

HAWAII STATE EMERGENCY RESPONSE COMMISSION
MEETING #12

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

State Office Towers
Conference Room 1008

235 South Beretania

MEMBERS PRESENT

- | | |
|---|---|
| <p><input checked="" type="checkbox"/> John C. Lewin, Director
DOH</p> <p><input checked="" type="checkbox"/> Yukio Kitagawa, Director
BOA or Representative
(<u>Donald Y. Kinro</u>)
GERALD KINRO</p> <p><input checked="" type="checkbox"/> Keith Ahue, Director
DLIR or Representative
(<u>Elma A. Banglo</u>)
ELMA ABANGLO</p> <p><input checked="" type="checkbox"/> Mufi Hannemann, Director
DBEDT or Representative
(<u>James Bac</u>)
JAMES BAC</p> <p><input checked="" type="checkbox"/> Brian Choy, Director
OEQC or Representative
(_____)</p> <p><input checked="" type="checkbox"/> B. Z. Siegel, Dean
School of Public Health,
UH or Representative
(<u>BZ Siegel</u>)</p> <p><input checked="" type="checkbox"/> Clifford Ikeda, LEPC
Co-Chair, Kauai CD or
Representative
(<u>Cliff Ikeda</u>)</p> <p><input type="checkbox"/> Harry Kim, LEPC Chairman,
Hawaii CD or
Representative
(_____)</p> | <p><input checked="" type="checkbox"/> Bruce S. Anderson, Deputy
Director of Health, DOH</p> <p><input checked="" type="checkbox"/> Major General
Richardson, Adjutant
General, DOD or
Representative
(<u>ROY PRICE</u>)</p> <p><input checked="" type="checkbox"/> William W. Paty, Director
BLIR or Representative
(<u>Stanley Young</u>)
STANLEY YOUNG</p> <p><input type="checkbox"/> Rex D. Johnson, Director,
DOT or Representative
(_____)</p> <p><input type="checkbox"/> Jiggie Hommon, Manager
Hawaii State Chapter
American Red Cross or
Representative
(_____)</p> <p><input checked="" type="checkbox"/> George Kekuna, LEPC
Representative or
Representative
(<u>Chris Takeno</u>)
CHRIS TAKENO</p> <p><input checked="" type="checkbox"/> Sel Menor, LEPC
Co-Chairman, Maui CD or
Representative
(_____)</p> |
|---|---|

need binders

BINDER ok

OTHERS ATTENDING:

NAME/AGENCY	ADDRESS	TELEPHONE
Jim VINTON, P.R.I	ALAKA ST	547-3414
Bruce Schlieman HE Co.	770 Kapiolani	543-4474
RALPH YOSHIZUMI HPD	466 Kinooke ST	961-8336
Robert Roberts HSPD	99-193 Pisona Hts Dr	487-5561
Carter DAVIS	F.D.	

FOR
MIKE
CHOY >

stene

Rhonda

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

Date 10/14/92

MEMORANDUM

TO: PACS, Automotive Management Division
Parking Control Branch PHONE: 586-0344 FAX: 586-0354
FROM: Health, Env. Hlth Admin.-Haz. Eval. & Emer. Resp. ^{Ofc.} FAX: 586-4644
DEPT., DIVISION
SUBJECT: REQUEST FOR SPECIAL FUNCTION PARKING
PURPOSE: Hawaii State Emergency Response Committee Meeting

No. of Permits Requested: 20 Preferred Parking Lot: f
Date(s) of Function: 10/20/92 Time: 9:00a.m. to 12 noon
Place of Function: State Office Towers Conference Room 1008
(address)
Participants Arriving From: Neighbor Islands & Downtown, Honolulu
Contact Person: Darlene Rodriguez Phone No. 586-4249
SUBMITTED BY: Steven Arnann, Acting Manager *TCC for Steve.*
APPROVED FOR DIRECTOR: *Jay Dubaut*


- 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 APPROVED BY: DM ^{IF POSSIBLE} LOT AUTHORIZED: 12-6/meters ←

No. of Validated Tickets: _____

AND-PO-002
REV. 6/92

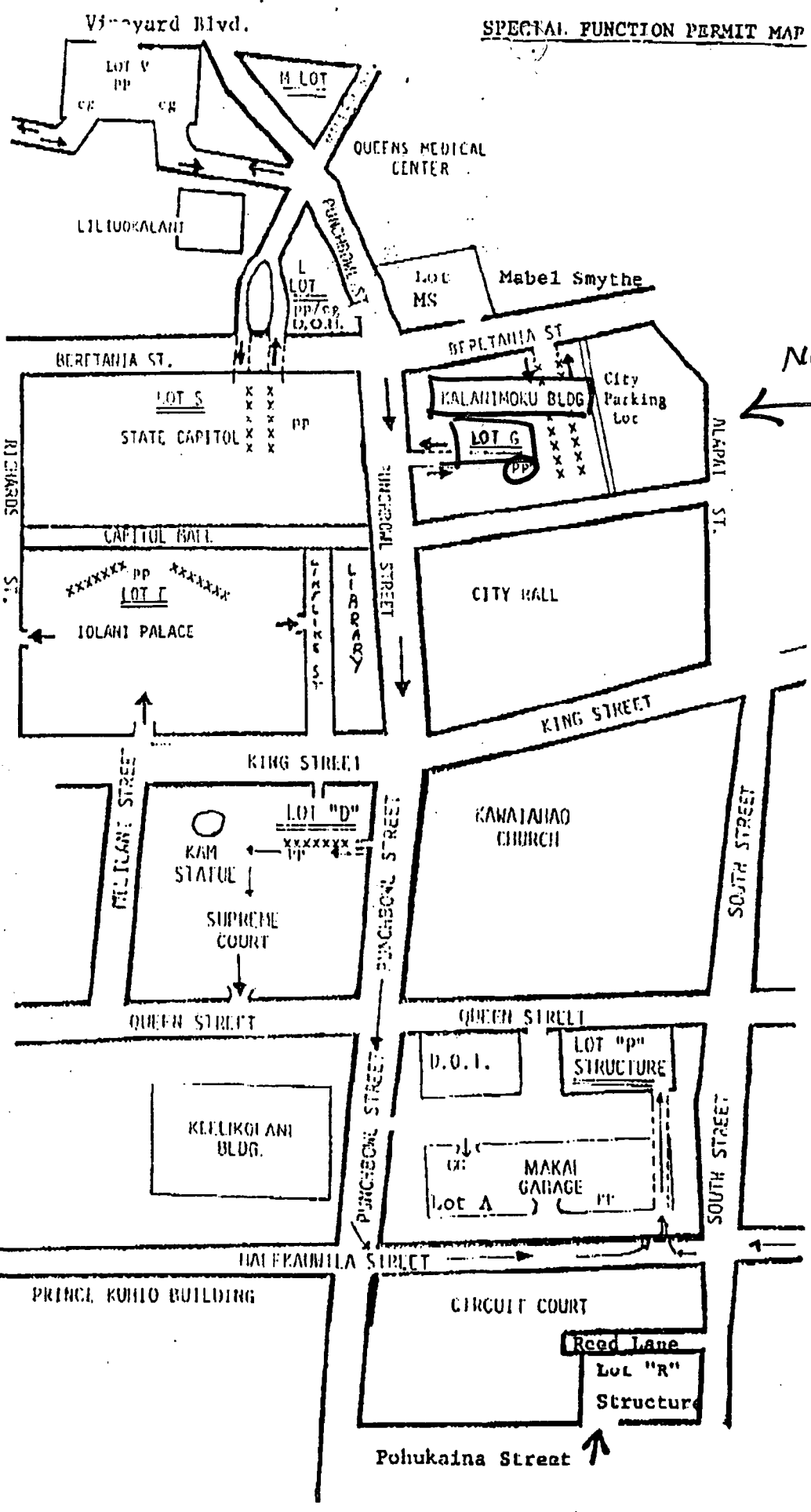
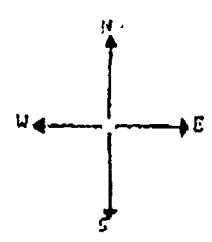
	LICENSE NO.	AUTH. SIGNATURE
		<i>[Signature]</i>

**PARK IN
BAGGED METER
STALL**

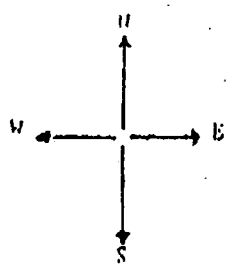
NOTE
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NOTE
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SPECIAL FUNCTION PERMIT MAP

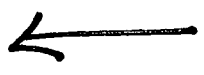


UPPER
x = Parking Meters
..... = Underground
pp = Public Parking
cg = Controlled Gate



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

NOTE



#12

HAWAII COUNTY CIVIL DEFENSE AGENCY

920 Ululani Street
Hilo, Hawaii 96720
Telephone: 935-0031 FAX: 935-6460

FACSIMILE COVER SHEET

TO: DOH / HEER

ATTN: Rhonda Gayke

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.



Civil Defense Agency

Lorraine R. Inouye
Mayor

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

doc07640

TO: Dr. John C. Lewin, Chairman, HSERC
FROM: Harry Kim, Chairman, Hawaii LEPC *H.K.*
DATE: October 19, 1992
SUBJECT: A Bill for an Act Relating to Emergency Planning
and Community Right-to-Know

Due to commitments made severel 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.

dy

XEROX FAXMASTER

BANNER SHEET

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.)

Sergeant-at-Arms

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

Telephone: 586-6500
FAX: 586-6501

Facsimile Transmittal

DATE: Sept. 29, 1992

TIME: 10:20 a.m.

TO: DEPT. OF HEALTH/HEER OFC.
ATTN: AL

FAX NO.: 6-4370

FROM: RONIE

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:

SENT BY: HOUSE OF REPS.

9-25-92 10:42

SERGEANT AT ARMS-ENVIRONMENTAL HEALTH: # 8

HOUSE OF REPRESENTATIVES

AUTHORIZATION FOR USE OF CONFERENCE ROOM

DATE: 9/28/92

TO: Kevin M. Ebata, Sergeant at Arms

FROM: Al Mar/Dept. of Health/HEER Ofc.
(Individual/Organization)

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

PHONE: 586-4249 CONTACT PERSON: Rhonda Goyke

REQUESTING USE OF CONFERENCE ROOM:

#1000 #1111 #1200 #1310 #

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

Number of Persons Attending: 30-35

Purpose: Hawaii State Emergency Response Commission

- Special requests:
- 1. Air conditioning: Yes / No
Specific time: 8:00am to 12:00pm
 - 2. Equipment & other needs: _____

Note: All requests will be subject to availability of services and/or equipment
 (* equipment for internal use only).
 There may be an hourly charge for air conditioning if requested after regular office
 hours (Monday - Friday, 8:00 a.m. - 5:30 a.m.), Saturday, Sunday and holidays.

Approved: ✓

Reassigned Room No.: _____

Not Approved: _____

Reason: _____

Date: 9/29/92

Rouie

JOHN WAIHEE
GOVERNOR OF HAWAII

10/20
Revised w/
changes
FINALIZE!



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

→ Check
Typist's
→ change names
to be
consistent
no titles

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

In reply, please refer to:
HEER OFFICE

E0908RG.m1

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

Other Attendees:

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

I. Call to Order

- A. The 11th meeting of the HSERC was called to order by ~~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} ~~for~~ 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^s to an established agency the chairperson ~~should~~ remain ^{WITH} 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. ~~Mr.~~ Lau will try to finalize a memo in the near future that will clarify the outstanding issues.

