or federal law.

(3) Each owner or operator of a facility in this State that is subject to section 313 of EPCRA, 42 U.S.C. §11023, shall comply with the toxic chemical release form requirements of section 323 of EPCRA by July first of each year; and

(4) Each owner or operator of a facility this State covered under section 304 of EPCRA, 42 U.S.C. 11004, shall comply with the notification requirements of section 304 of EPCRA, and § 7, if a release of an extremely hazardous substance occurs from the facility.
(b) The HSERC shall adopt, amend, and repeal rules establishing specific information required on the state chemical inventory form. The chemical inventory form will facilitate ease in complying with the requirements of EPCRA by consolidating the necessary information into one form. The chemical inventory form may include, but is not limited to:

(1) The chemical name;
(2) Quantity stored on the site;
(3) Hazardous components;
(4) Health and physical hazards; and
(5) Storage information.

§ 7 Emergency notification requirements. The HSERC shall adopt rules pursuant to chapter 91 establishing the contents of hazardous substance release reports. Hazardous substance release reports shall contain, but shall not be limited to the following information:

(1) The quantities of designated hazardous substances when released are reportable pursuant to this chapter;
(2) Specific periods of time within which such quantities, when released, are reportable pursuant to this chapter;
(3) To which agencies reports of releases must be reported; and
(4) The format in which the release is to be reported.

§ 8 Establishment of EPCRA funds. There is hereby
created in the state treasury a special fund to be designated as the Hawaii emergency planning and community right-to-know act fund (HEPCRA fund). The fund shall consist of the fees collected under section -9, civil penalties and fines, gifts, grants, and funds appropriated by the legislature. Monies in the fund and the interest accrued shall be administered and expended by the department to carry out the purposes, goals, and objectives of this chapter and EPCRA. To carry out the purposes, goals, and objectives of this chapter and EPCRA, on behalf of the HSERC, the department:

(1) May expend money from the fund for personnel, administrative costs, equipment, training, and public outreach and education.

(2) Accept and deposit into the HEPCRA fund any grants, gifts, or other funds received which are intended for the purpose of carrying out this chapter.

§ -9 Establishment of filing fees. Facilities that are require to report according to section -6(a)(2)(B), shall submit $100 with each chemical inventory form or Tier II to the HSERC by March first of each year. The filing fees shall be deposited into the HEPCRA fund and shall be used to implement this chapter and EPCRA, 42 U.S. C. §§11001-110050.

§ -10 Immunity from civil liability. (a) No employee, representative, or agent of a state agency or local agency or
persons requested by a state or local agency engaged in any emergency service or response activities involving a hazardous material release at a facility or transportation accident site shall be liable for the death of or any injury to persons or loss or damage to property resulting from that hazardous material release, except for any acts or omissions which constitute willful misconduct.

(b) No member of the HSERC or an LEPC shall be no liability for the death of or any injury to persons or loss or damage to property or the environment or any civil damages resulting from any act or omissions arising out of the performance of the functions, duties, and responsibilities of the HSERC or LEPC, except for acts or omissions which constitute willful misconduct.

§ 11 Penalties and fines. (a) Any person who violates any of the emergency reporting, planning, or notification requirements of sections -6 and -7, or fails to pay the fees outlined, in section -9 shall be subject to civil penalties of not less than $1,000 and not more than $25,000. Each day of each violation shall constitute a separate violation.

(b) A person who:

(1) Knowingly and willfully fails to report the release of a hazardous substance or extremely hazardous substance as required by section -7 shall be guilty of a misdemeanor and shall, upon conviction, be sentenced to
pay a fine of not less than $1,000 and not more than
$25,000 for each separate offense, or imprisonment for
a period of not more than one year, or both. For the
purposes of this paragraph, each day of each violation
shall constitute a separate offense; or

(2) Intentionally obstructs or impairs, by force, violence,
physical interference, or obstacle, a representative of
the department, a hazardous material response team, or
the LEPC attempting to perform the duties and functions
set forth in section -5 shall be guilty of a
misdemeanor and shall, upon conviction, be sentenced to
pay a fine of not less than $5,000 and not more than
$25,000 for each separate offense, or imprisonment for
a period of not more than one year, or both.

(c) All civil penalties and fines collected under this
section shall be deposited into the HEPSCRA fund.

§ -12 Enforcement. If the HSERC determines that any
person has violated or is violating this chapter or any rule
adopted pursuant to this chapter, the HSERC:

(1) Shall cause written notice to be served upon the
alleged violator or violators. The notice shall
specify the alleged violation and may contain an order
specifying a reasonable time during which the facility
shall be required to submit the required reports,
forms, and notifications;

(2) May require that the alleged violator or violators appear before the HSERC for a hearing at a time and place specified in the notice or to be set later and answer the charges complained of; and

(3) May impose penalties as provided in section -11 by sending a notice in writing, either by certified mail or by personal service, to the alleged violator or violators describing such violation.

§ 13 Relationship to other laws. (a) This chapter shall be read in conjunction with the federal statutes and regulations providing for the identification, labeling, or reporting of information; concerning hazardous material releases, and any other health and safety matters related to hazardous materials; and is intended to supplement federal statutes and regulations in the interests of protecting the health and safety of the citizens of the State.

(b) Nothing in this chapter shall affect or modify in any way the obligations or liabilities of any person under other laws of the State.

(c) This chapter shall preempt any ordinances passed or adopted by any county that are effective on, before, or after the effective date of this chapter to the extent that such ordinances conflict or are inconsistent with the provisions of this
chapter."

SECTION 3. This Act shall take effect upon its approval.

INTRODUCED BY:______________________________
January 12, 1993

TO: Rhonda Goyke
Hazard Evaluation and Emergency Response Office

FROM: Bill Dendle
Chief, Office of Planning, Policy, and Program Development

SUBJECT: 1993 Administrative Proposals

Please find attached the following administrative proposals, as returned for revision from the Attorney General's Office:

HTH-9 Relating to Hawaii Emergency Planning and Community Right-To-Know.

Please make the changes as noted and type the bill following the attached "A Bill for an Act" format. Be sure the titles line up with the format as well as the line numbering. The HTH-#(93) must also be typed at the right bottom of the page.

Should you have questions on the content of the proposal, Deputy Attorney General Laurence Lau, who reviewed this proposal, can be reached at 587-3050.

Please submit the revised bill and justification sheet and return all attached materials directly to the OPPPD as soon as possible. Do not send it to the mailroom.

If you should have any questions, please contact Carol Miyamoto or Tony Ching at 586-4188.

Attachments
THE ENVIRONMENT

RELATING TO HAWAII EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. The legislature finds that exposure to hazardous materials has the potential for causing undesirable health and environmental effects and poses a threat to the health, safety, and welfare of the residents of this State, and that the residents of this State and emergency service personnel who respond to emergency situations should be protected from the health hazards and harmful exposure resulting from hazardous material releases at facilities and from transportation-related accidents.

The purposes of this Act are to:

1. Create a strong working relationship and partnership between business, industry, the public, and the State and its counties to protect and safeguard the residents of this State from the health hazards and other risks of harm resulting from or incident to the use, storage, distribution, and transportation of hazardous materials;

2. Designate the Hawaii state emergency response commission as the State's emergency response commission and a local emergency planning committee (LEPC) in each county of this State to act in accordance with the provisions of
the Emergency Planning and Community Right-To-Know Act
of 1986 (Title III of Public Law 99-4990), 42 U.S.C. 
§§11001-11050;

(3) Create the Hawaii emergency planning and community
right-to-know (HEPCRA) fund to provide financial
assistance to state agencies and counties to develop an
effective and integrated response capability to the
health hazards, dangers, and risks which hazardous
material releases pose to the general public;

(4) Assign responsibilities to various state and local
agencies to ensure the development and furtherance of a
comprehensive emergency planning and community right-to-
know program (EPCRA); 

(5) Provide civil liability protection to officials and
emergency response personnel of the state and counties
who are carrying out their duties and responsibilities
under this Act.

SECTION 2. The Hawaii Revised Statutes is amended by adding a
new chapter to be appropriately designated and to read as follows:

"CHAPTER

HAWAII EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT

§ 1 Definitions. As used in this chapter, unless the
context otherwise requires:

"Administrator" means the Administrator of the United States
Environmental Protection Agency.

HTH-9(93)

"Commission" or "HSERC" means the Hawaii state emergency response commission.

"Committee" or "LEPC" means the local emergency planning committee within each county responsible for preparing hazardous material plans and performing other functions under EPCRA.

"County agency" means a county or any officer or agency thereof.

"Department" means the department of health.

"Director" means the director of health.


"Extremely hazardous substance" means any substance listed in Appendix A of 40 U.S.C. Part 350, as amended, or as defined by rule adopted by HSERC.

"Environment" means any waters, including surface water, ground water, or drinking water, any land surface or any subsurface strata, or any ambient air within the State of Hawaii or under the jurisdiction of the State.

"Facility" means all buildings, structures, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle,

If the intent is to include future definitions of ex. hazardous, either the statute or rules will need to be updated periodically or rules will need to be adopted. We do not allow incorporation of future laws by reference.
rolling stock, or aircraft, or any site or area where a hazardous
substance or pollutant or contaminant has been deposited, stored,
disposed of, or placed, or otherwise comes to be located; but does
not include any consumer product in consumer use.

"Hazardous material" or "Hazardous substance" means any hazardous substance as defined in chapter 128D.

"HEPCRA" means the Hawaii emergency planning and community right-to-know act.

"Person" means an individual, firm, corporation, association, partnership, consortium, joint venture, commercial entity, state, county, commission, political subdivision of the State, or, to the extent they are subject to this chapter, the United States or any interstate body.

"Release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing of any hazardous substance or pollutant or contaminant into the environment (including the abandonment or discarding of barrels, containers, and other closed receptacles containing a hazardous substance or pollutant or contaminant); but excludes:

(1) Any release which results in exposure of persons solely within a workplace, with respect to a claim which such exposed persons may assert against their employer;

(2) Emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, vessel, or pipeline pumping
station engine;

/ (3) Release of source, byproduct, or special nuclear
material from a nuclear incident, as those terms are
defined in the Atomic Energy Act of 1954 (42 U.S.C.
§2011), if such release is subject to requirements with
respect to financial protection established by the
Nuclear Regulatory Commission under 42 U.S.C. §2210;

(6) Release from sewerage systems collecting and conducting
primarily domestic wastewater; or

"Reportable quantity" means the quantity of a hazardous
material stated on the various lists of hazardous substances as
defined in chapter 126D

"Threshold planning quantity" or "TPQ" means the threshold
planning quantity for an extremely hazardous substance as defined
in 40 C.F.R. part 355.

"Toxic chemical" means a substance appearing on the list of
chemicals described in section 313 of EPCRA, as set forth in 40
C.F.R. part 372.

§ 2 Designation and functions of the Hawaii state
emergency response commission. (a) There is created the
Hawaii state emergency response commission (HSERC), placed for
administrative purposes within the department, to carry out all
requirements of this chapter, and to provide guidance and
coordinate the activities of the LEPCs, and to comply
with EPCRA.

(b) The HSERC shall consist of the following State officers:

(1)

(2) block 4:

(3)
or their appointed designees: the director of health, the chair of
the board of agriculture, the adjutant general, the director of
labor and industrial relations, the chair of the board of land and
natural resources, the director of business, economic development,
and tourism, the director of transportation, the dean of the
University of Hawaii school of public health, the director of the
office of environmental quality control, a representative from each
LEPC designated by the mayor of the respective county, and other
members as appointed by the governor (which at a minimum, meet the
requirements of EPCRA).

(c) A state officer may designate in writing a designee to
act in place of the officer. This designee shall have all the
power of a commission member.

(d) The chair of the HSERC shall be the director of health. A
director shall be designated by the chair to serve in the absence
of the chair or the chair designee. The chair or the chair
designee shall have the authority to assign, delegate, or transfer
tasks, duties, and responsibilities to members of the HSERC.

(e) Members shall serve without compensation, but shall be
reimbursed for necessary and reasonable actual expenses, such as
travel expense, incurred in connection with attendance at HSERC
meetings. Expenses shall be paid from the Hawaii emergency-
planning and community right-to-know (HEPCRA) fund established
by section 38-60.3 of the Hawaii Revised Statutes.

(f) The HSERC support personnel shall be supervised and
administered by the chair as the HSERC's primary agent responsible

How long do HSERC and LEPC members serve? Until replacements are designated?

> YES OR UNTIL THAT POSITION IS FILLED BY A NEW PERSON?
for performing the functions and duties of the HSERC established
pursuant to this chapter. For this purpose, the department shall
employ such professional, technical, administrative, and other
staff personnel as may be deemed essential to carry out the
purposes of this chapter.

(g) The HSERC shall:

(1) Carry out all of the duties and responsibilities of a
state emergency response commission as specified in
EPCRA;

(2) Develop state contingency plans relating to the
implementation of this chapter;

(3) Provide guidance and direction to the LEPCs for the
implementation of this chapter and EPCRA;

(4) Develop a public information, education, and
participation program for the public and facility owners
covering the requirements of this chapter and
interpretation of the chemical information collected
pursuant to this chapter and the risks those chemicals
pose to the public health and environment;

(5) The HSERC shall appoint members of the LEPCs based upon
the recommendation of the mayor of the respective
counties;

(6) Adopt rules which may be necessary to implement this
chapter; and

(7) Develop a state chemical inventory form to be used in
lieu of the federal Tier II form and chemical list
requirements.

(8) Do all other acts, procedures, and administrative
actions necessary for the implementation of this chapter
and the requirements of EPCRA.

§ -3 Powers; rulemaking; appointment of hearing
officers. (a) The HSERC may make, amend, and repeal state rules
regarding the implementation of this chapter. Such rules shall
include, but shall not be limited to the establishment of a fee
structure, and rules regarding release reporting. All rules shall
be adopted pursuant to chapter 91. Any person heard at the public
hearing shall be given written notice of the action taken by the
HSERC with respect to the rules.

(b) In addition to other specific powers provided in this
chapter, the HSERC may appoint without regard to chapters 76 and
77, hearing officers to conduct public participation activities
including public hearings and public informational meetings.

§ -4 Establishment of emergency planning districts.
Each county is designated an emergency planning district for the
purposes of this chapter. For the purposes of this chapter the
department will be responsible for Kalalau county.

§ -5 Establishment and functions of local emergency
planning committees. (a) A minimum of one LEPC shall be
established in each county. The HSERC, based upon mayor's
recommendations, shall designate an agency to act as the lead, for

If HSERC disagrees?
All in (c)
administrative purposes, for the LEPC and shall appoint the LEPC members. The LEPC shall be subject to the requirements of this chapter and section 303 of EPCRA, 42 U.S.C. §11003. 

(b) An LEPC shall be composed of at least one person selected from each of the following groups:

1. Elected state and county officials;
2. Law enforcement, first aid, health, local environmental, hospital, and transportation personnel;
3. Firefighting personnel;
4. Civil defense and emergency management personnel;
5. Broadcast and print media;
6. Community groups not affiliated with emergency service groups;
7. Owners and operators of facilities subject to the requirements of EPCRA; and
8. Others, as appointed by the mayor.

(c) The members of an LEPC shall be appointed by the HSERC from a list of appointees recommended by the mayor of the county. The list of appointees shall contain the titles of at least one person from each of the groups listed in subsection (b).

(d) Within sixty days of the occurrence of a vacancy, the HSERC shall appoint, a successor member to the LEPC, unless the requirements of (b) have been fulfilled.

(e) Upon the failure of the mayor of a county to submit a list of appointees to the HSERC within forty-five days, the HSERC shall appoint a successor member to the LEPC, not recommended by the mayor.
may appoint members, unless the requirements of subsection (b) have
been fulfilled.

(f) An appointed LEPC member may designate in writing a
designee to act in place of the LEPC member. This designee shall
have all the power of an LEPC member.

(g) An LEPC shall:

(1) Adopt, amend, and repeal bylaws and other administrative
procedures to carry out the duties, requirements, and
responsibilities of an LEPC as set forth in this
chapter, and as required by the HSERC and EPCRA;

(2) Take appropriate actions to ensure the preparation,
implementation, and updating of the local emergency
response plan required by this chapter and EPCRA;

The local emergency response plans shall include (but is
not limited to) each of the following:

(A) Identification of each facility subject to the
requirement of section 303 of EPCRA, 42 U.S.C.
§11003, that are within the emergency planning
district, identification of routes likely to be
used for the transportation of substances on the
list of extremely hazardous substances, and
identification of additional facilities
contributing or subjected to additional risk due to
their proximity to facilities subject to the
requirement of this section, such as hospitals or
natural gas facilities;

(B) Methods and procedures to be followed by facility 
owners and operators and local emergency and 
medical personnel to respond to any release of such 
substances;

(C) Designation of a community emergency coordinator 
and facility emergency coordinators, who shall make 
determinations necessary to implement the plan;

(D) Procedures providing reliable, effective, and 
timely notification by the facility emergency 
coordinator and the community emergency coordinator 
to persons designated in the emergency plan, and to 
the public, that a release has occurred, consistent 
with the notification requirements of this chapter 
and section 304 of EPCRA, 42 U.S.C. §11004;

(E) Methods for determining the occurrence of a 
release, and the area or population likely to be 
affected by such release;

(F) A description of emergency equipment and facilities 
in the county and at each facility in the county 
subject to the requirement of this section, and the 
identification of the persons responsible for such 
equipment and facilities;

(G) Evacuation plans, including provisions for 
precautionary evacuation and alternate traffic
routes;

(H) Training programs, including schedules for training
of local emergency response and medical personnel;
and

(I) Methods and schedules for exercising the emergency
plan.

(3) Review facility response plans for adequacy according to
section 7, and request additional information from the
facilities if necessary;

(4) Prepare and submit local emergency response plans to the
HSERC for review and to other affected agencies upon
request;

(5) Report to the HSERC on alleged violations of this
chapter;

(6) Prepare reports, recommendations, and other information
related to the implementation of this chapter, as
requested by the HSERC;

(7) Have the primary responsibility for receiving,
processing, and managing hazardous chemical information
forms and data, trade secrets, and public information
requested pursuant to this chapter; and

(8) Accept and deposit into the Hawaii emergency planning
and community right-to-know (HEPCRA) fund any grants,
gifts, or other funds received which are intended for
the purpose of carrying out this chapter.
1. Chapter 91, establishing the contents of facility emergency response plans for HFCA, shall contain, but shall not be limited to the following:

2. (a) The HFCA shall adopt rules pursuant to the authority granted in 

3. Requirements of a facility emergency response plan for HFCA. 

4. (b) The HFCA shall provide facility emergency response plans for HFCA to the IHRC or IHRC or IHRC, as required by the IHRC. 

5. (c) Facility emergency response plans for HFCA shall be submitted to the IHRC within ninety days of the effective date of this act. 

6. (d) Facility emergency response plans for HFCA shall be submitted to the IHRC within thirty days of the request; and 

7. (e) Facility emergency response plans for HFCA shall be submitted to the IHRC within thirty days of the request; and 

8. (f) Facility emergency response plans for HFCA shall be submitted to the IHRC within thirty days of the effective date of this act. 

9. (g) Each owner or operator of a facility in the State covered under section 302 of EPCRA, 42 U.S.C. §1102, shall prepare facility emergency response plans for HFCA according to 

10. (h) Additional information shall be provided to the IHRC or IHRC, as required by the IHRC. 

11. (i) Additional information shall be provided to the IHRC or IHRC, as required by the IHRC. 

12. (j) Additional information shall be provided to the IHRC or IHRC, as required by the IHRC. 

13. (k) Additional information shall be provided to the IHRC or IHRC, as required by the IHRC. 

14. (l) Additional information shall be provided to the IHRC or IHRC, as required by the IHRC. 

15. (m) Additional information shall be provided to the IHRC or IHRC, as required by the IHRC. 

16. (n) Additional information shall be provided to the IHRC or IHRC, as required by the IHRC. 

17. (o) Additional information shall be provided to the IHRC or IHRC, as required by the IHRC. 

18. (p) Additional information shall be provided to the IHRC or IHRC, as required by the IHRC. 

19. (q) Additional information shall be provided to the IHRC or IHRC, as required by the IHRC. 

20. (r) Additional information shall be provided to the IHRC or IHRC, as required by the IHRC. 

21. (s) Additional information shall be provided to the IHRC or IHRC, as required by the IHRC. 

22. (t) Additional information shall be provided to the IHRC or IHRC, as required by the IHRC. 

23. (u) Additional information shall be provided to the IHRC or IHRC, as required by the IHRC. 

24. (v) Additional information shall be provided to the IHRC or IHRC, as required by the IHRC. 

25. (w) Additional information shall be provided to the IHRC or IHRC, as required by the IHRC. 

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and operators to respond to any release of such
substances;
(3) Designation of a facility emergency coordinators, who
shall make determinations necessary to implement the
plan;
(4) A description of emergency equipment and the
identification of the persons responsible for such
equipment;
(5) Evacuation plans, including provisions for precautionary
evacuation;
(6) Training programs, including schedules for training of
facility employees; and
(7) Methods and schedules for exercising the emergency plan.
(b) Existing facility emergency response plans may be amended
to meet the requirements of this section.
§ 17 Reporting requirements. (a) The owner or
operator of a facility in the State that stores, uses, or
manufactures any hazardous substance must comply with the following
requirements:
(1) Each owner or operator of a facility in the State
covered under section 302 of EPCRA, 42 U.S.C. §11002,
shall comply with the emergency planning and
notification requirements of section 302 and 303 of
EPCRA, 42 U.S.C. §§11002-11003;
(2) Each owner or operator of a facility in this State that

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is covered under section 311 of EPCRA, 42 U.S.C. §11021, shall comply with the reporting requirements of section 311 of EPCRA, 42 U.S.C. §11021, by completing the state chemical inventory form, in lieu of material data sheets or chemical lists by March first of each year. Material safety data sheets shall be submitted within thirty days of request to the HSERC or LEPC;

(3) Each owner or operator of a facility in this State that is covered under section 312 of EPCRA, 42 U.S.C. §11022, shall comply with the reporting requirements of section 312 of EPCRA, 42 U.S.C. §11022, by completing the state chemical inventory form in lieu of Tier I and Tier II by March first of each year; Tier I information?