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

III. Draft State EPCRA Law (attachment 2)

~~Dr.~~ 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.

~~Dr.~~ Anderson stated that one of the key points of the bill is the establishment of a fee system. ~~Dr.~~ 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.

~~Dr.~~ 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.

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

 ~~Chris~~ Takeno informed the HSERC that ^{private citizens full suite} ~~they~~ could ~~sue~~ the LEPCs for not complying with EPCRA.

✓ ~~DA~~ Anderson voiced concern over getting volunteer members for the LEPCs if a strong hand of enforcement is initiated. Ask ✓ ~~MA~~ 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.

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

VII. Policy regarding the use of the Environmental Response Revolving Fund in neighbor island emergencies.

✓ ~~SA~~ Steve 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

DRAFT HSERC GUIDELINES

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 *change* → § -2(e) *SEVEN plus the chair* ~~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.

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.

*Over @
Summer*

5. § -2(g) The HSERC shall: *please see page 12-14, # (1) - (13). 13-15*

6. § -3 Each county is designated an emergency planning district for the purposes of this chapter.

7. § -4(a) The Mayor shall designate an agency to act as the lead for the LEPC and shall appoint the LEPC Chairperson.

8. Term of office. Not addressed.

*keep by title
official by virtue
of position*

9. ~~Resignation. Not addressed.~~

no need

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

6. 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.

7. 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.

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

9. ~~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.

10. Page 5.A. 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 members.~~

OK
in.
Guidelines

JOHN WAIHEE
GOVERNOR OF HAWAII



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

STATE OF HAWAII
DEPARTMENT OF HEALTH

P. O. BOX 3378
HONOLULU, HAWAII 96801

In reply, please refer to:
HEER OFFICE

MEETING SUMMARY
HAWAII STATE EMERGENCY RESPONSE COMMISSION
MEETING #10

MTG10FN.MIN-RG3

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

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

HSERC Commission Members and Representatives:

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

Other Attendees:

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

I. OPENING REMARKS

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

II. Update by the Attorney General

- A. Judy So, Deputy Attorney General has been designated to support the HSERC. In her absence Mr. Larry Lau, Deputy District Attorney, presented an update to the HSERC. 1) Does the HSERC need an Executive Order? Probably not, but may have additional benefits. 2) Are the LEPCs a subcommittee of the HSERC? Federal Law does not use that language. 3) Is the Sunshine Law applicable to the LEPCs? By broad definition the LEPCs should be complying with the Sunshine Law. 4) Information on tort liability is not available at this time. Mr. Lau emphasized that the HSERC and LEPCs clearly have a job to do and must continue to work to protect the public.
- 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. Gojke 10/8/92
RHONDA K. GOYKE date

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

July 6, 1992

OREGON

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

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

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

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

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

DELAWARE

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

SOUTH DAKOTA

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

KANSAS

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

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

REC'D MAY 1992

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

LEPC Organization

Planning

Information Management

Funding

DRAFT: November 14, 1990

STATE OF OREGON

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

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

Population: 2,650,000

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

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

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

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

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

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

LEPC ACTIVITIES

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

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

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

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

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

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

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

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

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

ADKINS/PC

SECTION 6
KANSAS
SERC BYLAWS

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BY-LAWS ¹

(Adopted on March 17, 1992)

PREAMBLE

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

ARTICLE I

NAME

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

ARTICLE II

PURPOSE

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

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

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

ARTICLE III.

MEMBERSHIP

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

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

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

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

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

ARTICLE IV.

VOTING

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

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

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

the minutes of all meetings.

ARTICLE V.

MEMBERSHIP RIGHTS AND PRIVILEGES

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

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

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

ARTICLE VI.

OFFICERS, AND STAFF DIRECTOR

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

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

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

ARTICLE VII.

DUTIES OF THE CHAIRPERSON

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

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

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

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

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

ARTICLE VIII.

ELECTIONS, TERM OF OFFICE, AND SUCCESSION TO OFFICE

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

Section 2. Vacancy in office:

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

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

ARTICLE IX.

COMMITTEES

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

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

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

Section 3. Functions of committees:

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

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

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

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

ARTICLE X.

FISCAL YEAR

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

ARTICLE XI.

AMENDMENTS

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

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

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

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

ARTICLE XII

MEETINGS

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

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

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

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

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

SECTION 7

INTERAGENCY AGREEMENTS

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

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

II. PROGRAM COMPLIANCE AND ENFORCEMENT POLICY DOCUMENT

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

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

The Policy Document is reproduced in appendix K.

HSERC INFORMATION MANAGEMENT CONCEPT

A. CONSIDERATIONS FOR INFORMATION MANAGEMENT SYSTEM

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

B. EXISTING CAPABILITIES

1. HARDWARE

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

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

2. SOFTWARE

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

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

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

D. DISCUSSION

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

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

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

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

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

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

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

E. TASKS

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

F. FUTURE OUTLOOK

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

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

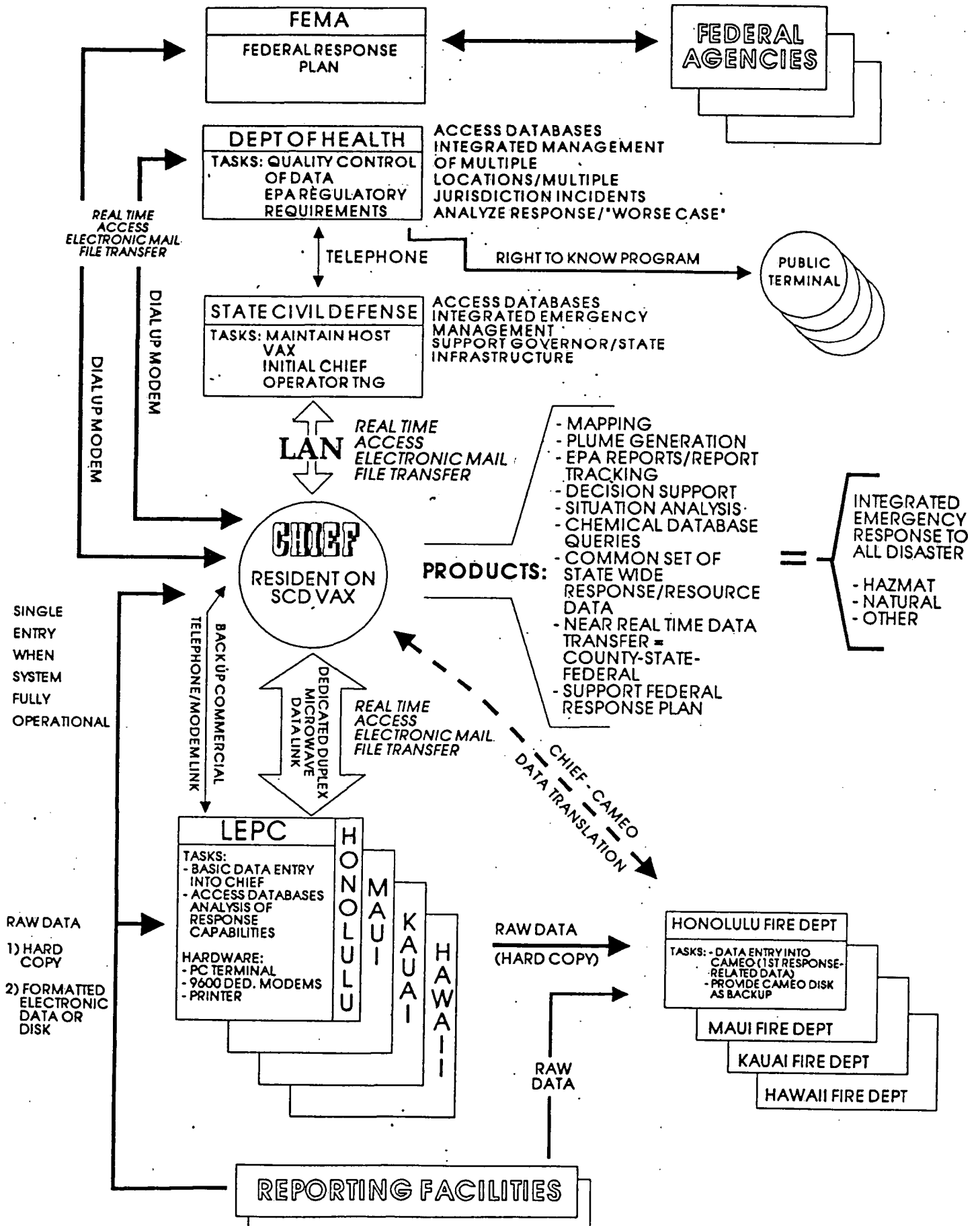
1. Information flows from reporting facilities into the system at the LEPC.
2. LEPC enters new information into CHIEF system via existing remote terminal at their location (County CD). Data can also be entered at State level by any agency with access to the system.