(4) Each owner or operator of a facility in this State that is covered under sections 311 and 312 of EPCRA, 42 U.S.C. §§11021-11022, shall submit facility diagrams and location area maps by March first, and update the maps annually as needed;

(5) Each owner or operator of a facility in this State that is subject to section 313 of EPCRA, 42 U.S.C. §11023, shall comply with the toxic chemical release form requirements of section 313 of EPCRA by July first of each year; and

(6) Each owner or operator of a facility in this State covered under section 304 of EPCRA, 42 U.S.C. §11004,
shall comply with the notification requirements of section 304 of EPCRA, and section 19 of this chapter. The HSERC shall adopt, amend, and repeal rules establishing specific information required on the state chemical inventory form. The chemical inventory form will facilitate ease in complying with the requirements of EPCRA by consolidating the necessary information into one form. The chemical inventory form may include, but is not limited to:

1. The chemical name;
2. Quantity stored on the site;
3. Hazardous components;
4. Health and physical hazards; and
5. Storage information.

$ Emergency notification requirements. The HSERC shall adopt rules pursuant to chapter 91 establishing the contents of hazardous substance release reports. Hazardous substance release reports shall contain, but shall not be limited to the following information:

1. The quantities of designated hazardous substances when released are reportable pursuant to this chapter;
2. Specific periods of time within which such quantities, when released, are reportable pursuant to this chapter;
3. To which agencies reports of releases must be reported;
4. The format in which the release is to be reported.
Establishment of Funds. (a) There is hereby created in the state treasury a special fund to be designated as the Hawaii emergency planning and community right-to-know fund (HEPCRA). The fund shall consist of the fees collected under section 11, civil penalties and fines, gifts, grants, and funds appropriated by the legislature. Moneys in the fund and the interest accrued shall be administered and expended by the department to carry out the purposes, goals, and objectives of this chapter and EPCRA. To carry out the purposes, goals, and objectives of this chapter and EPCRA, the department may expend money from the fund for personnel, administrative costs, equipment, training, and public outreach and education.

(b) The HSERC shall accept and deposit into the Hawaii emergency planning and community right-to-know (HEPCRA) fund any grants, gifts, or other funds received which are intended for the purpose of carrying out this chapter.

Establishment of Fees. The HSERC may adopt, amend, and repeal state rules establishing a reasonable reporting fees structure for the reporting requirements established under section 8 and EPCRA, 42 U.S.C. §§11001-11050x. The fees shall be deposited into the Hawaii emergency planning and community right-to-know (HEPCRA) fund and shall be used to implement this chapter and EPCRA, 42 U.S.C. §§11001-110050x.

Immunity from civil liability. (a) No employee, representative, or agent of a state agency or local
agency or persons requested by a state or local agency engaged in any emergency service or response activities involving a hazardous material release at a facility or transportation accident site shall be liable for the death of or any injury to persons or loss or damage to property resulting from that hazardous material release, except for any acts or omissions which constitute wilful misconduct.

(b) There shall be no liability under this chapter for a defendant otherwise liable who can establish by a preponderance of the evidence that the release or threat of release of a hazardous substance and the damages resulting therefrom were caused solely by:

(1) Any unanticipated grave natural disaster or other natural phenomenon of an exceptional, inevitable, and irresistible character, the effect of which could not have been prevented or avoided by the exercise of due care or foresight;

(2) An act of war;

(3) An act or omission of a third party other than an employee or agent of the defendant, or other than one whose act or omission occurs in connection with a contractual relationship, existing directly or indirectly with the defendant, if the defendant establishes by a preponderance of the evidence that the defendant exercised due care with response to the...
hazardous substance concerned, taking into consideration
the characteristics of such hazardous substance, in
light of all relevant facts and circumstances; and that
the defendant took precautions against foreseeable acts
or omissions of any such third party and the
consequences that could foreseeable result from such
acts or omissions; or

(4) Any combination of the foregoing exceptions.

(b) No member of the HSERC or an LEPC shall be liable for the
death of or any injury to persons or loss or damage to property or
the environment or any civil damages resulting from any act or
omissions arising out of the performance of the functions, duties,
and responsibilities of the HSERC or LEPC, except for acts or
omissions which constitute wilful misconduct.

§ 2-13 Penalties and fines. (a) Any person who
violates any of the emergency reporting, planning, or notification
requirements of this chapter, or fails to pay the fees outlined in,
section 12 shall be subject to civil penalties of not less than
$1,000 and not more than $25,000. Each day of each violation shall
constitute a separate violation.

(b) A person who:

(1) Knowingly and wilfully fails to report the release of a
hazardous substance or extremely hazardous substance as
required by section 9 shall be guilty of a
misdemeanor and shall, upon conviction, be sentenced to

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pay a fine of not less than $1,000 and not more than 
$25,000 for each separate offense, or imprisonment for a 
period of not more than one year, or both. For the 
purposes of this paragraph, each day of each violation 
shall constitute a separate offense; or 

(2) [Intentionally] obstructs or impairs, by force, violence, 
physical interference, or obstacle, a representative of 
the department, a hazardous material response team, or 
the LEPC attempting to perform the duties and functions 
set forth in section -5 shall be guilty of a 
misdemeanor and shall, upon conviction, be sentenced to 
pay a fine of not less than $5,000 and not more than 
$25,000 for each separate offense, or imprisonment for a 
period of not more than one year, or both.

(c) All civil penalties and fines collected under this 
section shall be deposited into the Hawaii emergency planning and 
community right-to-know (HEPCRA) fund.

§ 14 Enforcement. If the HSERC determines that any 
person has violated or is violating this chapter or any rule 
adopted pursuant to this chapter, the director shall serve written 
notice by certified mail or personal service upon the alleged 
vilator or violators specifying the alleged violation and may 
include with the notice:

(1) An [Order] specifying a reasonable time during which the 
facility shall be required to submit the required 

HSERC DECIDED AGAINST [?]

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reports, forms, and notifications;

(2) An order imposing penalties provided in section -13;

and

(3) An order that the alleged violator or violators appear before the director for a hearing at a time and place specified in the notice or to be set later and answer the charges complained of.

§ -15 Relationship to other laws. (a) This chapter shall be read in conjunction with the federal statutes and regulations providing for the identification, labeling, or reporting of information; concerning hazardous material releases, and any other health and safety matters related to hazardous materials; and is intended to supplement federal statutes and regulations in the interests of protecting the health and safety of the citizens of the State.

(b) Nothing in this chapter shall affect or modify in any way the obligations or liabilities of any person under other laws of the State.

(c) This chapter shall preempt any ordinances passed or adopted by any county that are effective on, before, or after the effective date of this chapter to the extent that such ordinances conflict or are inconsistent with the provisions of this chapter."

SECTION 3. This Act shall take effect upon its approval.

INTRODUCED BY: 

HTH-9(93)
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-Know 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 codified in the federal law only 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, without a state EPCRA law, 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. Once a state EPCRA law is in place these penalties can go to the state fund.

GENERAL FUNDS: None

PROGRAM DESIGNATION: HTH 849-FD

OTHER FUNDS: Revolving Fund

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

HTH-9(93)
September 29, 1992

To: The Hawaii State Emergency Response Commission Members

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

Subject: NOTICE FOR HSERC MEETING #12

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 October 20, 1992, 9:00 a.m. to 12:00 noon. The meeting will be held at the State Office Towers, Conference Room 1008, 235 South Beretania.

Due to the fact that so many of the HSERC members were unable to attend meeting #11, held on September 22, 1992, we have scheduled another meeting to discuss the draft Hawaii Emergency Planning and Community Right-to-Know Bill and the draft HSERC “Guidelines”. We encourage you to read the attached draft meeting minutes from meeting #11 with attachments, with include the draft bill and draft “Guidelines”. Please be prepared for an open and frank discussion regarding the future operations and organization of the HSERC.

JCL:RG
HAWAII STATE EMERGENCY RESPONSE COMMISSION (HSERC)
MEETING #12

Tuesday October 20, 1992
9:00 a.m. - 12:00 noon

State Office Towers
Conference Room 1008

AGENDA

I. Call to Order
   A. Opening Remarks
   B. Discussion/Approval of Minutes from HSERC Meeting #11

II. Update by the Attorney General’s Office

III. Draft Hawaii EPCRA Bill

IV. Draft HSERC “Guidelines”

V. Schedule next HSERC Meeting (#13)
BRIEF
DR. LEWIN
DR. ANDERSON

HAWAII STATE EMERGENCY RESPONSE COMMISSION (HSERC)
MEETING #12

Tuesday October 20, 1992
9:00 a.m. - 12:00 noon

State Office Towers
Conference Room 1008

AGENDA

I. Call to Order (DR. LEWIN 15 min.)
   A. Opening Remarks
      Todays meeting is actually a continuation of Meeting #11, when discussion was
      initiated regarding the Draft EPCRA Bill and the Draft HSERC Guidelines. It is
      imperative that these two documents agree and spell out what the HSERC
      responsibilities are and with what agencies these responsibilities lie. Today we
      would like to spend most of our time editing the Draft EPCRA Bill. The HSERC
      Guidelines would then be edited to agree with the Bill, we feel this approach
      would be the most efficient use of our time.

   B. Discussion/Approval of Minutes from HSERC Meeting #11

II. Update by Attorney Generals Office (LARRY LAU 30 min.)

III. Draft Hawaii EPCRA Bill (DR. LEWIN 90 min.)
    Steve Armann to review conflicts between Draft Bill and Draft Guidelines.
    Rhonda Goyke to review alternate fee structures.

IV. Draft HSERC “Guidelines” (DR. LEWIN 30 min.)
    At this time we would like to address any additional comments or concerns regarding the
    HSERC Guidelines.

V. Schedule Next HSERC Meeting #13 (DR. LEWIN 5 min.)
    Meeting #13 has been tentatively schedules for Friday December 11, 1992, 9:00 a.m.
    - 12:00 noon.
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
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 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
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

Hawai'i 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 Hawai'i 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
A BILL FOR AN ACT

RELATING TO EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAI'I:

SECTION 1. The legislature finds that exposure to hazardous materials has the potential for causing undesirable health and environmental effects and poses a threat to the health, safety, and welfare of the residents of this State, and that the residents of this State and emergency service personnel who respond to emergency situations should be protected from the health hazards and harmful exposure resulting from hazardous material releases at facilities and from transportation related accidents.