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

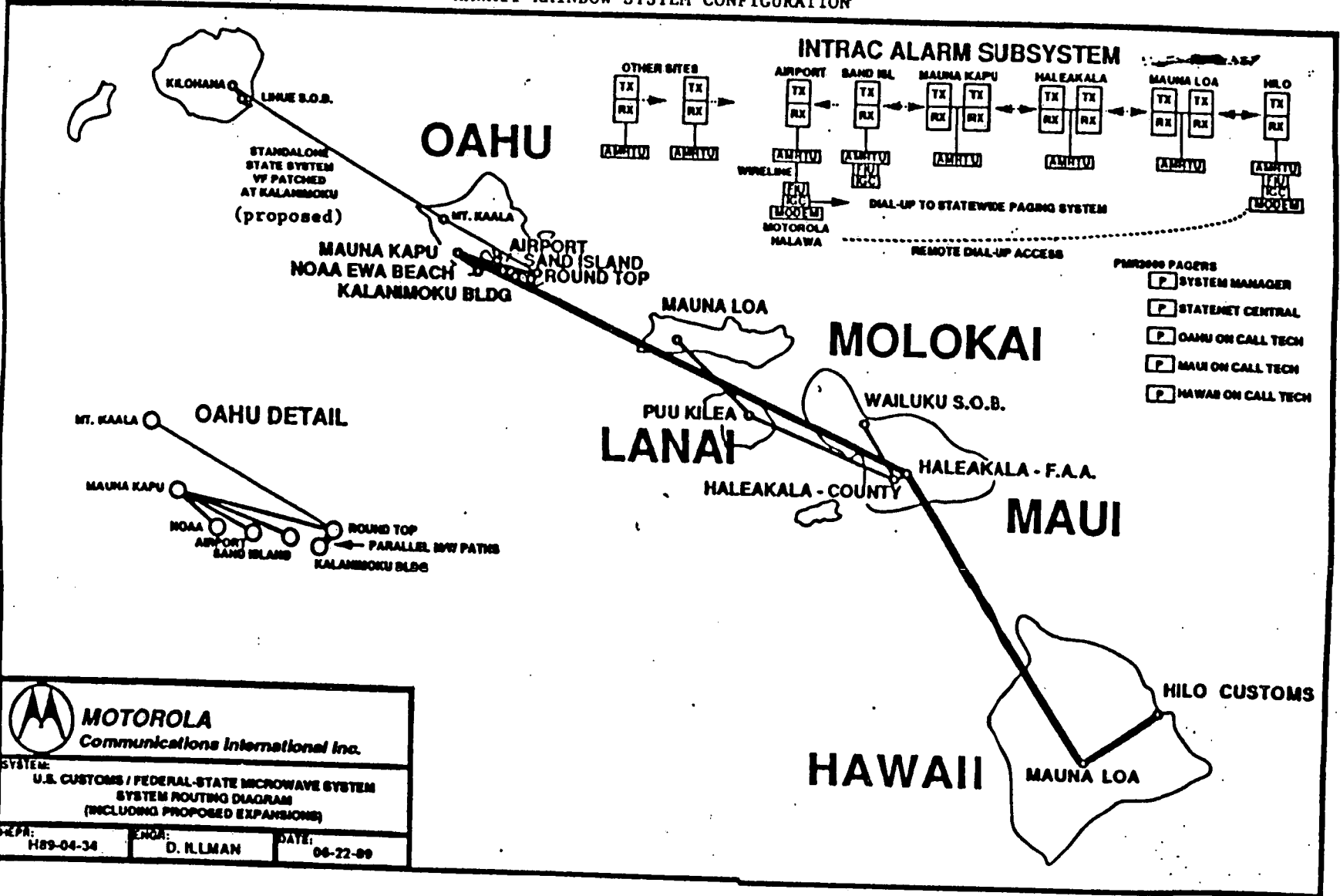
H. RESPONSE

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

INFORMATION MANAGEMENT SYSTEM



HAWAII RAINBOW SYSTEM CONFIGURATION

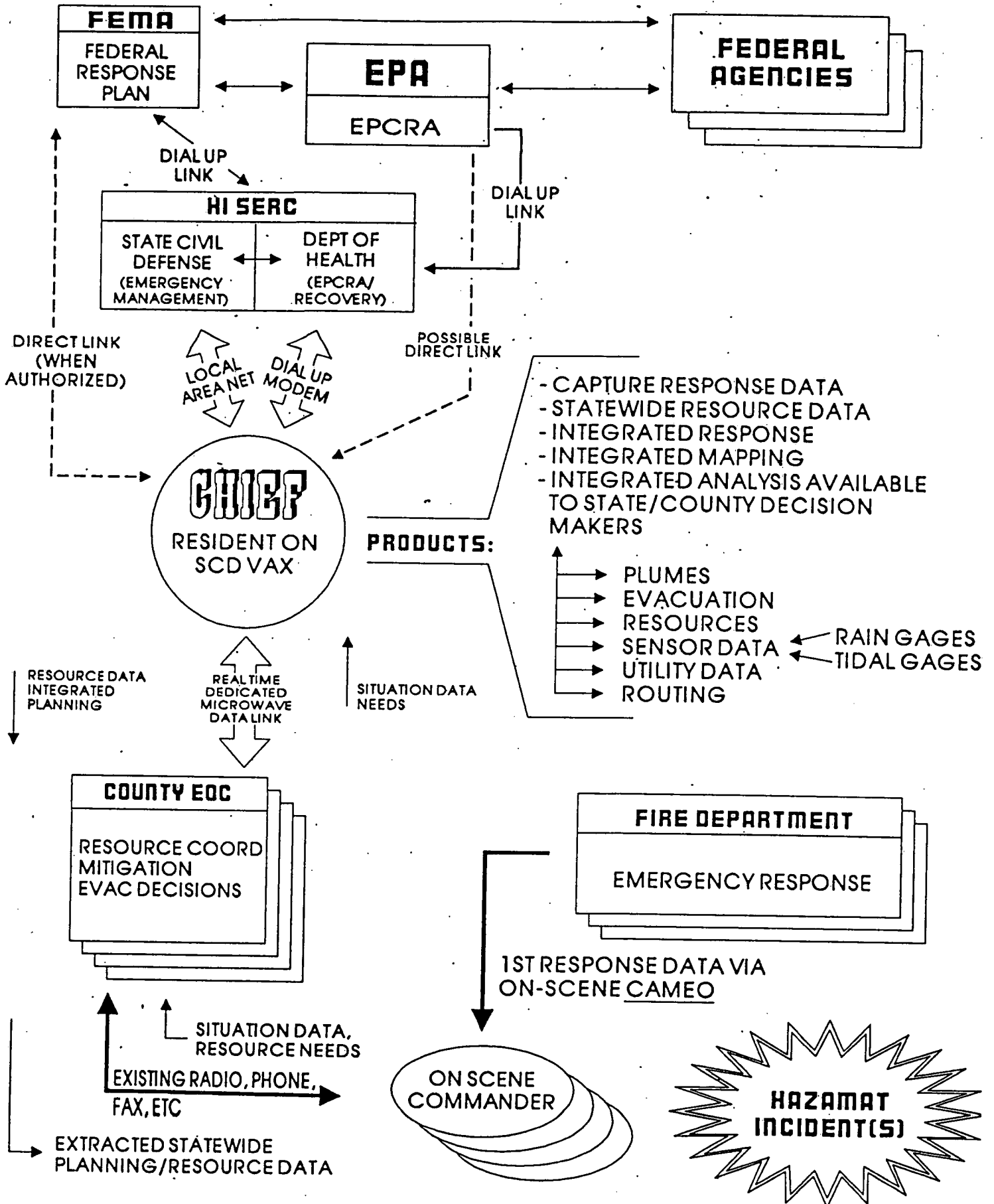


MOTOROLA
Communications International Inc.

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

DESA: H89-04-34 ENDA: D. NLMAN DATE: 06-22-89

RESPONSE SITUATION MODEL



JUSTIFICATION SHEET

DATE: September 25, 1992

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.

A BILL FOR AN ACT

RELATING TO THE ENVIRONMENT

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

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

10 The purposes of this Act are to:

- 11 (1) Create a strong working relationship and partnership
12 between business, industry, the public, and the State
13 and its counties to protect and safeguard the residents
14 of this State from the health hazards and other risks
15 of harm resulting from or incident to the use, storage,
16 distribution, and transportation of hazardous
17 materials;

18

- 1 (2) Designate the Hawaii state emergency response
2 commission as the State's emergency response commission
3 and a local emergency planning committee (LEPC) in each
4 county of this State to act in accordance with the
5 provisions of the Emergency Planning and Community
6 Right-To-Know Act of 1986 (Title III of Public Law 99-
7 4990), 42 U.S.C. §§11001-11050;
- 8 (3) Create the Hawaii emergency planning and community
9 right-to-know act (HEPCRA) fund to provide financial
10 assistance to state agencies and counties to develop an
11 effective and integrated response capability to the
12 health hazards, dangers, and risks which hazardous
13 material releases pose to the general public;
- 14 (4) Assign responsibilities to various state and local
15 agencies to ensure the development and furtherance of a
16 comprehensive EPCRA program; and
- 17 (5) Provide civil liability protection to officials and
18 emergency response personnel of the State and counties
19 who are carrying out their duties and responsibilities
20 under this Act.

21 SECTION 2. The Hawaii Revised Statutes is amended by adding
22 a new chapter to be appropriately designated and to read as
23 follows:
24
25

"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.

"CERCLA" means the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, as of July 1, 1992, 42 U.S.C. §§9601-9675.

"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.

"EPCRA" means the Emergency Planning and Community Right-to-Know Act of 1986, as amended, 42 U.S.C. §§11001-11050.

"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.

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

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

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

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

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

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

- 5 (1) Any release which results in exposure of persons solely
6 within a workplace, with respect to a claim which such
7 exposed persons may assert against their employer;
- 8 (2) Emissions from the engine exhaust of a motor vehicle,
9 rolling stock, aircraft, vessel, or pipeline pumping
10 station engine;
- 11 (3) Release of source, byproduct, or special nuclear
12 material from a nuclear incident, as those terms are
13 defined in the Atomic Energy Act of 1954 (42 U.S.C.
14 §2011), if such release is subject to requirements with
15 respect to financial protection established by the
16 Nuclear Regulatory Commission under 42 U.S.C. §2210;
- 17 (4) Any release resulting from the normal application of
18 fertilizer;
- 19 (5) Any release resulting from the legal application of a
20 pesticide product registered under the Federal
21 Insecticide, Fungicide, and Rodenticide Act; or
- 22 (6) Release from sewerage systems collecting and conducting
23 primarily domestic wastewater.

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

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

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

9 § -2 Designation and functions of the Hawaii state
10 emergency response commission. (a) There is created the Hawaii
11 state emergency response commission (HSERC), placed for
12 administrative purposes within the department, to carry out all
13 requirements of this chapter.

14 (b) The HSERC shall consist of the following:

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

23 (2) A representative from each LEPC designated by the mayor
24 of the respective county; and

1 (3) Other members as appointed by the governor to, at a
2 minimum, meet the requirements of EPCRA.

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

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

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

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

24 (g) The HSERC shall:
25

- 1 (1) Carry out all of the duties and responsibilities of a
- 2 state emergency response commission as specified in
- 3 EPCRA;
- 4 (2) Develop state contingency plans relating to the
- 5 implementation of this chapter;
- 6 (3) Supervise, coordinate, and provide staff support to the
- 7 LEPCs for the implementation of this chapter and EPCRA;
- 8 (4) Develop a public information, education, and
- 9 participation program for the public and facility
- 10 owners covering the requirements of this chapter and
- 11 interpretation of the chemical information collected
- 12 pursuant to this chapter and the risks those chemicals
- 13 pose to the public health and environment;
- 14 (5) The HSERC shall appoint members of the LEPC, based upon
- 15 the recommendation of the mayor of the respective
- 16 counties;
- 17 (6) Adopt rules necessary to implement this chapter; and
- 18 (7) Develop a state chemical inventory form to be used in
- 19 lieu of the federal Tier II form and chemical list
- 20 requirements.
- 21 (8) Do all other acts necessary for the implementation of
- 22 this chapter and the requirements of EPCRA.

23 § -3 Powers; rulemaking; appointment of hearing
24 officers. (a) The HSERC may adopt, amend, and repeal rules to
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1 implement this chapter. Such rules shall include, but shall not
2 be limited to the establishment of rules regarding release
3 reporting. Any person heard at the public hearing shall be given
4 written notice of the action taken by the HSERC with respect to
5 the rules.

6 (b) In addition to other specific powers provided in this
7 chapter, the HSERC may appoint, without regard to chapters 76 and
8 77, hearing officers to conduct public participation activities
9 including public hearings and public informational meetings.

10 § -4 Establishment of emergency planning districts.

11 Each county is designated an emergency planning district for the
12 purposes of this chapter. For the purposes of this chapter the
13 department will be responsible for Kalawao county.

14 § -5 Establishment and functions of local emergency
15 planning committees. (a) A minimum of one LEPC shall be
16 established in each county. The LEPC shall be subject to the
17 requirements of this chapter and section 303 of EPCRA, 42 U.S.C.
18 section 11003.

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

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

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

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

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

23 (f) An LEPC shall:

- 24 (1) Adopt, amend, and repeal bylaws and other
25

1 administrative procedures to carry out the duties,
2 requirements, and responsibilities of an LEPC as set
3 forth in this chapter, and as required by the HSERC and
4 EPCRA;

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

10 (A) Identification of each facility subject to the
11 requirement of section 303 of EPCRA, 42 U.S.C.
12 §11003, that are within the emergency planning
13 district, identification of routes likely to be
14 used for the transportation of substances on the
15 list of extremely hazardous substances, and
16 identification of additional facilities
17 contributing or subjected to additional risk due
18 to their proximity to facilities subject to the
19 requirement of this section, such as hospitals or
20 natural gas facilities;

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

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(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

1 training or local emergency response and medical
2 personnel; and

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

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

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

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

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

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

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

23 (9) Evaluate the need for resources necessary to develop,
24 implement, and exercise the emergency plan, and make
25

1 recommendations with respect to additional resources
2 that may be required and the means for providing such
3 additional resources.

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

8 § -6 Reporting requirements. (a) The owner or operator
9 of a facility in the State that stores, uses, or manufactures any
10 hazardous substance must comply with the following requirements:

11 (1) Each owner or operator of a facility in the State shall
12 comply with the emergency planning and notification
13 requirements of section 302 and 303 of EPCRA, 42 U.S.C.
14 §§11002 and 11003, if an extremely hazardous substance
15 is present at the facility in an amount in excess of
16 the threshold planning quantity established for such
17 substance;

18 (2) Each owner or operator of a facility in this State that
19 is required to prepare or have available a material
20 safety data sheet for a hazardous chemical under the
21 Occupational Safety and Health Act of 1970 and
22 regulations promulgated under that Act (15 U.S.C. 651
23 et seq.), shall comply with the following reporting
24 requirements. Information shall be submitted to the
25

1 HSERC, the respective LEPC and fire department:

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

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

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

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

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

20 (4) Each owner or operator of a facility this State covered
21 under section 304 of EPCRA, 42 U.S.C. 11004, shall
22 comply with the notification requirements of section
23 304 of EPCRA, and § -7, if a release of an
24 extremely hazardous substance occurs from the facility.

1 (b) The HSERC shall adopt, amend, and repeal rules
2 establishing specific information required on the state chemical
3 inventory form. The chemical inventory form will facilitate ease
4 in complying with the requirements of EPCRA by consolidating the
5 necessary information into one form. The chemical inventory form
6 may include, but is not limited to:

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

12 § -7 Emergency notification requirements. The HSERC
13 shall adopt rules pursuant to chapter 91 establishing the
14 contents of hazardous substance release reports. Hazardous
15 substance release reports shall contain, but shall not be limited
16 to the following information:

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

24 § -8 Establishment of EPCRA funds. There is hereby
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1 created in the state treasury a special fund to be designated as
2 the Hawaii emergency planning and community right-to-know act
3 fund (HEPCRA fund). The fund shall consist of the fees collected
4 under section -9, civil penalties and fines, gifts, grants,
5 and funds appropriated by the legislature. Monies in the fund
6 and the interest accrued shall be administered and expended by
7 the department to carry out the purposes, goals, and objectives
8 of this chapter and EPCRA. To carry out the purposed, goals, and
9 objectives of this chapter and EPCRA, on behalf of the HSERC the
10 department:

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

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

17 § -9 Establishment of filing fees. Facilities that are
18 require to report according to section -6(a)(2)(B), shall
19 submit \$100 with each chemical inventory form or Tier II to the
20 HSERC by March first of each year. The filing fees shall be
21 deposited into the HEPCRA fund and shall be used to implement
22 this chapter and EPCRA, 42 U.S. C. §§11001-110050.

23 § -10 Immunity from civil liability. (a) No employee,
24 representative, or agent of a state agency or local agency or
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1 persons requested by a state or local agency engaged in any
2 emergency service or response activities involving a hazardous
3 material release at a facility or transportation accident site
4 shall be liable for the death of or any injury to persons or loss
5 or damage to property resulting from that hazardous material
6 release, except for any acts or omissions which constitute
7 willful misconduct.

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

14 § -11 Penalties and fines. (a) Any person who violates
15 any of the emergency reporting, planning, or notification
16 requirements of sections -6 and -7, or fails to pay the fees
17 outlined, in section -9 shall be subject to civil penalties of
18 not less than \$1,000 and not more than \$25,000. Each day of each
19 violation shall constitute a separate violation.

20 (b) A person who:

21 (1) Knowingly and willfully fails to report the release of
22 a hazardous substance or extremely hazardous substance
23 as required by section -7 shall be guilty of a
24 misdemeanor and shall, upon conviction, be sentenced to
25

1 pay a fine of not less than \$1,000 and not more than
2 \$25,000 for each separate offense, or imprisonment for
3 a period of not more than one year, or both. For the
4 purposes of this paragraph, each day of each violation
5 shall constitute a separate offense; or

6 (2) Intentionally obstructs or impairs, by force, violence,
7 physical interference, or obstacle, a representative of
8 the department, a hazardous material response team, or
9 the LEPC attempting to perform the duties and functions
10 set forth in section -5 shall be guilty of a
11 misdemeanor and shall, upon conviction, be sentenced to
12 pay a fine of not less than \$5,000 and not more than
13 \$25,000 for each separate offense, or imprisonment for
14 a period of not more than one year, or both.

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

17 § -12 Enforcement. If the HSERC determines that any
18 person has violated or is violating this chapter or any rule
19 adopted pursuant to this chapter, the HSERC:

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

forms, and notifications;

1
2 (2) May require that the alleged violator or violators
3 appear before the HSERC for a hearing at a time and
4 place specified in the notice or to be set later and
5 answer the charges complained of; and

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

10 § -13 Relationship to other laws. (a) This chapter
11 shall be read in conjunction with the federal statutes and
12 regulations providing for the identification, labeling, or
13 reporting of information; concerning hazardous material releases,
14 and any other health and safety matters related to hazardous
15 materials; and is intended to supplement federal statutes and
16 regulations in the interests of protecting the health and safety
17 of the citizens of the State.

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

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

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

INTRODUCED BY: _____

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JOHN WAIHEE
GOVERNOR OF HAWAII



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

STATE OF HAWAII
DEPARTMENT OF HEALTH


P. O. BOX 3378
HONOLULU, HAWAII 96801

In reply, please refer to:
File:

OPPPD

January 12, 1993

TO: Rhonda Goyke
Hazard Evaluation and Emergency Reponse 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

This title expresses
two subjects &
therefore this bill is
in violation of Hawai. Const.
art. II, § 14, and, if passed,
will be invalid. Express a
single subject. MK ✓

B. NO. _____
#

(A BILL FOR AN ACT

~~RELATING TO HAWAII EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW~~ ✓
~~THE ENVIRONMENT~~ ✓

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

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

9 The purposes of this Act are to:

- 10 (1) Create a strong working relationship and partnership
11 between business, industry, the public, and the State
12 and its counties to protect and safeguard the residents
13 of this State from the health hazards and other risks of
14 harm resulting from or incident to the use, storage,
15 distribution, and transportation of hazardous materials;
- 16 (2) Designate the Hawaii state emergency response commission
17 as the State's emergency response commission and a local
18 emergency planning committee (LEPC) in each county of
19 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 ^{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;
- (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.

[to be consistent w/ defn.

? This is also the acronym for the federal law, & this dual use will confuse people

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.

A chapter title is not subject to the same requirements as a bill title and so there is no (prob) but what about adding "ACT" to bill title ? MK

1 "CERCLA" means the Comprehensive Environmental Response,
2 Compensation and Liability Act of 1980, as amended, 42 U.S.C.
3 §§9601-9675.

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

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

9 EPCRA.

← and or HEPRA or (b) (4)?

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

12 "Department" means the department of health.

13 "Director" means the director of health.

14 "EPCRA" means the Emergency Planning and Community Right-to-
15 Know Act of 1986, as amended, 42 U.S.C. §11001-11050.

16 "Extremely hazardous substance" means any substance listed in
17 Appendix A of 40 U.S.C. Part 350, as amended.

*add ✓
or as defined by rule ✓
adopted by HSERC? DOH?*

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

(28 D. 1)

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

*OK
either all
plural or
all singular*

from 128D-1

** If the intent is to include future definitions of
ex. haz. subst. either the stat will have
to be updated periodically or rules will
have to be adopted " We do not allow
incorp of future laws by reference.*

1 rolling stock, or aircraft, or any site or area where a hazardous
2 substance or pollutant or contaminant has been deposited, stored,
3 disposed of, or placed, or otherwise comes to be located; but does
4 not include any consumer product in consumer use.

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

128D-1

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

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

128D-1

□ Fed.
Gov.
immunity
issue

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

128D-1
modified

- 21 / (1) Any release which results in exposure of persons solely
- 22 within a workplace, with respect to a claim which such
- 23 exposed persons may assert against their employer;
- 24 / (2) Emissions from the engine exhaust of a motor vehicle,
- 25 rolling stock, aircraft, vessel, or pipeline pumping

1 station engine;

2 / (3) Release of source, byproduct, or special nuclear

3 material from a nuclear incident, as those terms are

4 defined in the Atomic Energy Act of 1954 (42 U.S.C.

5 §2011), if such release is subject to requirements with

6 respect to financial protection established by the

7 Nuclear Regulatory Commission under 42 U.S.C. §2210;

8 ^A (8) Release from sewerage systems collecting and conducting

9 primarily domestic wastewater; or

HSERC DECIDES TO CHANGE BACK TO 128D DEF

Did you mean to delete exclusions

10 "Reportable quantity" means the quantity of a hazardous

11 material stated on the various lists of hazardous substances as

12 defined in chapter 128D

(A), (5), + (7) of 128D-1?

13 "Threshold planning quantity" or "TPQ" means the threshold

14 planning quantity for an extremely hazardous substance as defined

15 in 40 C.F.R. part 355.

16 "Toxic chemical" means a substance appearing on the list of

17 chemicals described in section 313 of EPCRA, as set forth in 40

18 C.F.R. part 372.

19 § -2 Designation and functions of the Hawaii state

20 emergency response commission. (a) There is created the

21 Hawaii state emergency response commission (HSERC), placed for

22 administrative purposed within the department, to carry out all


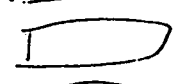

23 requirements of this chapter, ^{supervise} and to ^{provide} guidance, and

24 ~~coordinate the activities of the LEPCs, and to comply with EPCRA.~~

this can all be covered in (8) & deleted from (a)

42 USC §11001(a) requires SERC to "supervise + coordinate" activities of LEPCs

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

- (1) 
- (2)  block #.
- (3) 

HTH-9(93)

HEPCRA must insure that HSERC & LEPCs do at least what federal law requires of them.

1 or their appointed designees: the director of health, the chair of
 2 the board of agriculture, the adjutant general, the director of
 3 labor and industrial relations, the chair of the board of land and
 4 natural resources, the director of business, economic development,
 5 and tourism, the director of transportation, the dean of the
 6 University of Hawaii school of public health, the director of the
 7 office of environmental quality control,⁽²⁾ a representative from each
 8 LEPC designated by the mayor of the respective county,⁽³⁾ and other
 9 members as appointed by the governor ^{who? +0} which at a minimum, meet the
 10 requirements of EPCRA.

NEED TO ACCOUNT FOR PRIVATE MEMBERSHIP SUCH AS RED CROSS

does this phrase apply to (3) or (5)?

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

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

19 (e) Members shall serve without compensation, but shall be
 20 reimbursed for necessary and reasonable actual expenses, such as
 21 travel expense, incurred in connection with attendance at HSERC
 22 meetings. Expenses shall be paid from the Hawaii emergency-

23 ~~planning and community right to know~~ ^{act} (HEPCRA) fund established in section

-10.
why not just use HEPCRA?

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

How long do HSERC & LEPC members serve? until replacements are designated?

HTH-9(93)

YES OR UNTIL THAT "POSITION" IS FILLED BY A NEW PERSON

1 for performing the functions and duties of the HSERC established
2 pursuant to this chapter. For this purpose, the department shall
3 employ such professional, technical, administrative, and other
4 staff personnel as may be deemed essential to carry out the
5 purposes of this chapter.

6 (g) The HSERC shall:

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

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

12 (3) ^{Supervise, coordinate, and STAFF SUPPORT ✓} ~~Provide~~ guidance and direction to the LEPCs for the
13 implementation of this chapter and EPCRA;

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

20 (5) The HSERC shall appoint members of the LEPC^s, based upon
21 the recommendation^s of the mayor^s of the respective
22 counties;

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

25 (7) Develop a state chemical inventory form to be used in

42 USC
511001(a)
"supervise +
coordinate"

} redundant
given § - 3
on p. 8.

lieu of the federal Tier II form and chemical list requirements.