The purpose of this Act is to:

(1) Create a strong working relationship and partnership between business and industry and the State and its municipalities to protect and safeguard the residents of this State from the health hazards and other risks of harm resulting from or incident to the use, storage, distribution, and transportation of hazardous materials;

(2) Designate the Hawaii state emergency response commission as the State's emergency response commission and establish an emergency planning district and a LEPC in each county of this State to act in accordance with the
provisions of the Emergency Planning and Community Right-To-Know Act of 1986 (Title III of Public Law 99-4990);

(3) Establish and maintain a comprehensive hazardous material safety program for the State and its counties;

(4) Create the emergency planning and community right-to-know fund to provide financial assistance to the State agencies and counties to develop an effective and integrated response capability to the health hazards, dangers, and risks which hazardous material releases pose to the general public;

(5) Establish an emergency notification system whereby the release of hazardous materials occurring at a facility or resulting from a transportation accident will be promptly reported to the proper State and county emergency response officials;

(6) Assign responsibilities to various State and local agencies to ensure the development and furtherance of a comprehensive hazardous material safety program;

(7) Provide civil liability protection to officials and emergency response personnel of the State and municipalities who are properly carrying out their duties and responsibilities under the State's hazardous material safety program; and

(8) Require persons responsible for the release of hazardous materials to pay the costs incurred by certified hazardous material response teams or supporting paid and
volunteer emergency service organizations of emergency
response activities necessitated by the hazardous
material release.

SECTION 2. The Hawaii Revised Statutes is amended by adding a
new chapter to be appropriately designated and to read as follows:

"CHAPTER

HAWAII EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT

Section

-1 Definitions
-2 Designation and Functions of the Hawaii State
   Emergency Response Commission
-3 Establishment of Emergency Planning Districts
-4 Establishment and Functions of Local Emergency
   Planning Committees
-5 Hazardous Substance Safety Program
-6 Emergency Reporting Requirements
-7 Emergency Notification Requirements
-8 Establishment of Funds
-9 Hazardous Materials Response Teams
-10 Recovery of Response Costs
-11 Facility and Vehicle Inspection and Testing
-12 Immunity from Civil Liability
-13 Penalties and Fines
-14 Enforcement
-15 Relationship to other laws

§ -1 Definitions. As used in this chapter, unless the
context otherwise requires:
"Administrator" means the Administrator of the United States Environmental Protection Agency.

"CERCLA" means the Comprehensive Environmental Response, Compensation and Liability Act.

"Certified hazardous substances response team" means a team of individuals who are certified and organized by a state agency; a local agency; regional hazardous substances organization; transporter, a manufacturer, supplier or user of hazardous substances; volunteer service organization; private manufacturer, supplier, or user of hazardous substances; volunteer service organization; or private contractor for the primary purpose of providing emergency services to mitigate actual or potential immediate threats to public health and the environmental in response to the release or threat of release of a hazardous substances, which is certified, trained, and equipped in accordance with section 9. Hazardous substances response teams may also be certified to perform stabilization action needed to remove threats to public health and the environment from hazardous material releases.

"Commission" or "HSERC" means the Hawaii state emergency response commission.

"County agency" means a county or any officer or agency thereof.

"Department" means the department of health.

"Emergency management" means the judicious planning, assignment, and coordination of all available resources in an integrated program of prevention, mitigation, preparedness,
response, and recovery of emergencies of any kind, whether from
attack, manmade, or natural sources.

"EPCRA" means the Federal Emergency Planning and Community
Right-to-Know Act of 1986, as amended (40 U.S.C. section 11001 et
seq.)

"Extremely hazardous substance" means any substance appearing
on the list of extremely hazardous substances published by the
Administrator under the authority of section 302 of the Emergency
Planning and Community Right-to-Know Act ("Appendix A - The List of
Extremely Hazardous Substances and Their Threshold Planning
Quantities").

"Facility" means all buildings, structures, and other
stationary items which are located on a single site or a contiguous
or adjacent site which are owned or operated by the same persons
and which actually manufacture, produce, use, transfer, store,
supply, or distribute any hazardous material. The term includes
railroad yards and truck terminals but does not include individual
trucks, rolling stock, water vessels, airplanes, or other
transportation vehicles.

"Hazardous chemical" means any chemical which is a physical
hazard or a health hazard, except that the term does not include
the following:

(1) Any food, food additive, color additive, drug, or
cosmetic regulated by the United States Food and Drug
Administration;

(2) Any substance present as a solid in any manufactured
item to the extent that exposure to the substance does
not occur under normal conditions or use;

(3) Any substance to the extent that it is used for
personal, family, or household purposes or is present in
the same form and concentration as a product packaged
for distribution and use by the general public;

(4) Any substance to the extent that it is used in a
research laboratory or a hospital or other medical
facility under the direct supervision of a technically
qualified individual; and

(5) Any substance to the extent that it is used in routine
agricultural operations or is a fertilizer held for sale
by a retailer to the ultimate consumer.

"Hazardous material" means any of the following, as defined
in this section:

(1) A hazardous substance;
(2) Any extremely hazardous substance;
(3) A hazardous chemical; and
(4) A toxic chemical.

Except as provided in section -7, the term does not include the
transportation, including the storage incident to such
transportation, of any substance of chemical subject to the
requirements of this chapter, including the transportation and
distribution of natural gas.

"Hazmat response team organizer" means the state agency, local
agency, regional hazardous material organization, volunteer
emergency service organization, or hazardous material transporter,
manufacturer, supplier or user that organized the certified
hazardous material response team.

“Hazardous substance” includes any substance designated pursuant to section 311(b)(2)(A) of the Clean Water Act: any element, compound, mixture, solution, or substance designated pursuant to section 102 of CERCLA; any hazardous waste having the characteristics identified under or listed pursuant to §3001 of the Solid Waste Disposal Act; any toxic pollutant listed under section 307(a) of the Clean Water Act; any hazardous air pollutant listed under section 112 of the Clean Air Act, as amended (42 U.S.C. §§7401-7626); any imminently hazardous chemical substance or mixture regulated under section 7 of the Toxic Substance Control Act, as amended (15 U.S.C. §§2601-2671); oil, trichloropropane, and other substance or pollutant or contaminant designated pursuant to this chapter 128D, HRS.

“Independent agency” means any board, commission, authority, and any other agency and officer of the state which are not subject to the policies, supervision, and control of the governor, except any officer or agency of the judiciary or the legislature.

“Local Emergency Planning Committee” or “LEPC” means the local committee within each county responsible for preparing hazardous material plans and performing other functions under EPCRA.

“Person” means an individual, firm, corporation, association, partnership, consortium, joint venture, commercial entity, state, county, commission, political subdivision of the State, or, to the extent they are subject to this chapter, the United States or any interstate body.

“Release” means any spilling, leaking, pumping, pouring,
emitting, emptying, discharging, injection, escaping, leaching,
dumping, or disposing of any hazardous substance or pollutant or
contaminant into the environment, (including the abandonment or
discarding of barrels, containers, and other closed receptacles
containing a hazardous substance or pollutant or contaminate); but
excludes:

(1) Any release which results in exposure of persons solely
within a workplace, with respect to a claim which such
exposed persons may assert against their employer;

(2) Emissions from the engine exhaust of a motor vehicle,
rolling stock, aircraft, vessel, or pipeline pumping
station engine;

(3) Release of source, byproduct, or special nuclear
material from a nuclear incident, as those terms are
defined in the Atomic Energy Act of 1954 (42 U.S.C.
§2011), if such release is subject to requirements with
respect to financial protection established by the
Nuclear Regulatory Commission under 42 U.S.C. §2210;

(4) Any release resulting from the normal application of
fertilizer;

(5) Any release resulting from the legal application of
pesticide products registered under the Federal
Insecticide, Fungicide, and Rodenticide Act;

(6) Release from sewerage systems collecting and conducting
primarily domestic wastewater; or

(7) Any release permitted by any federal, state, or county
permit or other legal authority.
"Reportable quantity" means the quantity of a hazardous material stated on the various lists of hazardous substances and extremely hazardous substances as defined in chapter 128D.

"Response cost" means any of the following:

1. Disposable materials and supplies acquired, consumed, and expended specifically for the purpose of the response to the hazardous material release;

2. Rental or leasing of equipment used specifically for the response, for example, protective equipment or clothing and scientific and technical equipment;

3. Replacement costs for equipment that is contaminated beyond reuse or repair during the response, for example, self-containing breathing apparatus irretrievably contaminated during the response;

4. Decontamination of equipment contaminated during the response;

5. Compensation of paid employees or members of the hazardous material response team or supporting paid or volunteer emergency service organizations, to include regular and overtime pay for permanent full-time and other full-time employees or members;

6. Special technical services specifically required for the response, for example, costs associated with the time and efforts of technical experts or specialists;

7. Laboratory and testing costs for purposes of analyzing samples or specimens taken during the response;

8. Other special services specifically required for the
response, for example, utility costs;

(9) Cost associated with the services, supplies and
    equipment used to conduct an evacuation during the
    response; and

(10) Costs associated with the removal and disposal of
    hazardous materials.

"Rolling stock" means any railroad tank car, railroad boxcar,
or other railroad freight car as defined in 49 CFR 215 that
contains an extremely hazardous substance in excess of the
threshold planning quantity established for such substance and is
used as a storage site for such substance.

"Service station" means a motor vehicle service station,
filling station, garage, or similar operation engaged in the retail
sale of motor fuels that are regulated by the Storage Tank and
Spill Prevention Act of July 6, 1989 (P.L. 169, No. 32), or a
facility whose primary function is auto body repair.

"Threshold planning quantity" or "TPQ" means the threshold
planning quantity for an extremely hazardous substance as defined

"Toxic chemical" means a substance appearing on the list of
chemicals described in section 313 of EPCRA, as set forth at 40 CFR
Part 372.

"Vehicle" means any truck, railroad car, water vessel,
airplane, or other transportation vehicle that ships, carries, or
transports a hazardous material on any highway, rail line, or
waterway within the jurisdiction boundaries of the State.

§ 2 Designation and functions of the Hawaii state
emergency response commission. (a) There is created the
Hawaii state emergency response commission (HSERC) for the purpose
of carrying out all requirements of this chapter; to develop
overall policy and direction for a statewide hazardous substances
safety program; and to supervise and coordinate the
responsibilities of the LEPCs.
(b) The HSERC shall consist of the following State officers or
their appointed designees: the director of health, director board
of agriculture, the adjutant general, director department of labor
and industrial relations, director board of land and natural
resources, director department of business, economic development
and tourism, director department of transportation, dean University
of Hawaii school of public health, manager Hawaii State Chapter
American Red Cross, director office of environmental quality
control, and a representative from each LEPC which shall be
designated by the Mayor.
(c) The chairperson of the HSERC shall be the director of
health. A vice-chairperson shall be designated by the chairperson
to serve in the absence of the chairperson or his designee. The
chairperson or his designee shall have the authority to assign,
delegate, or transfer tasks, duties and responsibilities to members
of the HSERC. The chairperson or his designee shall approve the
appointment of members to the HSERC who are designated by their
respective department or office and authorized to fulfill the
duties and responsibilities of the appointed member of the HSERC.
(d) Members shall serve without compensation, but shall be re-
reimbursed for necessary and reasonable actual expenses, such as
travel expense, incurred in connection with attendance at HSERC meetings.