(8) Do all other acts / ~~procedures, and administrative~~ *awk + unnecess.* actions necessary for the implementation of this chapter and the requirements of EPCRA.

§ ~~3~~ Powers; rulemaking; appointment of hearing officers.

(a) The HSERC may ^{adopt} ~~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.

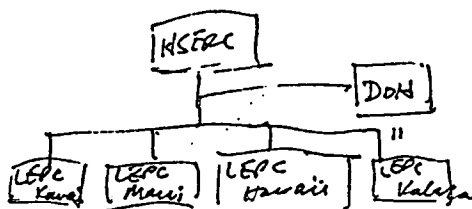
§ ~~4~~ Establishment of emergency planning districts.

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 Kalaelau county.

§ ~~5~~ Establishment and functions of local emergency planning committees.

(a) A minimum of one LEPC shall be established in each county. The HSERC, ^{the respective} based upon mayor's recommendations, shall designate an agency to act as the lead, for

*If HSERC disagrees?
OK see (c)*



HTH-9(93)

*as a?
LEPC?
will
Kalaelau
have its
own LEPC?
The chain of
Command
will be
comprising.
level
at
it*

1 administrative purposes, for the LEPC and shall appoint the LEPC
2 members. The LEPC shall be subject to the requirements of this
3 chapter and section 303 of EPCRA, 42 U.S.C. §11003. ✓

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

- 6 (1) Elected state and county officials;
- 7 (2) Law enforcement, first aid, health, local environmental,
8 hospital, and transportation personnel;
- 9 (3) Firefighting personnel;
- 10 (4) Civil defense and emergency management personnel;
- 11 (5) Broadcast and print media;
- 12 (6) Community groups not affiliated with emergency service
13 groups;
- 14 (7) Owners and operators of facilities subject to the
15 requirements of EPCRA; and
- 16 (8) Others, as ^{recommended ✓} appointed by the mayor.

17 (c) The members of ^{*}(an) LEPC shall be appointed by the HSERC
18 from a list of appointees recommended by the mayor of the county.
19 The list of appointees shall contain the titles of a least one
20 person from each of the groups listed in subsection (b).

The mayor controls. If HSERC disagrees, then what?

21 (d) Within sixty days of the occurrence of a vacancy, the
22 HSERC shall appoint, a successor member to the LEPC, unless the
23 requirements of ^{subsection ✓} (b) have been fulfilled.

24 (e) Upon the failure of the mayor of a county to submit a
25 list of appointees to the HSERC within forty-five days, the HSERC

*MSK - ? why
L = "EL" =
"E" vowel sound.
mk

RESPECT RECOM. FILE RECORDED
THE HSERC MAY APPOINT LEPC MEMBERS NOT
RECOMMENDED BY THE MAYOR.
HTH-9(93)

1 may appoint members, unless the requirements of subsection (b) have
2 been fulfilled.

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

6 (g) (An) LEPC shall:

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

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

14 The local emergency response plans shall include (but ^{are} ~~is~~
15 not limited to) each of the following:

16 (A) Identification of each facility subject to the
17 requirement of section 303 of EPCRA, 42 U.S.C.
18 §11003, that are within the emergency planning
19 district, identification of routes likely to be
20 used for the transportation of substances on the
21 list of extremely hazardous substances, and
22 identification of additional facilities
23 contributing or subjected to additional risk due to
24 their proximity to facilities subject to the
25 requirement of this section, such as hospitals or

1 natural gas facilities;

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

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

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

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

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

24 (G) Evacuation plans, including provisions for
25 precautionary evacuation and alternate traffic

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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.

deleted section

(3) Review facility response plans for adequacy according to ~~§~~ -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~~ ^{act} (HEPCRA) ^{established in section} fund any grants, gifts, or other funds received which are intended for the purpose of carrying out this chapter.

Why not just say HEPCRA fund?

re: § 6, 7, 8, 9! Given large penalties in §-13, incl min. \$1000 penalty, duties should be stated in active tense. X shall do/not do Y.

(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.

(h) The administrative and operational expenses of an LEPC may be paid by the state through a combination of sources including moneys received from the HSERC in accordance with section -11.

§ -6 Facility emergency response plans, ~~for HEPCRA.~~

(a) Each owner or operator of a facility in the State covered under section 302 of EPCRA, 42 U.S.C. §11002, shall prepare facility emergency response plans for HEPCRA according to ^{section} -7;

(b) Additional information shall be provided to the LEPC or the HSERC, within thirty days of request; and

(c) Facility emergency response plans for HEPCRA shall be submitted to the LEPCs within ninety days of the effective date of this bill.

§ -7 Requirements of a facility emergency response plan, ~~for HEPCRA~~ (a) The HSERC shall adopt rules pursuant to chapter 91 establishing the contents of facility emergency response plans for HEPCRA. Facility emergency response plans for HEPCRA shall contain, but shall not be limited to the following information:

- (1) Facility diagrams and location area map;
(2) Methods and procedures to be followed by facility owners

Deleted need?
Timing issue
I don't think HSERC will have rules soon enough for facilities to meet this deadline
HWT 1/16/81

1 and operators to respond to any release of such
2 substances;

3 (3) Designation of a facility emergency coordinators, who
4 shall make determinations necessary to implement the
5 plan;

6 (4) A description of emergency equipment and the
7 identification of the persons responsible for such
8 equipment;

9 (5) Evacuation plans, including provisions for precautionary
10 evacuation;

11 (6) Training programs, including schedules for training of
12 facility employees; and

13 (7) Methods and schedules for exercising the emergency plan.

14 (b) Existing facility emergency response plans may be amended
15 to meet the requirements of this section.

16 § ~~8~~ Reporting requirements. (a) The owner or
17 operator of a facility in the State that stores, uses, or
18 manufactures any hazardous substance must comply with the following
19 requirements:

20 (1) Each owner or operator of a facility in the State
21 covered under section 302 of EPCRA, 42 U.S.C. §11002,
22 shall comply with the emergency planning and
23 notification requirements of section 302 and 303 of
24 EPCRA, 42 U.S.C. §§11002^{and} 11003; ✓

25 (2) Each owner or operator of a facility in this State that

1 is covered under section 311 of EPCRA, 42 U.S.C. §11021,
 2 shall comply with the reporting requirements of section
 3 311 of EPCRA, 42 U.S.C. ~~§~~§11021, by completing the state
 4 chemical inventory form, in lieu of material data sheets
 5 or chemical lists by March first of each year. Material
 6 safety data sheets shall be submitted within thirty days
 7 of request to the HSERC or LEPC;

8 (3) Each owner or operator of a facility in this State that
 9 is covered under section 312 of EPCRA, 42 U.S.C. §11022,
 10 shall comply with the reporting requirements of section
 11 312 of EPCRA, 42 U.S.C. ~~§~~§11022, by completing the state
 12 chemical inventory form in lieu of Tier Is and Tier IIs
 13 by March first of each year; Tier I information?

✓
 must forms
 be submitted?
 to whom?

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

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

submit?
 to whom?

24 (6) Each owner or operator of a facility in this State
 25 covered under section 304 of EPCRA, 42 U.S.C. §11004,

submit?
 to whom?

emergency

shall comply with the notification requirements of section 304 of EPCRA, and section ~~9 of this chapter.~~

(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.

should be 2 spaces

§ ~~9~~ 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:

*Block 19
correctly
at
page 16*

- (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.

right place?
in dept?

§ HTH

(2 Speller me)

1 § -10 Establishment of Funds. (a) There is hereby

2 created in the State treasury a special fund to be designated as
3 the Hawaii emergency planning and community right-to-know fund
4 (HEPCRA). The fund shall consist of the fees collected under

Don't use "HEPCRA" in 2 diff ways - for act & for fund.

5 11, civil penalties and fines, gifts, grants, and funds
6 appropriated by the legislature. Monies in the fund and the
7 interest accrued shall be administered and expended by the
8 department to carry out the purposes, goals, and objectives of this
9 chapter and EPCRA. To carry out the purposes, goals, and

10 objectives of this chapter and EPCRA the department may expend
11 money from the fund for personnel, administrative costs, equipment,
12 training, and public outreach and education.

why diff?

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

redundant w/ (a)?
dept shall "on behalf of HSERC the dept shall..."

17 § -11 Establishment of Fees. The HSERC may adopt,
18 amend, and repeal state rules establishing a reasonable reporting
19 fees structure for the reporting requirements establish under

not work up

20 section -8 and EPCRA, 42 U.S.C. §§11001-11050. The fees shall be
21 deposited into the Hawaii emergency planning and community right-
22 to-know (HEPCRA) fund and shall be used to implement this chapter
23 and EPCRA, 42 U.S.C. §§11001-11050.

Don't break up hyphenated phrase. MC

24 § -12 Immunity from civil liability. (a) No
25 employee, representative, or agent of a state agency or local

1 agency or persons requested by a state or local agency engaged in
 2 any emergency service or response activities involving a hazardous
 3 material release at a facility or transportation accident site
 4 shall be liable for the death of or any injury to persons or loss
 5 or damage to property resulting from that hazardous material
 6 release, except for any acts or omissions which constitute wilful
 7 misconduct.

*Compare
 128 D-6(f)
 which is
 less protective
 128 D-6
 (c)*

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

- 13 (1) Any unanticipated grave natural disaster or other
- 14 natural phenomenon of an exceptional, inevitable, and
- 15 irresistible character, the effect of which could not
- 16 have been prevented or avoided by the exercise of due
- 17 care or foresight;
- 18 (2) An act of war;
- 19 (3) An act or omission of a third party other than an
- 20 employee or agent of the defendant, or other than one
- 21 whose act or omission occurs in connection with a
- 22 contractual relationship, existing directly or
- 23 indirectly with the defendant, if the defendant
- 24 establishes by a preponderance of the evidence that the
- 25 defendant exercised due care with response to the

*Does
 this sub
 section (b)
 really
 apply to
 gov't employees
 and agents?
 128 D-6(c),
 which
 this copies,
 applies more
 to
 releasers.*

1 hazardous substance concerned, taking into consideration
 2 the characteristics of such hazardous substance, in
 3 light of all relevant facts and circumstances; and that
 4 the defendant took precautions against foreseeable acts
 5 or omissions of any such third party and the
 6 consequences that could foreseeable result from such
 7 acts or omissions; or

8 (4) Any combination of the foregoing exceptions.

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

gone!
 or §§ 6-7 only?

15 § ¹¹-13 Penalties and fines. (a) Any person who
 16 violates any of the emergency reporting, planning, or notification
 17 requirements ^{§§ 6+7} of this chapter, or fails to pay the fees outlined in,
 18 section ⁹-11 shall be subject to civil penalties of not less than
 19 \$1,000 and not more than \$25,000. Each day of each violation shall
 20 constitute a separate violation.

including LEPC reports to HSERC? dept reports to HSERC for Calabar?

21 (b) A person who:

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

both? what is meant?

128D-10 only talks of "knowing release"

What is diff between knowing, wilful, & intentional?

Check w/ K. Ho
* KHO CHECKING ON THIS FOR US

_____ . B. NO.

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~~ ^{act} (HEPCRA) fund.

how. ch. 91?

§ -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 violator or violators specifying the alleged violation and may include with the notice:

This section needs more thought as to who will do what.