(e) To conduct routine or emergency business, the HSERC shall meet at the call of the chairperson. Five members of the HSERC shall constitute a quorum for the purpose of conducting the business of the HSERC and for all other purposes. All actions of the HSERC shall be taken by a majority of the HSERC members present.

(f) The HSERC support personnel shall be supervised and administered by the department as its primary agent responsible for performing the functions and duties of the HSERC established pursuant to this chapter. For this purpose, the department shall employ such professional, technical, administrative, and other staff personnel as may be deemed essential to carry out the purposes of this chapter and the development and maintenance of a comprehensive hazardous material safety program. These employees shall report directly to the director of health. Funding for these employees shall be appropriated from the fund.

(g) The HSERC shall:

(1) Carry out all of the duties and responsibilities of a state emergency response commission as specified in EPCRA;

(2) Develop agency contingency plans relating to the implementation of this chapter;

(3) Provide guidance and direction to counties for the implementation of this chapter and EPCRA;

(4) Supervise the operation of LEPCs and ensure that the
LEPCs meet all federal and State standards and
requirements;

(5) Develop a State comprehensive hazardous material safety
program;

(6) Delegate authority and assign primary responsibility to
the adjutant general for hazardous materials training;

(7) Delegate authority and assign primary responsibility to
the LEPC's for receiving, processing, and managing
hazardous chemical information forms and data, trade
secrets, and public information requested pursuant to
this chapter. Emphasis should be given to
electronically processing the information reported
pursuant to this chapter to maximize its use in
emergency response and to enhance its availability to
the public;

(8) Delegate authority and assign responsibility to the
department for providing technical advice and assistance
consistent with established department responsibilities
in the alleviation of public health and environmental
hazards associated with hazardous material releases or
threatened releases of hazardous materials, including
but not limited to, dispatching emergency response
personnel to accident sites during emergency situations
when requested by the HSERC. This chapter shall not
affect any existing authority these agencies have to
respond to hazardous material release;

(9) Prescribe duties and responsibilities for State
agencies, counties, and LEPCs to conduct comprehensive emergency management activities consistent with this chapter;

(10) Prescribe standards for hazardous material response team training and certification, the equipping of hazardous material response team units, and other matters involving hazardous material response activities;

(11) Develop a public information, education, and participation program for the public and facility owners covering the requirements of this chapter and interpretation of the chemical information collected pursuant to this chapter and the risks those chemicals pose to the public health and environment;

(12) Develop a mechanism or guidelines for the use of LEPCs to act as boards of arbitration for resolving cost recovery disputes concerning those costs defined in section -10 that arise between a person who causes a release of a hazardous material and the organizers of any certified hazardous material response teams, or the emergency service organization that responded to the hazardous material release or both; and

(13) Do all other acts and things necessary for the exercise of the powers and duties of the HSERC for the implementation of this chapter and the requirements of EPCRA.

§ 3 Establishment of emergency planning districts.

Each county is designated an emergency planning district for the
purposes of this chapter.

§ 4 Establishment and functions of local emergency planning committees. (a) To carry out the provisions of this chapter, a minimum of one LEPC shall be established in each county. The Mayor shall designate an agency to act as the lead for the LEPC and shall appoint the LEPC chairperson. The LEPC shall be subject to the supervision of the HSERC and shall cooperate with the county emergency management agency and EPCRA facilities to prepare the emergency response plans required by section 303 of EPCRA, for facilities where extremely hazardous chemicals are present.

(b) A LEPC shall be composed of at least one person selected from each of the following groups:

(1) Elected county officials;

(2) Law enforcement, first aid, health, local environmental, hospital, and transportation personnel;

(3) Firefighting personnel;

(4) Civil defense and emergency management personnel;

(5) Broadcast and print media;

(6) Community groups not affiliated with emergency service groups; and

(7) Owners and operators of facilities subject to the requirements of EPCRA.

(c) The county emergency management coordinator, as supervised by the LEPC, shall have the lead responsibility for ensuring that the plans and activities of the LEPC comply with EPCRA, this chapter, and other applicable statues and laws.

(d) The members of a LEPC shall be confirmed by the HSERC
from a list of appointees submitted by the mayor of the county.

The list of appointees shall contain the titles of a least one
person from each of the groups listed in subsection (b). Upon the
failure of the mayor of a county to submit a list of appointees to
the HSERC within a time fixed by the HSERC, the HSERC may appoint
members.

(e) Within sixty days of the occurrence of a vacancy, the
mayor shall appoint, in the manner provided in subsection d, a
successor member to the LEPC. A vacancy shall occur upon the
death, resignation, disqualification, or removal of a member of a
LEPC.

(f) For the conduct of routine or emergency business, the
LEPC shall meet at the call of the chairperson. A majority of the
members of the LEPC, or such other number of members of the LEPC as
set by the LEPC, shall constitute a quorum for the purpose of
conducting the business of the LEPC and for all other purposes.
All action of the LEPC shall be taken by a majority of the LEPC
members present.

(g) A LEPC shall:

(1) Make, amend, and repeal bylaws and other procedures to
carry out the duties, requirements, and responsibilities
of a LEPC as set forth in this chapter, and as required
by the HSERC;

(2) Take appropriate actions to ensure the implementation
and updating of the local emergency response plan
required by this chapter;

(3) Report to the HSERC on alleged violations of this
chapter;

(4) Prepare reports, recommendations, or other information related to the implementation of this chapter, as requested by the HSERC;

(5) Meet, when appropriate, with any State agency or local or regional agency which is empowered to exercise the governmental functions of planning and zoning, to regulate land use and land use development, or to authorize the siting of a facility within the county to discuss and review with the State agency and local agency all limitation factors necessary to protect the health, safety, and welfare of the general public from a potential release of hazardous materials from a proposed facility. Mitigation factors include environmental impacts, shelter, and evacuation feasibility, emergency warning and communications, availability of response equipment and future population and economic growth in the area of the proposed facility; and

(6) Accept and deposit into the emergency planning and community right-to-know fund any grants, gifts, or other funds received which are intended for the purpose of carrying out this chapter.

(h) The administrative and operational expenses of a LEPC may be paid through a combination of sources by the county from fees collected by the county, from monies received from the HSERC in accordance with the provisions of sections 8 or by accepting private donations.
(i) A member of a LEPC shall be an agent of the HSERC and shall be deemed as duly enrolled emergency management volunteer for the purposes of ____________ (relating to compensation for accidental injury).

(j) The LEPCs may perform other emergency management advisory duties as requested by county elected officials.

(k) Each emergency plan shall include, but not be limited to, each of the following:

(1) Identification of the facility subject to the requirement of section 303 of EPCRA, within the county, identification of routes likely to be used for the transportation of substances on the list of extremely hazardous substances and identification of additional facilities contributing or subjected to additional risk due to their proximity to the facility subject to the requirements of this section, such as hospitals or natural gas facilities;

(2) Methods and procedures to be followed by facility owners and operators and local emergency and medical personnel to respond to any release of such substances;

(3) Designation of a county emergency management coordinator and facility emergency coordinators, who shall make determinations necessary to implement the plan;

(4) Procedures providing reliable, effective, and timely notification by the facility emergency and the county emergency management coordinator to persons designated in the emergency plan, and to the public, that a release
has occurred, consistent with the notification

requirements of section 304 of EPCRA;

(5) Methods for determining the occurrence of a release, and
the area or population likely to be affected by such a
release.

(6) A description of emergency equipment and facilities in
the county and at each facility in the county subject to
the requirements of this section, and an identification
of the persons responsible for such equipment and
facilities;

(7) Evacuation plans, including provisions for a
precautionary evacuation and alternate traffic routes;

(8) Training programs, including schedules for training of
local emergency response and medical personnel; and

(9) Methods and schedules for exercises the emergency plan.

§ -5 Hazardous substances safety program. (a) In

conjunction with the departments of health, transportation,

agriculture, labor and industrial relations, defense, land and

natural resources, the police and fire departments of the city and

county of Honolulu and the counties of Kauai, Maui, and Hawaii and

any other State or county agencies as determined by the HSERC, the
department shall develop a hazardous material safety program for
incorporation into the State of Hawaii oil and hazardous substances
emergency response plan (relating to emergency management
services). The hazardous substances safety program shall include
an assessment of the potential dangers and risks that hazardous
material releases occurring at facilities and from transportation
related accidents pose to the general public. The program shall also consider the impacts, consequences, and necessary protective measures required to respond to and mitigate the effects of such releases and accidents. The program shall include:

(1) Development of a state oil and hazardous substance emergency response plan for hazardous substances for the state and state agencies which sets forth the specific duties, responsibilities, roles and missions of state agencies;

(2) Development of a notification system whereby the owners and operators of a facility will report the occurrence of any hazardous substance or extremely hazardous substance release to the appropriate State agencies, local agencies, and state and local officials designated in the state and local plans. The reporting requirements for this notification system are set forth in section -7;

(3) Development of a notification system whereby the transporters of any hazardous substance or extremely hazardous substance will report the occurrence of any hazardous material release to the state agencies, local agencies, and state and local officials designated in the state and local plans. The reporting requirement for this notification system are set forth in section -7;

(4) Training and equipping state agency and local agency public safety and emergency response personnel;
(5) Establishment of training standards or a certification program for the formation of state agency, local agency, or regional hazardous substances response teams. All state agencies, local agencies or other agencies and committees that establish training standards for emergency service law enforcement, firefighting, or other personnel shall cooperate with the HSERC in the implementation of these training standards or certification program;

(6) Periodic exercise of hazardous material release scenarios at facilities and transportation sites that are designed to test the response capabilities of state agency, local agency, and regional public safety and emergency response personnel;

(7) Assistance in procuring specialized hazardous material response supplies and equipment to be used by local and regional public safety and emergency response personnel;

(8) State civil defense shall staff and operate a twenty-four-hour state emergency operations center to provide effective emergency response coordination for all types of natural and man-made disaster emergencies, including the ability to receive and monitor the emergency notification reports required under sections -7 from all facilities and transporters involved with hazardous material incidents; and

(9) Provisions for financial assistance to counties and state agencies as provided in section -8.
(b) Within one hundred eighty days of the completion of procedures called for in subsection (a)(3), LEPCs shall develop and submit to the HSERC a hazardous material emergency preparedness assessment. The assessment shall be updated annually. The county shall assess the potential dangers and risks that hazardous material release from facilities and transportation accidents pose to public health and the environment; identify the county's needs and resources for hazardous material response teams to deal with those dangers and risks and outline its plan for implementing county and local emergency planning functions under this act. The assessment shall include:

(1) Potential threats posed by facilities requiring emergency response plans under section 303 of EPCRA, and other concentrations of hazardous materials in the county that may pose a threat;

(2) Potential threats posed by hazardous materials transported by highway and railroad in the county;

(3) Identification of existing capabilities to respond to hazardous material released, including personnel, equipment, training, planning, and identification of existing hazardous material response zones;

(4) Identification of the need for personnel, equipment, training, planning, and identification of existing hazardous material response zones; and

(5) Identification of other resources needed to implement the provision of this act and to support the LEPCs.

The LEPC shall prepare a hazardous material emergency response
preparedness assessment. The HSERC shall review and approve the
assessment if it determines the assessment is complete and fulfills
the county's obligations under this act to respond to releases of
hazardous materials. If an assessment is not approved by the
HSERC, it shall be returned to the county with an explanation of
its deficiencies. The county shall have sixty days to return the
assessment to the HSERC with either changes or further explanation
or justification. The HSERC shall then review the assessment. The
review process will continue until the HSERC is satisfied with the
assessment.

§ 6 Emergency reporting requirements. (a) The
owner or operator of a facility in the State shall comply with the
following requirements:

(1) The owner or operator of a facility in the State covered
under section 302 of EPCRA, shall comply with the
emergency planning and notification requirements under
section 302 and 303 of EPCRA. Emergency response plans
shall be submitted to the LEPC and to the HSERC;

(2) The owner or operator of a facility in this State,
covered under section 311 of EPCRA, shall comply with
the reporting requirements under sections 311 and 312 of
EPCRA by submitting chemical lists for chemicals in lieu
of material data sheets for section 311 and Tier II
reports in lieu of Tire I reports for section 312 of
EPCRA by March first of each year. Material safety data
sheets shall be submitted within 30 days of request to
the HSERC or LEPC. The information shall be submitted
in electronic form consistent with the system used by
the LEPCs and HSERC, whenever possible;

(3) The owner or operator of a facility in this State,
subject to section 313 of EPCRA, shall comply with the
toxic chemical release form requirements of section 313
of EPCRA by July first of each year. The information
shall be submitted in electronic form consistent with
the system used by the LEPCs and HSERC whenever
possible;

(4) The owner of a facility in this state subject to the
requirements of paragraphs (2) and (3) shall comply with
the toxic chemical release form requirements under
section 323 of EPCRA. The information shall be
submitted in electronic form consistent with the system
used by the LEPCs and HSERC whenever possible;

(5) The owner or operator of a facility in this State
covered under section 304 of EPCRA, shall comply with
the notification requirements of section 304 of EPCRA,
and section -7 of this chapter.

(b) The owner or operator of a property that has one or more
rolling stock, whether owned or leased, located within its property
boundaries for any period of time in excess of thirty continuous
days and containing an extremely hazardous substance in excess of
the threshold planning quantity shall notify the HSERC and the
appropriate LEPC of the fact and shall prepare an emergency
response plan, which contains those persons that either the HSERC
or the appropriate LEPC directs, in order to deal with any
potential release of an extremely hazardous substance from that
rolling stock.

§ 7 Emergency notification requirements. (a) Except
as provided in subsection (e), the owner or operator of a facility
that manufactures, produces, uses, imports, exports, stores,
supplies, or distributes any hazardous substance or extremely
hazardous substance and the owner or operator of a vehicle that
ships, transports, or carries any hazardous substance or extremely
hazardous substance to, within, through, or across the State shall
immediately report the release of the substance which exceeds the
reportable quantity to the appropriate State and LEPC as follows:

(1) Two notifications shall be made by the owner or operator
of a facility. The first call shall be made by the
owner or operator of a facility by calling the twenty-
four-hour response telephone number of the LEPC. The
second call shall be made to the HSERC twenty-four-hour
response number which shall be the twenty-four-hour
response number of the office of hazard evaluation and
emergency response in the department; and

(2) Initial notification shall be made by the owner or
operator of a vehicle by dialing 911 or, in the absence
of a 911 emergency telephone number, calling the
operator in order to notify the LEPC management office
twenty-four-hour response number within whose
jurisdiction the transportation accident or incident has
occurred, and reporting that a hazardous substance or an
extremely hazardous substance release has occurred. The
LEPC shall report any notification made under this subsection to the HSERC twenty-four-hour response number within one hour of its receipt.

(b) The notification required by subsection (a) shall include each of the following to the extent known at the time of the notice and so long as no delay in responding to the emergency results:

(1) The name and telephone number of the person making the notification;

(2) The name of the person employed by the owner or operator of the facility or vehicle who has the authority or responsibility to supervise, conduct, or perform any cleanup activities required at the facility or transportation accident site or to contract for the performance of any cleanup activities at the facility or transportation accident site;

(3) The chemical name or identity of any substance involved in the release;

(4) An indication of whether the substance is an extremely hazardous substance or other hazardous material that appears on a federal or state list of hazardous materials as periodically amended;

(5) An estimate of the quantity of the substance that was released into the environment;

(6) The time, location, and duration of the release;

(7) The medium or media into which the release occurred;

(8) Any known or anticipated acute or chronic health risks associated with the emergency, and where appropriate,
advice regarding medical attention necessary for exposed individuals;

(9) Proper precautions to take as a result of the release, including evacuation, unless the information is readily available to the community emergency coordinator under an emergency plan, and any other relevant information which may be requested;

(10) The name and telephone number of the person or persons to be contacted for further information; and

(11) Additional information required by federal or state law or regulations.

(c) Notification to the department shall be made to the department twenty-four-hour response number. This notification shall contain the information required by subsection (b). The notice to the department shall fulfill the requirement in EPCRA to notify the HSERC. Notice under this section shall not fulfill any requirement in other state laws to notify any other state agency of a spill or release of a hazardous chemical.

(d) As soon as practicable, but no later than fourteen calendar days after a release which required notice under this section, the owner or operator of a facility and the owner or operator of a vehicle shall provide a written follow-up emergency notice, or notices if more information becomes available, to the department and the LEPC setting and updating the information required under subsection (b), and including additional information with respect to:

(1) Actions taken to respond to and contain the release;
Any know or anticipated acute or chronic health risk associated with the release;

Advice regarding medical attention necessary for exposed individuals, where appropriate; and

Actions to be taken to mitigate potential future incidents.

The provisions of this section shall not apply to a release of a hazardous substance or an extremely hazardous substance if the release of such substance is exempt, excluded, or permitted by federal or state law, rule, or regulation.

§ Establishment of Funds. (a) There is hereby created in the State treasury a special fund to be designated as the emergency planning and community right-to-know fund. The fund shall consist of the fees collected under this section, civil penalties and fines and funds appropriated by the Attorney General. Monies in the fund and the interest accrued shall be administered by the department to carry out the purposes, goals, and objectives of this chapter, EPCRA, and the State's hazardous material safety program.

(b) The owner or operator of a facility required to annually file an emergency and hazardous chemical inventory form under section 7 shall submit with the inventory form a filing fee of $250. In addition to the filing fee, the owner or operator shall submit with the inventory form the following additional fees for reporting inventories of individual hazardous substances produced, used, or stored at the facility. An additional fee of $25 per chemical enumerated on the inventory form shall be submitted.
owner or operator of a facility who fails to submit such an
inventory form within thirty days after the applicable filing date
prescribed in section -6 shall submit with the inventory form a
late filing fee of 15% of the total fees due under this section, in
addition to the fees due under this section.

(c) The owner or operator of a facility required to annually
file a toxic release inventory form (Form R) under section -6
shall submit with the inventory form a filing fee of $1,000. An
owner or operator of a facility who fails to submit such an
inventory form within thirty days after the applicable filing date
prescribed in section -6 shall submit with the inventory form a
late filing fee of 15% of the total fees due under this section, in
addition to the fees due under this section.

(d) The department shall administer and allocate monies in the
fund, including all interest generated therein, in the following
manner: On or before the first day of January of each year, the
department shall allocate monies in the fund to each of the
following entities of classes of entities in the percentages
stated:

(1) To the department, not less than forty percent or more
than forty three percent of the moneys in the fund;
(2) To LEPCs, not less than thirty two percent or more than
thirty five percent of moneys in the fund; and
(3) To the adjutant general, not less than twenty five
percent or more than thirty percent of the moneys in the
fund.

All LEPCs and State agencies to be funded under this chapter shall
submit to the HSERC for review and approval by October 1 of each
year a budget worksheet and a workplan for the fiscal year to begin
January 1 of that year. The allocated moneys shall be distributed
at the start of each fiscal year. The HSERC's decisions on the
distribution of moneys from the fund are not appealable.

(e) Moneys received under this section shall not be used to do
any of the following:

(1) Acquire first response equipment, except as otherwise
provided in subsection (f);

(2) Defray costs for copying and mailing hazardous chemical
list, material safety data sheets, or emergency and
hazardous chemical inventory forms submitted pursuant to
this chapter for distribution to the public;

(3) Reimburse any person for expenditures incurred for
emergency response and cleanup of a release of oil, a
hazardous substance, or an extremely hazardous
substance; and

(4) Perform any assessment of damages to natural resources
resulting from a release of oil, a hazardous substance, or an extremely hazardous substance.

(f) After a committee determines that the initial training
needs for emergency management personnel within its emergency
planning district set forth the committee's plan or most recent
review of its plan pursuant to section 6 have been met, the
HSERC may make moneys it receives under this section available to
fire departments located within the district for the purchase of
first response equipment.
§ 9 Hazardous Materials Response Teams. (a) The HSERC shall establish a program for certifying hazardous material response teams, setting standards for training, equipment, safety, operations, and administration of the teams. The certification program shall include, but not limited to:

(1) Standards for certifying response teams with several preparedness levels patterned after levels established by the United States Occupational Safety and Health Administration at 29 CFR Part 1910.120; and

(2) Reviewing existing hazardous material training and certification programs to establish specific procedures for crediting that training and certification under the program established by this section.

(b) The HSERC may establish hazardous material response zones, consisting of portions of counties or multiple counties, that may be served by certified hazardous material response teams that are certified by the HSERC where counties have not identified zones in their hazardous material emergency response preparedness assessment.

(c) Hazardous material response teams shall comply with any guidelines, directives or other documents developed by the HSERC for incorporation into the State's hazardous material safety program and shall be consistent with the county hazardous material emergency response preparedness assessment approved by the HSERC.

(d) Each county shall comply with the hazardous material safety program by doing any of the following, consistent with the county hazardous material emergency response preparedness
assessment.