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

whose? HSERC's? director's?

does anyone want to provide for civil suit.
HSERC DECIDED AGAINST

1 reports, forms, and notifications;

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

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

8 § -15¹³ Relationship to other laws. (a) This chapter

9 shall be read in conjunction with the federal statutes and
10 regulations providing for the identification, labeling, or
11 reporting of information; concerning hazardous material releases,
12 and any other health and safety matters related to hazardous
13 materials; and is intended to supplement federal statutes and
14 regulations in the interests of protecting the health and safety of
15 the citizens of the State.

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

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

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

24
25 INTRODUCED BY:

#

See 342D-9 for e.g. ✓

CHANGED TO COPY LANGUAGE

who is hearing vs. deciding? Should be all HSEPC or all dir.

2 Speller ✓

REVISED:

JUSTIFICATION SHEET

November 20, 1992

DATE: September 25, 1992

(see note on LP re OC title & cc (trans) 1/5)

DEPARTMENT: Health

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

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*

can only be under federal law, and penalties

under the State law

GENERAL FUNDS: None

PPDS ✓
PROGRAM ID: HTH 849-FD
DESIGNATION:

OTHER FUNDS: ~~Revolving Fund~~
NONE

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

JOHN WAIHEE
GOVERNOR OF HAWAII



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

STATE OF HAWAII
DEPARTMENT OF HEALTH

P. O. BOX 3378
HONOLULU, HAWAII 96801

In reply, please refer to:
HEER OFFICE

E0909RG.1

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, which 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

JOHN WAIHEE
GOVERNOR OF HAWAII



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

STATE OF HAWAII
DEPARTMENT OF HEALTH

P. O. BOX 3378
HONOLULU, HAWAII 96801

In reply, please refer to:
HEER OFFICE

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 Generals 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

Hawaii County

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

City and County of Honolulu

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

Kauai County

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

Maui County

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

4 A BILL FOR AN ACT
5

6 RELATING TO EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW
7

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:
9

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

18 The purpose of this Act is to:

- 19 (1) Create a strong working relationship and partnership
20 between business and industry and the State and its
21 municipalities to protect and safeguard the residents of
22 this State from the health hazards and other risks of
23 harm resulting from or incident to the use, storage,
24 distribution, and transportation of hazardous materials;
- 25 (2) Designate the Hawaii state emergency response commission
26 as the States emergency response commission and
27 establish an emergency planning district and a LEPC in
28 each county of this State to act in accordance with the

1 provisions of the Emergency Planning and Community
2 Right-To-Know Act of 1986 (Title III of Public Law 99-
3 4990);

4 (3) Establish and maintain a comprehensive hazardous
5 material safety program for the State and it's counties;

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

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

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

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

25 (8) Require persons responsible for the release of hazardous
26 materials to pay the costs incurred by certified
27 hazardous material response teams or supporting paid and

1 volunteer emergency service organizations of emergency
2 response activities necessitated by the hazardous
3 material release.

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

6 "CHAPTER

7 HAWAII EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT

8 Section

- 9 -1 Definitions
- 10 -2 Designation and Functions of the Hawaii State
- 11 Emergency Response Commission
- 12 -3 Establishment of Emergency Planning Districts
- 13 -4 Establishment and Functions of Local Emergency
- 14 Planning Committees
- 15 -5 Hazardous Substance Safety Program
- 16 -6 Emergency Reporting Requirements
- 17 -7 Emergency Notification Requirements
- 18 -8 Establishment of Funds
- 19 -9 Hazardous Materials Response Teams
- 20 -10 Recovery of Response Costs
- 21 -11 Facility and Vehicle Inspection and Testing
- 22 -12 Immunity from Civil Liability
- 23 -13 Penalties and Fines
- 24 -14 Enforcement
- 25 -15 Relationship to other laws

26 § -1 Definitions. As used in this chapter, unless the
27 context otherwise requires:

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

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

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

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

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

24 "Department" means the department of health.

25 "Emergency management" means the judicious planning,
26 assignment, and coordination of all available resources in an
27 integrated program of prevention, mitigation, preparedness,

1 response, and recovery of emergencies of any kind, whether from
2 attack, manmade, or natural sources.

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

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

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

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

- 23 (1) Any food, food additive, color additive, drug, or
24 cosmetic regulated by the United States Food and Drug
25 Administration;
- 26 (2) Any substance present as a solid in any manufactured
27 item to the extent that exposure to the substance does

1 not occur under normal conditions or use;

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

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

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

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

15 (1) A hazardous substance;

16 (2) Any extremely hazardous substance;

17 (3) A hazardous chemical; and

18 (4) A toxic chemical.

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

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

1 hazardous material response team.

2 "Hazardous substance" includes any substance designated
3 pursuant to section 311(b) (2) (A) of the Clean Water Act: any
4 element, compound, mixture, solution, or substance designated
5 pursuant to section 102 of CERCLA; any hazardous waste having the
6 characteristics identified under or listed pursuant to §3001 of the
7 Solid Waste Disposal Act; any toxic pollutant listed under section
8 307(a) of the Clean Water Act; any hazardous air pollutant listed
9 under section 112 of the Clean Air Act, as amended (42 U.S.C.
10 §§7401-7626); any imminently hazardous chemical substance or
11 mixture regulated under section 7 of the Toxic Substance Control
12 Act, as amended (15 U.S.C. §§2601-2671); oil, trichloropropane, and
13 other substance or pollutant or contaminant designated pursuant to
14 this chapter 128D, HRS.

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

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

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

27 "Release" means any spilling, leaking, pumping, pouring,

1 emitting, emptying, discharging, injection, escaping, leaching,
2 dumping, or disposing of any hazardous substance or pollutant or
3 contaminant into the environment, (including the abandonment or
4 discarding of barrels, containers, and other closed receptacles
5 containing a hazardous substance or pollutant or contaminate); but
6 excludes:

- 7 (1) Any release which results in exposure of persons solely
8 within a workplace, with respect to a claim which such
9 exposed persons may assert against their employer;
- 10 (2) Emissions from the engine exhaust of a motor vehicle,
11 rolling stock, aircraft, vessel, or pipeline pumping
12 station engine;
- 13 (3) Release of source, byproduct, or special nuclear
14 material from a nuclear incident, as those terms are
15 defined in the Atomic Energy Act of 1954 (42 U.S.C.
16 §2011), if such release is subject to requirements with
17 respect to financial protection established by the
18 Nuclear Regulatory Commission under 42 U.S.C. §2210;
- 19 (4) Any release resulting from the normal application of
20 fertilizer;
- 21 (5) Any release resulting from the legal application of
22 pesticide products registered under the Federal
23 Insecticide, Fungicide, and Rodenticide Act;
- 24 (6) Release from sewerage systems collecting and conducting
25 primarily domestic wastewater; or
- 26 (7) Any release permitted by any federal, state, or county
27 permit or other legal authority.

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

4 "Response cost" means any of the following:

- 5 (1) Disposable materials and supplies acquired, consumed,
6 and expended specifically for the purpose of the
7 response to the hazardous material release;
- 8 (2) Rental or leasing of equipment used specifically for the
9 response, for example, protective equipment or clothing
10 and scientific and technical equipment;
- 11 (3) Replacement costs for equipment that is contaminated
12 beyond reuse or repair during the response, for example,
13 self-containing breathing apparatus irretrievably
14 contaminated during the response;
- 15 (4) Decontamination of equipment contaminated during the
16 response;
- 17 (5) Compensation of paid employees or members of the
18 hazardous material response team or supporting paid or
19 volunteer emergency service organizations, to include
20 regular and overtime pay for permanent full-time and
21 other full-time employees or members;
- 22 (6) Special technical services specifically required for the
23 response, for example, costs associated with the time
24 and efforts of technical experts or specialists;
- 25 (7) Laboratory and testing costs for purposes of analyzing
26 samples or specimens taken during the response;
- 27 (8) Other special services specifically required for the

1 response, for example, utility costs;

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

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

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

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

17 "Threshold planning quantity" or "TPQ" means the threshold
18 planning quantity for an extremely hazardous substance as defined
19 in 40 CFR Part 355.

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

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

1 **emergency response commission.** (a) There is created the
2 Hawaii state emergency response commission (HSERC) for the purpose
3 of carrying out all requirements of this chapter; to develop
4 overall policy and direction for a statewide hazardous substances
5 safety program; and to supervise and coordinate the
6 responsibilities of the LEPCs.

7 (b) The HSERC shall consist of the following State officers or
8 their appointed designees: the director of health, director board
9 of agriculture, the adjutant general, director department of labor
10 and industrial relations, director board of land and natural
11 resources, director department of business, economic development
12 and tourism, director department of transportation, dean University
13 of Hawaii school of public health, manager Hawaii State Chapter
14 American Red Cross, director office of environmental quality
15 control, and a representative from each LEPC which shall be
16 designated by the Mayor.

17 (c) The chairperson of the HSERC shall be the director of
18 health. A vice-chairperson shall be designated by the chairperson
19 to serve in the absence of the chairperson or his designee. The
20 chairperson or his designee shall have the authority to assign,
21 delegate, or transfer tasks, duties and responsibilities to members
22 of the HSERC. The chairperson or his designee shall approve the
23 appointment of members to the HSERC who are designated by their
24 respective department or office and authorized to fulfill the
25 duties and responsibilities of the appointed member of the HSERC.

26 (d) Members shall serve without compensation, but shall be re-
27 reimbursed for necessary and reasonable actual expenses, such as

1 travel expense, incurred in connection with attendance at HSERC
2 meetings.

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

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

19 (g) The HSERC shall:

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

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

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

27 (4) Supervise the operation of LEPCs and ensure that the

1 LEPCs meet all federal and State standards and
2 requirements;

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

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

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

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

27 (9) Prescribe duties and responsibilities for State

1 agencies, counties, and LEPCs to conduct comprehensive
2 emergency management activities consistent with this
3 chapter;

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

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

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

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

26 **§ -3 Establishment of emergency planning districts.**

27 Each county is designated an emergency planning district for the

1 purposes of this chapter.

2 § -4 Establishment and functions of local emergency
3 planning committees. (a) To carry out the provisions of this
4 chapter, a minimum of one LEPC shall be established in each county.
5 The Mayor shall designate an agency to act as the lead for the LEPC
6 and shall appoint the LEPC chairperson. The LEPC shall be subject
7 to the supervision of the HSERC and shall cooperate with the county
8 emergency management agency and EPCRA facilities to prepare the
9 emergency response plans required by section 303 of EPCRA, for
10 facilities where extremely hazardous chemicals are present.

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

- 13 (1) Elected county officials;
- 14 (2) Law enforcement, first aid, health, local environmental,
15 hospital, and transportation personnel;
- 16 (3) Firefighting personnel;
- 17 (4) Civil defense and emergency management personnel;
- 18 (5) Broadcast and print media;
- 19 (6) Community groups not affiliated with emergency service
20 groups; and
- 21 (7) Owners and operators of facilities subject to the
22 requirements of EPCRA.

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

27 (d) The members of a LEPC shall be confirmed by the HSERC

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

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

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

19 (g) A LEPC shall:

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

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

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

1 chapter;

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

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

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

23 (h) The administrative and operational expenses of a LEPC may
24 be paid through a combination of sources by the county from fees
25 collected by the county, from monies received from the HSERC in
26 accordance with the provisions of sections -8 or by accepting
27 private donations.

1 (i) A member of a LEPC shall be an agent of the HSERC and
2 shall be deemed as duly enrolled emergency management volunteer for
3 the purposes of _____ (relating to compensation for
4 accidental injury).

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

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

- 9 (1) Identification of the facility subject to the
10 requirement of section 303 of EPCRA, within the county,
11 identification of routes likely to be used for the
12 transportation of substances on the list of extremely
13 hazardous substances and identification of additional
14 facilities contributing or subjected to additional risk
15 due to their proximity to the facility subject to the
16 requirements of this section, such as hospitals or
17 natural gas facilities;
- 18 (2) Methods and procedures to be followed by facility owners
19 and operators and local emergency and medical personnel
20 to respond to any release of such substances;
- 21 (3) Designation of a county emergency management coordinator
22 and facility emergency coordinators, who shall make
23 determinations necessary to implement the plan;
- 24 (4) Procedures providing reliable, effective, and timely
25 notification by the facility emergency and the county
26 emergency management coordinator to persons designated
27 in the emergency plan, and to the public, that a release

1 has occurred, consistent with the notification
2 requirements of section 304 of EPCRA;

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

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

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

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

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

16 § -5 Hazardous substances safety program. (a) In
17 conjunction with the departments of health, transportation,
18 agriculture, labor and industrial relations, defense, land and
19 natural resources, the police and fire departments of the city and
20 county of Honolulu and the counties of Kauai, Maui, and Hawaii and
21 any other State or county agencies as determined by the HSERC, the
22 department shall develop a hazardous material safety program for
23 incorporation into the State of Hawaii oil and hazardous substances
24 emergency response plan (relating to emergency management
25 services). The hazardous substances safety program shall include
26 an assessment of the potential dangers and risks that hazardous
27 material releases occurring at facilities and from transportation

1 related accidents pose to the general public. The program shall
2 also consider the impacts, consequences, and necessary protective
3 measures required to respond to and mitigate the effects of such
4 releases and accidents. The program shall include:

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

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

18 (3) Development of a notification system whereby the
19 transporters of any hazardous substance or extremely
20 hazardous substance will report the occurrence of any
21 hazardous material release to the state agencies, local
22 agencies, and state and local officials designated in
23 the state and local plans. The reporting requirement
24 for this notification system are set forth in section
25 -7;

26 (4) Training and equipping state agency and local agency
27 public safety and emergency response personnel;

- 1 (5) Establishment of training standards or a certification
2 program for the formation of state agency, local agency,
3 or regional hazardous substances response teams. All
4 state agencies, local agencies or other agencies and
5 committees that establish training standards for
6 emergency service law enforcement, firefighting, or
7 other personnel shall cooperate with the HSERC in the
8 implementation of these training standards or
9 certification program;
- 10 (6) Periodic exercise of hazardous material release
11 scenarios at facilities and transportation sites that
12 are designed to test the response capabilities of state
13 agency, local agency, and regional public safety and
14 emergency response personnel;
- 15 (7) Assistance in procuring specialized hazardous material
16 response supplies and equipment to be used by local and
17 regional public safety and emergency response personnel;
- 18 (8) State civil defense shall staff and operate a twenty-
19 four-hour state emergency operations center to provide
20 effective emergency response coordination for all types
21 of natural and man-made disaster emergencies, including
22 the ability to receive and monitor the emergency
23 notification reports required under sections -7 from
24 all facilities and transporters involved with hazardous
25 material incidents; and
- 26 (9) Provisions for financial assistance to counties and
27 state agencies as provided in section -8.

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

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

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

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

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

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

27 The LEPC shall prepare a hazardous material emergency response

1 preparedness assessment. The HSERC shall review and approve the
2 assessment if it determines the assessment is complete and fulfills
3 the county's obligations under this act to respond to releases of
4 hazardous materials. If an assessment is not approved by the
5 HSERC, it shall be returned to the county with an explanation of
6 its deficiencies. The county shall have sixty days to return the
7 assessment to the HSERC with either changes or further explanation
8 or justification. The HSERC shall then review the assessment. The
9 review process will continue until the HSERC is satisfied with the
10 assessment.

11 § -6 **Emergency reporting requirements.** (a) The
12 owner or operator of a facility in the State shall comply with the
13 following requirements:

- 14 (1) The owner or operator of a facility in the State covered
15 under section 302 of EPCRA, shall comply with the
16 emergency planning and notification requirements under
17 section 302 and 303 of EPCRA. Emergency response plans
18 shall be submitted to the LEPC and to the HSERC;
- 19 (2) The owner or operator of a facility in this State,
20 covered under section 311 of EPCRA, shall comply with
21 the reporting requirements under sections 311 and 312 of
22 EPCRA by submitting chemical lists for chemicals in lieu
23 of material data sheets for section 311 and Tier II
24 reports in lieu of Tire I reports for section 312 of
25 EPCRA by March first of each year. Material safety data
26 sheets shall be submitted within 30 days of request to
27 the HSERC or LEPC. The information shall be submitted

1 in electronic form consistent with the system used by
2 the LEPCs and HSERC, whenever possible;

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

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

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

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

1 potential release of an extremely hazardous substance from that
2 rolling stock.

3 **§ -7 Emergency notification requirements.** (a) Except
4 as provided in subsection (e), the owner or operator of a facility
5 that manufactures, produces, uses, imports, exports, stores,
6 supplies, or distributes any hazardous substance or extremely
7 hazardous substance and the owner or operator of a vehicle that
8 ships, transports, or carries any hazardous substance or extremely
9 hazardous substance to, within, through, or across the State shall
10 immediately report the release of the substance which exceeds the
11 reportable quantity to the appropriate State and LEPC as follows:

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

20 (2) Initial notification shall be made by the owner or
21 operator of a vehicle by dialing 911 or, in the absence
22 of a 911 emergency telephone number, calling the
23 operator in order to notify the LEPC management office
24 twenty-four-hour response number within whose
25 jurisdiction the transportation accident or incident has
26 occurred, and reporting that a hazardous substance or an
27 extremely hazardous substance release has occurred. The

1 LEPC shall report any notification made under this
2 subsection to the HSERC twenty-four-hour response number
3 within one hour of its receipt.

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

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

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

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

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

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

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

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

26 (8) Any known or anticipated acute or chronic health risks
27 associated with the emergency, and where appropriate,

1 advice regarding medical attention necessary for exposed
2 individuals;

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

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

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

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

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

27 (1) Actions taken to respond to and contain the release;

- 1 (2) Any know or anticipated acute or chronic health risk
- 2 associated with the release;
- 3 (3) Advice regarding medical attention necessary for exposed
- 4 individuals, where appropriate; and
- 5 (4) Actions to be taken to mitigate potential future
- 6 incidents.

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

11 § -8 Establishment of Funds. (a) There is hereby
12 created in the State treasury a special fund to be designated as
13 the emergency planning and community right-to-know fund. The fund
14 shall consist of the fees collected under this section, civil
15 penalties and fines and funds appropriated by the Attorney General.
16 Monies in the fund and the interest accrued shall be administered
17 by the department to carry out the purposes, goals, and objectives
18 of this chapter, EPCRA, and the State's hazardous material safety
19 program.

20 (b) The owner or operator of a facility required to annually
21 file an emergency and hazardous chemical inventory form under
22 section -7 shall submit with the inventory form a filing fee of
23 \$250. In addition to the filing fee, the owner or operator shall
24 submit with the inventory form the following additional fees for
25 reporting inventories of individual hazardous substances produced,
26 used, or stored at the facility. An additional fee of \$25 per
27 chemical enumerated on the inventory form shall be submitted. An

1 owner or operator of a facility who fails to submit such an
2 inventory form within thirty days after the applicable filing date
3 prescribed in section -6 shall submit with the inventory form a
4 late filing fee of 15% of the total fees due under this section, in
5 addition to the fees due under this section.

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

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

- 20 (1) To the department, not less than forty percent or more
21 than forty three percent of the moneys in the fund;
- 22 (2) To LEPCs, not less than thirty two percent or more than
23 thirty five percent of moneys in the fund; and
- 24 (3) To the adjutant general, not less than twenty five
25 percent or more than thirty percent of the moneys in the
26 fund.

27 All LEPCs and State agencies to be funded under this chapter shall

1 submit to the HSERC for review and approval by October 1 of each
2 year a budget worksheet and a workplan for the fiscal year to begin
3 January 1 of that year. The allocated moneys shall be distributed
4 at the start of each fiscal year. The HSERC's decisions on the
5 distribution of moneys from the fund are not appealable.

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

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

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

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

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

21 (f) After a committee determines that the initial training
22 needs for emergency management personnel within its emergency
23 planning district set forth the committee's plan or most recent
24 review of its plan pursuant to section -6 have been met, the
25 HSERC may make moneys it receives under this section available to
26 fire departments located within the district for the purchase of
27 first response equipment.

1 § -9 Hazardous Materials Response Teams. (a) The
2 HSERC shall establish a program for certifying hazardous material
3 response teams, setting standards for training, equipment, safety,
4 operations, and administration of the teams. The certification
5 program shall include, but not limited to:

- 6 (1) Standards for certifying response teams with several
7 preparedness levels patterned after levels established
8 by the United States Occupational Safety and Health
9 Administration at 29 CFR Part 1910.120; and
- 10 (2) Reviewing existing hazardous material training and
11 certification programs to establish specific procedures
12 for crediting that training and certification under the
13 program established by this section.

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

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

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

1 assessment.

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

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

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

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

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

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

26 (2) Enter any adjacent or surrounding property to which the
27 hazardous material release has occurred or may threaten

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

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

15 § -10 Recovery of response costs. (a) A person who
16 causes a release of a hazardous material shall be liable for the
17 response costs incurred by a certified hazardous material response
18 team or a supporting paid or volunteer emergency service
19 organization. The hazmat response team organizer, as identified on
20 the team certification, or supporting paid or volunteer emergency
21 service organizations, that undertakes a response action may
22 recover those response costs in law or an action in equity brought
23 before a court of competent jurisdiction. Should more than one
24 certified hazardous material response team incur response cost for
25 the same hazardous material release or incident, the organizing
26 entities of those certified hazardous material response teams may
27 file a joint action in law or equity and may designate one entity

1 to represent the others in the law suite.

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

9 (c) Arbitration.

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

22 (2) Once the parties agree to submit the response cost
23 dispute to binding arbitration, the LEPC shall notify
24 the HSERC and the parties of the request for a board of
25 arbitration and shall request the recommendation of the
26 parties for persons to be appointed to the board. The
27 board of arbitration shall consist of three persons, one

1 to be selected by each of the parties and a third person
2 to be agreed upon by the arbitrators as specified in
3 paragraph (3). Within five days of the request of
4 arbitration, the parties shall submit the names of the
5 arbitrators that they have chosen and the LEPC shall
6 appoint those persons to the board of arbitration;

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

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

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

25 (6) Unless otherwise proscribed in the agreement to
26 arbitrate, the expenses and fees of the arbitrators and
27 other expenses, incurred in the conduct of the

1 arbitration shall be paid as prescribed in the award.

2 § -11 Facility and vehicle inspection and

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

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

1 incurred by the HSERC or a LEPC as performed under this section.
2 Samples of any substance required to be taken under this section by
3 the qualified HSERC or LEPC shall be split with the facility for
4 analysis.

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

19 (d) A person shall provide the representative of the HSERC or
20 the LEPC with the chemical name, identity or any other information
21 requested concerning any substance, liquid, mixture, compound,
22 material or product present at the facility or vehicle, whether or
23 not the chemical name, identity or other information requested is
24 entitled, to protect as a trade secret under section 322 of EPCRA,
25 unless the manufacturer of the substance will not provide the
26 information requested to the facility owner because it has received
27 trade secret protection under EPCRA. For that information which

1 has received trade secret protection under section 322 of EPCRA,
2 prior to the date of the inspection or request, the representative
3 shall give a written assurance to the person that reasonable
4 measures will be taken to protect the confidentiality of any
5 information provided to the qualified representative.