(1) Individually organizing and operating a certified hazardous material response team;

(2) Contracting or having formal agreements with a certified hazardous material response team, including those formed by a regional hazardous material organization or private companies; and

(3) Participating as a member of a regional hazardous material organization for the purpose of creating and organizing a certified hazardous material response team.

(e) Each State agency, local agency, regional hazardous material organizations, volunteer service organization, hazardous material transporter, manufacture, supplier or user, or other entity that organizes a certified hazardous material response team as identified on the team certification, shall be responsible for providing, directly or by agreement with a third part, worker's compensation and ordinary public liability insurance for its certified hazardous material response team. The State, a county, or municipality may self-insure to meet this obligation to the extent it is now authorized by State law.

(f) A certified hazardous material response team may, when authorized by the LEPC:

(1) Enter onto any private or public property on which a release of a hazardous material has occurred or there may be a threat of a hazardous material release;

(2) Enter any adjacent or surrounding property to which the hazardous material release has occurred or may threaten
to occur; and

(3) Enter any private or public property in order to respond to the release or threatened release of a hazardous material, to monitor and contain the hazardous material release, to perform cleanup and stabilization actions and to perform any other emergency response activities deemed necessary by the certified hazardous material response team or by the representatives of the department or the LEPC.

(g) Notwithstanding any Federal Law to the contrary, the department of health, consistent with the State oil and hazardous substances emergency response plan and chapter 128D, is designated as the State agency assigned the responsibility to direct cleanup efforts at a release site upon the occurrence of a release.

§ -10 Recovery of response costs. (a) A person who causes a release of a hazardous material shall be liable for the response costs incurred by a certified hazardous material response team or a supporting paid or volunteer emergency service organization. The hazmat response team organizer, as identified on the team certification, or supporting paid or volunteer emergency service organizations, that undertakes a response action may recover those response costs in law or an action in equity brought before a court of competent jurisdiction. Should more than one certified hazardous material response team incur response cost for the same hazardous material release or incident, the organizing entities of those certified hazardous material response teams may file a joint action in law or equity and may designate one entity
to represent the others in the law suite.

(b) In an action to recover response costs, a State agency, local agency, regional hazardous material organization, supporting paid or volunteer emergency service organizations that are properly trained in accordance with the standards developed under this act and that are properly requested and dispatched by a legally constituted authority shall be eligible to recover their response costs.

(c) Arbitration.

(1) In lieu of bringing an action at law or in equity in a court of competent jurisdiction in the matter of a response cost dispute under subsection (a), the party who is the person who caused a release of a hazardous material and the party who is the certified hazardous material response team, including any volunteer emergency service organizations requested and dispatched by a legally constituted authority, may agree to submit the response cost dispute to arbitration, the parties shall have waived all rights to remedies available under subsection (a) and to any other remedies available at law;

(2) Once the parties agree to submit the response cost dispute to binding arbitration, the LEPC shall notify the HSERC and the parties of the request for a board of arbitration and shall request the recommendation of the parties for persons to be appointed to the board. The board of arbitration shall consist of three persons, one
to be selected by each of the parties and a third person
to be agreed upon by the arbitrators as specified in
paragraph (3). Within five days of the request of
arbitration, the parties shall submit the names of the
arbitrators that they have chosen and the LEPC shall
appoint those persons to the board of arbitration;

(3) Within five days after their appointment, the two
arbitrators shall meet and select a third arbitrator who
shall be appointed to the board by the LEPC, and who
will be chairperson of the board of arbitration;

(4) If the two arbitrators fail to select a third arbitrator
as provided in paragraph (3), the HSERC shall, within
five days, select a third arbitrator who shall be
appointed to the board. The person so selected shall
not be a member of the HSERC, a member of any LEPC or a
person or relative of a persons employed by the party or
a subsidiary of the party who caused the hazardous
material release or who has an ownership or equal
interest in the party or subsidiary of the party who
caused the hazardous material release;

(5) Upon appointment of the third member, the board shall
commence its proceedings and within thirty days shall
make its determination, which shall be binding on all
parties; and

(6) Unless otherwise proscribed in the agreement to
arbitrate, the expenses and fees or the arbitrators and
other expenses, incurred in the conduct of the
arbitration shall be paid as prescribed in the award.

§ 11 Facility and vehicle inspection and testing. (a) In order to determine compliance with this chapter and EPCRA, either the qualified HSERC or LEPC member or representative, may enter a facility or vehicle site, during normal business hours, to inspect the facility or vehicle and to request information or reports from the facility or vehicle owner or operator concerning the chemical name, identity, amount or any other information necessary for emergency planning and response purposes for any substance, liquid mixture, material or product manufactured, produced, used, stored, supplied, imported, exported, or distributed at, to, or from the facility or vehicle.

(b) Should the designated HSERC or LEPC member or representative determine during the course of a facility or vehicle inspection that the chemical name, identity, amount or any other requested information for any substance, liquid, mixture, compound, material or product present at the facility or vehicle cannot be identified or determined to his/her satisfaction, due to the lack of proper labeling, placarding, recordkeeping or for any other reason, the representative shall have the authority to analyze or arrange for the analysis of the substance to identify the chemical properties of the sample or specimen, the amount of the substance, liquid, mixture, compound, material or product manufactured, produced, used stored, supplied, imported, exported or distributed at, to or from the facility or vehicle to determine if it is regulated by this at. The owner or operator of a facility or vehicle shall pay any testing and laboratory analysis costs
incurred by the HSERC or a LEPC as performed under this section.

Samples of any substance required to be taken under this section by
the qualified HSERC or LEPC shall be split with the facility for
analysis.

(c) Should a release or threatened release of a known or
unknown substance, liquid, mixture, compound, material or product
occur or appear to be imminent at a facility vehicle site, which
endangers or has the potential to endanger the health, safety and
welfare of the public, the employees of the facility or the
vehicle's owner or operator, or the employees of the owner or
operator of the vehicle, the HSERC or the LEPC may send
representatives to the facility or vehicle site at any time in
order to inspect the facility or vehicle and to access the danger
posed by the release or threatened release and to obtain samples or
specimen of the substance, liquid, mixture, compound, material, or
product involved in the release or threatened release and to
perform any other emergency response activities deemed necessary by
the representatives of the HSERC or the LEPC.

(d) A person shall provide the representative of the HSERC or
the LEPC with the chemical name, identity or any other information
requested concerning any substance, liquid, mixture, compound,
material or product present at the facility or vehicle, whether or
not the chemical name, identity or other information requested is
entitled, to protect as a trade secret under section 322 of EPCRA,
unless the manufacturer of the substance will not provide the
information requested to the facility owner because it has received
trade secret protection under EPCRA. For that information which
has received trade secret protection under section 322 of EPCRA,
prior to the date of the inspection or request, the representative
shall give a written assurance to the person that reasonable
measures will be taken to protect the confidentiality of any
information provided to the qualified representative.

§ 12 Immunity from civil liability. (a) No hazmat
response team organizer nor their elected officers, officials,
directors, and employees, and no certified hazardous material
response team member, member of an industrial hazardous material
response team, law enforcement officer, ambulance service or rescue
squad member, firefighter, or other emergency response or public
works personnel engaged in any emergency service or response
activities involving a hazardous material release at a facility or
transportation accident site shall be liable for the death or any
injury to persons or loss or damage to property or the environment
resulting from a response to a hazardous material release, except
for any acts or omissions which constitute gross negligence or
willful misconduct. Nothing in this section shall exempt any
hazardous material transporter, manufacturer, supplier, or user
from liability for the death of or any injury to persons or loss or
damage to property or the environment resulting from the release of
any hazardous material.

(b) There shall be no liability under subsection (a) for a
defendant otherwise liable who can establish by a preponderance of
the evidence that the release or threat of release of a hazardous
substance and the damages resulting therefrom were caused solely
by:
(1) Any unanticipated grave natural disaster or other natural phenomenon of an exceptional, inevitable, and irresistible character, the effect of which could not have been prevented or avoided by the exercise of due care or foresight;

(2) An act of war;

(3) An act or omission of a third party other than an employee or agent of the defendant, or than one whose act or omission occurs in connection with a contractual relationship, existing directly or indirectly, with the defendant, if the defendant establishes by a preponderance of the evidence that the defendant exercised due care with response to the hazardous substance concerned, taking into consideration the characteristics of such hazardous substance, in light of all relevant facts and circumstances; and the defendant took precautions against foreseeable acts or omissions of any such third party and the consequences that could foreseeable result from such acts or omissions; or

(4) Any combination of the foregoing paragraphs.

(c) No member of the HSERC or a LEPC shall be liable for the death of or any injury to persons or loss or damage to property or the environment or any civil damages resulting from any act or omissions arising out of the performance of the functions, duties and responsibilities of the HSERC or LEPC, except for acts or omissions which constitute willful misconduct.

(d) No employee, representative or agent of a State agency or
local agency engaged in any emergency service or response activities involving a hazardous material release at a facility or transportation accident site shall be liable for the death of or any injury to persons or loss or damage to property resulting from that hazardous material release, except for any acts or omissions which constitute willful misconduct.

§ -13 Penalties and fines. (a) Any person who violates any of the emergency reporting, planning, or notification requirements of, or fails to pay the fees outlined in, section -7 shall be subject to civil penalties of not less than $1,000 and not more than $25,000. Each day a violation continues shall constitute a separate violation.

(b) A person who:

(1) Knowingly and willfully fails to report the release of a hazardous substance or extremely hazardous substance as required by section -7 commits a misdemeanor of the third degree and shall, upon conviction, be sentence to pay a fine of not less than $1,000 and not more than $25,000 for each separate offense or imprisonment, for a period of not more than one year, or both. For the purposes of this paragraph, each day a violation continues shall constitute a separate violation; and

(2) Intentionally obstructs or impairs, by force, violence, physical interference or obstacle, a representative of the department, a certified hazardous material response team or the LEPC attempting to perform the duties and functions set forth in sections -9 and -11 commits
a misdemeanor of the second degree and shall, upon
conviction, be sentenced to pay a fine of not less than
$5,000 and not more than $25,000 for each separate
offense or imprisonment, for a period of not more than
two years, or both.

(c) All civil penalties and fines collected under this
section shall be deposited into the emergency planning and
community right-to-know fund.

§-14 Enforcement. (a) The department of the attorney
general may commence a civil action against any person for failure
to comply with this act or its regulations. No action may be
commenced under this subsection prior to sixty days after the
department of the attorney general has given written notice of the
alleged violation to the alleged violator. The HSERC, a county or
a municipality may commence a civil action against any person for
failure to comply with this act if the department of the attorney
general has not commenced such action and more than one hundred
twenty days have elapsed since the HSERC, a county, or a
municipality gave notice of the violation to the alleged violator.

§-15 Relationship to other laws. (a) This law
shall be read in conjunction with the Federal Acts, laws or
regulations providing for the identification, labeling, or
reporting of information; concerning hazardous material releases,
and any other health and safety matters related to hazardous
materials, and is intended to supplement Federal acts, laws and
regulation in the interests of protecting the health and safety of
the citizens of the State. In those instances where the provisions
of this act are more comprehensive or stringent than the provisions of an applicable Federal act, law or regulation, the provisions of this act shall be controlling.

(b) Nothing in this chapter shall affect or modify in any way the obligations or liabilities of any person under other statutes of this State.

(c) This act shall preempt any ordinances or resolutions passed or adopted by any political subdivisions that is effective on or before or after the effective date of this chapter to the extent that such ordinance or resolution conflicts or is inconsistent with the provision of this act.

SECTION 3. This Act shall take effect upon its approval.

INTRODUCED BY: ______________________________
HAWAII STATE
EMERGENCY RESPONSE COMMISSION

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. Hereinafter 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 proving 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.

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

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. Quorum is necessary for the conduct of any official business or official votes of the Commission.

B. 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 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.

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.

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).
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:

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 take 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
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.

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.
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 (g)(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

5
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


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.
§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
§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
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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.
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OSHA Record Keeping . . . for employers with 11 or more employees!
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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 39-101(c) Hawaii Occupational Safety and Health Law.)
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(over for content details)
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   B. Schools
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   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
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I. Introduction
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      2. Four-digit ID numbers
      3. Safety warning
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   B. Names and locations by commercial type
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II. Reviewing Existing Plans
III. Preparing a Special Hazard Plan
   A. Determine key elements
   B. Outline written plan
IV. Inter-Agency Testing & Training
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   B. Full-scale exercises
V. Review & Conclusion

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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
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**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  
IV. Ignition temperatures  
V. Flammable/explosive limits  
IV. Chemical reactivity  
   A. Water-reactive material  
   B. Pyrophoric materials  
   C. Hypergolic materials  
VII. Health hazards  
   A. External  
   B. Internal  
VI. Exposure limits, TLV, TWA, STEL, PEL, LD, L,C, IDL, H  
VII. Physical properties  
   A. Vapor density  
   B. Specific gravity  
   C. Water solubility  
VIII. Review & conclusion

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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. Safety incident procedures  
V. Care and maintenance  
VI. Exposure documentation  
VII. Review & conclusion

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...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.

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

<table>
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### TOTAL

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<th>Prices subject to change without notice.</th>
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<tr>
<th>1-800-544-3473 or (303) 221-3908</th>
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(Revised 12/91)
# Surviving The Hazardous Materials Incident

## Individual Training Lessons

### Surviving The Hazardous Materials Incident — Part I

<table>
<thead>
<tr>
<th>Tape</th>
<th>Lesson</th>
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<tbody>
<tr>
<td>1</td>
<td>Introduction to Hazardous Materials</td>
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<td>2</td>
<td>Managing the Hazardous Materials Incident</td>
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<tr>
<td>3</td>
<td>Understanding Explosives</td>
</tr>
<tr>
<td>4</td>
<td>Responding to Explosive Emergencies</td>
</tr>
<tr>
<td>5</td>
<td>Understanding Compressed &amp; Liquified Gases</td>
</tr>
<tr>
<td>6</td>
<td>Understanding Cryogenics</td>
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<tr>
<td>7</td>
<td>Responding to Gas Emergencies</td>
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<tr>
<td>8</td>
<td>Understanding Flammable &amp; Combustible Liquids</td>
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<tr>
<td>9</td>
<td>Responding to Flammable &amp; Combustible Liquid Emergencies</td>
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### Surviving The Hazardous Materials Incident — Part II

<table>
<thead>
<tr>
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<tbody>
<tr>
<td>10</td>
<td>Understanding Flammable Solids</td>
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<td>11</td>
<td>Responding to Flammable Solid Emergencies</td>
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<tr>
<td>12</td>
<td>Understanding Oxidizers</td>
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<tr>
<td>13</td>
<td>Responding to Oxidizer Emergencies</td>
</tr>
<tr>
<td>14</td>
<td>Understanding Poisons</td>
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<tr>
<td>15</td>
<td>Responding to Poison Emergencies — Including Comprehensive Personal Protective Equipment</td>
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<tr>
<td>16</td>
<td>Understanding Radioactive Materials</td>
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<td>17</td>
<td>Responding to Radioactive Material Emergencies</td>
</tr>
<tr>
<td>18</td>
<td>Understanding Corrosives</td>
</tr>
<tr>
<td>19</td>
<td>Responding to Corrosive Emergencies</td>
</tr>
<tr>
<td>20</td>
<td>Miscellaneous Hazardous Material Emergencies — Including ORMs (A-E), elevated temperature products, and hazardous waste.</td>
</tr>
</tbody>
</table>

To order any of these individual training lessons please use order form on reverse side (under Individual Training Lessons).
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.
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
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
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.
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
Category IV Hazardous Materials Specialist Training (40-hour)

A. Course and Visual Aid Development ........................................... $2,748

B. Per Session Cost:

40-hour Training Session ......................................................... $6,280
(Maximum 20 participants/session)

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

[Signature]

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.

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.
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.

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 Course(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 practice 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

*Demonstrations / Hands-On Use / Workshops
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):

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<tr>
<th>Course</th>
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<td>Basic 40-hour</td>
<td>$750</td>
<td>Date</td>
<td>Location</td>
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<tr>
<td>Basic 24-hour</td>
<td>$495</td>
<td>Date</td>
<td>Location</td>
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<tr>
<td>Refresher 8-hour</td>
<td>$175</td>
<td>Date</td>
<td>Location</td>
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<tr>
<td>Supervisory 8-hour</td>
<td>$195</td>
<td>Date</td>
<td>Location</td>
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Please make check payable to Harding Lawson Associates. Full tuition is payable in advance.

NAME

COMPANY/ORGANIZATION

ADDRESS

CITY

STATE

ZIP

TELEPHONE

RETURN FORM WITH PAYMENT TO:

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

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.
## 1992/93 CSTI SCHEDULE

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<td><strong>(805) 549-3344</strong></td>
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<td>HMEP1-92  Jan 21 1993</td>
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<td>HMICR-92  Feb 17 1993</td>
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<td>CAFR1-92  Nov 16-20 1992</td>
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<td>(NR) CAFR2-92  Mar 1-5 1993</td>
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<td>(NR) CAFR3-92  May 3-7 1993</td>
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<td><strong>First Responder - Operations</strong></td>
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<td>HMFR2-92  Feb 9-11 1993</td>
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<td><strong>Incident Command/ Scene Manager</strong></td>
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<td>HMIM1-92  Oct 19-23 1992</td>
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<td>HMIM2-92  Dec 14-18 1992</td>
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<td>HMIM3-92  Mar 8-12 1993</td>
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<td>HMIM4-92  Jun 14-18 1993</td>
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**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**     | HMIT1-92  Sep 29-30 1992 |
| **Cert. for**      | HMIT2-92  May 11-12 1993 |
| **Trainers**       | (NR)                                                  |
| **Instructor**     | 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**      | HFSF1-92  Jul 13-17 1992|
| **HMSF2-92**       | Aug 10-14 1992          |
| **HMSF3-92**       | Oct 26-30 1992          |
| (Upgrade)       | HFSF4-92  Mar 15-19 1993|
| **HMSF5-92**       | Apr 19-23 1993          |
| (Upgrade)       | HFSF6-92  May 17-21 1993|
| **Module 1G**      | HMSSG1-92Jul 20-24 1992|
| **HMSSG2-92**      | Aug 17-21 1992          |
| (Upgrade)       | HMSSG3-92  Nov 2-6 1992 |

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**Post-it™ brand fax transmittal memo 7671**

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<th>From:</th>
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<tbody>
<tr>
<td>Leighton</td>
<td>Susan Speer</td>
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<td>Co:</td>
<td>CSTI</td>
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<td>Dept:</td>
<td>CSTI</td>
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<td>Phone #:</td>
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</tr>
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</table>

**Fax To:**

**Fax From:**

**Fax Date:** 8/05/94-7/12/
# Tuition Fee Schedule

Tuition fees are subject to change beginning July, 1992.

## Course

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

### Hazardous Materials Courses
- First Responder "Awareness": $90 ($180)
- First Responder "Operational": $125 ($250)
- Incident Commander/Scene Manager: $175 ($350)
- Executive Manager: $250 ($500)
- Investigations: $250 ($500)
- CAMEO: $350 ($700)
- Medical Management of Haz. Mat. Incidents: $100 ($200)
- Hazardous Materials Specialist Modules 1A-1E: $175 ($350)
- Hazardous Materials Specialist Modules 1F-1G: $250 ($500)
- Technician Modules 1A-1E: $200 ($400)
- 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: $287.50 ($575)
- Officer Safety and Field Tactics - K-9 (with dog): $187.50 ($375)
- Tactical Diagramming: $150

### External Emergency Management Programs
- Fees and Tuitions vary for External Programs.

## 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

<table>
<thead>
<tr>
<th>Course Title</th>
<th>Date(s)</th>
<th>Location</th>
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<tbody>
<tr>
<td>Computer Aided Management Emergency Operations (CAMEO)</td>
<td>7/27-31/92</td>
<td>Honolulu</td>
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<tr>
<td>Hazardous Waste Operations &amp; Emergency Response (HAZWOPER)</td>
<td>8/5-7/92</td>
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<tr>
<td>Introduction to Emergency Mgt.</td>
<td>8/11-14/92</td>
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<tr>
<td>Continuing Challenge Wkshp</td>
<td>9/9-11/92</td>
<td>California</td>
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<td>Developing Volunteer Resources</td>
<td>9/22-23/92</td>
<td>Honolulu</td>
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<tr>
<td>Decision Making &amp; Problem Solving</td>
<td>9/24/92</td>
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<tr>
<td>Fundamentals Course For Radiological Monitors</td>
<td>10/23/92</td>
<td>Hilo</td>
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<td>Hazmat Awareness T-T-T</td>
<td>11/4-6/92</td>
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<tr>
<td>HAZWOPER Refresher</td>
<td>11/19/92</td>
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<tr>
<td>Hazmat Awareness</td>
<td>12/3/92</td>
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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 ERF will be communicated via phone to
the IC. The IC shall keep the DOH On-Scene Coordinator
appraised of all actions and discuss plans of action with the DOH
OSC via phone. Any decision requiring immediate expenditure of
funds from the ERF 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 form
the ERF will be at the discretion of and the responsibility of
the DOH OSC.
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
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 Clerical
Computer $15,000 initial cost with $1,700 annual maintainence
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
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

- $250 \times 90 \text{ Tier II's}$
- $25 \times \text{approx. 150 chemicals}$
- $1,000 \times 4 \text{ Form R's}$

**TOTAL Kauai generated revenues**: $30,250

### Maui County

- $250 \times 33 \text{ Tier II's}$
- $25 \times 200 \text{ chemicals}$
- $1,000 \times 5 \text{ Form R's}$

**TOTAL Maui generated revenues**: $18,250