6 § -12 Immunity from civil liability. (a) No hazmat
7 response team organizer nor their elected officers, officials,
8 directors, and employees, and no certified hazardous material
9 response team member, member of an industrial hazardous material
10 response team, law enforcement officer, ambulance service or rescue
11 squad member, firefighter, or other emergency response or public
12 works personnel engaged in any emergency service or response
13 activities involving a hazardous material release at a facility or
14 transportation accident site shall be liable for the death or any
15 injury to persons or loss or damage to property or the environment
16 resulting from a response to a hazardous material release, except
17 for any acts or omissions which constitute gross negligence or
18 willful misconduct. Nothing in this section shall exempt any
19 hazardous material transporter, manufacturer, supplier, or user
20 from liability for the death of or any injury to persons or loss or
21 damage to property or the environment resulting from the release of
22 any hazardous material.

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

- 1 (1) Any unanticipated grave natural disaster or other
2 natural phenomenon of an exceptional, inevitable, and
3 irresistible character, the effect of which could not
4 have been prevented or avoided by the exercise of due
5 care or foresight;
- 6 (2) An act of war;
- 7 (3) An act or omission of a third party other than an
8 employee or agent of the defendant, or than one whose
9 act or omission occurs in connection with a contractual
10 relationship, existing directly or indirectly, with the
11 defendant, if the defendant establishes by a
12 preponderance of the evidence that the defendant
13 exercised due care with response to the hazardous
14 substance concerned, taking into consideration the
15 characteristics of such hazardous substance, in light of
16 all relevant facts and circumstances; and the defendant
17 took precautions against foreseeable acts or omissions
18 of any such third party and the consequences that could
19 foreseeable result from such acts or omissions; or
- 20 (4) Any combination of the foregoing paragraphs.
- 21 (c) No member of the HSERC or a LEPC shall be liable for the
22 death of or any injury to persons or loss or damage to property or
23 the environment or any civil damages resulting from any act or
24 omissions arising out of the performance of the functions, duties
25 and responsibilities of the HSERC or LEPC, except for acts or
26 omissions which constitute willful misconduct.
- 27 (d) No employee, representative or agent of a State agency or

1 local agency engaged in any emergency service or response
2 activities involving a hazardous material release at a facility or
3 transportation accident site shall be liable for the death of or
4 any injury to persons or loss or damage to property resulting from
5 that hazardous material release, except for any acts or omissions
6 which constitute willful misconduct.

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

13 (b) A person who:

14 (1) Knowingly and willfully fails to report the release of a
15 hazardous substance or extremely hazardous substance as
16 required by section -7 commits a misdemeanor of the
17 third degree and shall, upon conviction, be sentence to
18 pay a fine of not less than \$1,000 and not more than
19 \$25,000 for each separate offense or imprisonment, for a
20 period of not more than one year, or both. For the
21 purposes of this paragraph, each day a violation
22 continues shall constitute a separate violation; and

23 (2) Intentionally obstructs or impairs, by force, violence,
24 physical interference or obstacle, a representative of
25 the department, a certified hazardous material response
26 team or the LEPC attempting to perform the duties and
27 functions set forth in sections -9 and -11 commits

1 a misdemeanor of the second degree and shall, upon
2 conviction, be sentenced to pay a fine of not less than
3 \$5,000 and not more than \$25,000 for each separate
4 offense or imprisonment, for a period of not more than
5 two years, or both.

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

9 § -14 Enforcement. (a) The department of the attorney
10 general may commence a civil action against any person for failure
11 to comply with this act or its regulations. No action may be
12 commenced under this subsection prior to sixty days after the
13 department of the attorney general has given written notice of the
14 alleged violation to the alleged violator. The HSERC, a county or
15 a municipality may commence a civil action against any person for
16 failure to comply with this act if the department of the attorney
17 general has not commenced such action and more than one hundred
18 twenty days have elapsed since the HSERC, a county, or a
19 municipality gave notice of the violation to the alleged violator.

20 § -15 Relationship to other laws. (a) This law
21 shall be read in conjunction with the Federal Acts, laws or
22 regulations providing for the identification, labeling, or
23 reporting of information; concerning hazardous material releases,
24 and any other health and safety matters related to hazardous
25 materials, and is intended to supplement Federal acts, laws and
26 regulation in the interests of protecting the health and safety of
27 the citizens of the State. In those instances where the provisions

1 of this act are more comprehensive or stringent than the provisions
2 of an applicable Federal act, law or regulation, the provisions of
3 this act shall be controlling.

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

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

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

13

14

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. Here inafter referred to as HSERC or the Commission.

III. PURPOSE

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

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

B. Duties.

1. The commission shall perform such duties as specified in the federal act to be performed by such Commissions and, in addition thereto such duties as specified in the laws of this state or as are deemed necessary and appropriate by the Commission to achieving its purposes in accordance with the requirements of the federal act.
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. A 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 nay shall determine all presented at regular or special meetings of the Commission.
- C. Counts of all votes, including abstinence, shall be recorded in the minutes of all meetings.

VI. MEMBERSHIP RIGHTS AND PRIVILEGES

- A. The Chairperson is the sole individual authorized to represent the Commission unless otherwise provided for in these guidelines. In addition, the Chairperson on behalf of the Commission may call upon the DOH to perform special studies and surveys or provide other support services within reason and consistent with the goals and objectives of the Commission, and resources available.
- 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 (q)(6)(ii). The training provided should cover the following areas:

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

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

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

Purpose: Training in this category should:

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

Training should cover the following topics:

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

Federal Regulations (the Occupational Safety & Health Act)

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

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

Category III Hazardous Materials Supervisor's Training

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

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

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

- 3) hazard evaluation
- 4) selection of protective measures

F) Hazard Evaluation

- 1) techniques of sampling
- 2) evaluation of field and laboratory results
- 3) hazardous characterization and identification
- 4) risk assessment

G) Development and management of standard operating procedures

- 1) sampling plans
- 2) health and safety plans
- 3) medical monitoring plan
- 4) heat stress monitoring
- 5) work plan
- 6) security plan (site entry and control)
- 7) logistics plan
- 8) record keeping and logs

H) Communication, public safety and community relations

- 1) press
- 2) local community
- 3) state and local officials

Category IV Hazardous Materials Specialist Training

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

- A. Development and implementation of a site safety plan

including:

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

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

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

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

D) Simulated emergency response which reviews:

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

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

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

Category V Hazardous Materials Response Exercise

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

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

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

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

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

REFERENCES

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

WHO NEEDS HAZMAT TRAINING?

- * FEDERAL REGULATION 29 CFR 1910.120
STATE DOSH STANDARD CHAPTER 99 AND
CHAPTER 203
CHAPTER 396, OCCUPATIONAL SAFETY &
HEALTH LAW**
- * HAZARDOUS WASTE OPERATIONS AND
EMERGENCY RESPONSE (HAZWOPER)**
- * HAZARD COMMUNICATION STANDARD**
- * FOR INFORMATION/CLARIFICATION CONTACT
THE STATE DIVISION OF OCCUPATIONAL
SAFETY & HEALTH (DOSH), CONSULTATION &
TRAINING BRANCH AT PH. 586-9100 OR VISIT
THEM AT 830 PUNCHBOWL STREET.**

TITLE 12 DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS

SUBTITLE 8 DIVISION OF OCCUPATIONAL SAFETY AND HEALTH

CHAPTER 99 HAZARDOUS WASTE OPERATIONS AND
EMERGENCY RESPONSE

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

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

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

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

(b) Application.

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

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

TITLE 12 DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS

SUBTITLE 8 DIVISION OF OCCUPATIONAL SAFETY AND HEALTH

CHAPTER 203 HAZARD COMMUNICATION

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

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

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

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

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

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

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

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

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

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

(e) This chapter does not require labeling of:

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

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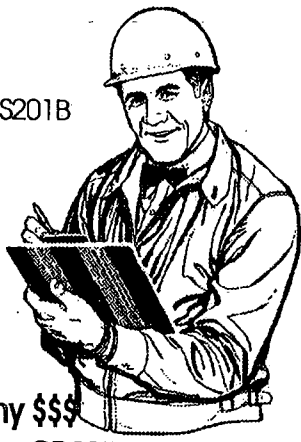
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 - E. Radiation
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 - B. Schools
 - C. Businesses & industries
 - D. Warehouses
 - E. Transportation routes
- V. Detection Clues
 - A. Occupancy & location
 - B. Container shapes
 - C. Markings & colors
 - D. Placards & labels
 - E. Papers
 - F. Transportation routes
- VI. 3 Scenes for Viewer Analysis
- VII. Response Guidelines
 - A. Focus on safety
 - B. Secure the scene
 - C. Communicate information
- VIII. Review & Conclusion

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 - B. Recognize potential hazards
- III. Marking Systems
 - A. NFPA 704
 - B. DOT placards/labels
 1. Nine hazard classes
 2. Four-digit ID numbers
 3. Safety warnings
- IV. Shipping Papers
 - A. Description
 - B. Names and locations by commercial type
- V. Reference Books
 - A. Basic library
 - B. DOT Emergency Response Guidebook
 - C. Conflicting information
- VI. CHEMTREC
 - A. Assistance provided
 - B. Dispatch information
- VII. Computer Data Systems
 - A. Data Systems
 - B. Other agency assistance
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- IV. Site Surveys
 - A. Scheduling
 - B. Preparing
 - C. Conducting
- V. Material Safety Data Sheets
 - A. Manufacturer's data
 - B. Product identification
 - C. Hazards
 - D. Safety precautions
 - E. Emergency & First Aid
 - F. MSDS preparation date
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- VII. Updating Risk Analysis Information
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- 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
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- II. Need for personal protective clothing
- III. Uses & limitations of personal protective equipment
 - A. Respiratory equipment
 - B. Vapor monitors
 - C. Protective clothing
- IV. Safe incident procedures
- V. Care and maintenance
- VI. Exposure documentation
- VII. Review & conclusion

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

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

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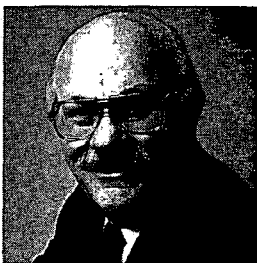
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July 9, 1992

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

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

SUBJECT: ADMINISTRATION OF HAZMAT TRAINING SETS

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

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

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

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

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

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

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

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

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

Your cooperation and participation are appreciated.

bc: ✓ Mr. Ah Cook

JOHN WAIHEE
GOVERNOR

MAJOR GENERAL EDWARD V. RICHARDSON
DIRECTOR OF CIVIL DEFENSE

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



PHONE (808) 734-2161

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

August 20, 1992

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

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

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

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

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

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

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

Mr. Steve Armann
August 20, 1992
Page 2

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

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

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

Thank you for your understanding and cooperation.

bc: Mr. Ah Cook

**Environmental Technologies
International**

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



June 19, 1992

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

Subject: Chemical Emergency Response Training

Dear Mr. Ah Cook:

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

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

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

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

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

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

PRICE ESTIMATES

Category I: First Responder Awareness (8-hour)

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

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

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

Category III: Hazardous Materials Supervisor (8-hour)

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

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

Category IV Hazardous Materials Specialist Training (40-hour)

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

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

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

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

Respectfully,

Safety and Industrial Health Division



Annie K. Leung
Industrial Hygienist

AKL:ob(A787P.463)

Attachment: Table 1 - Topics Covered
ETI Selected Hazwoper References

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

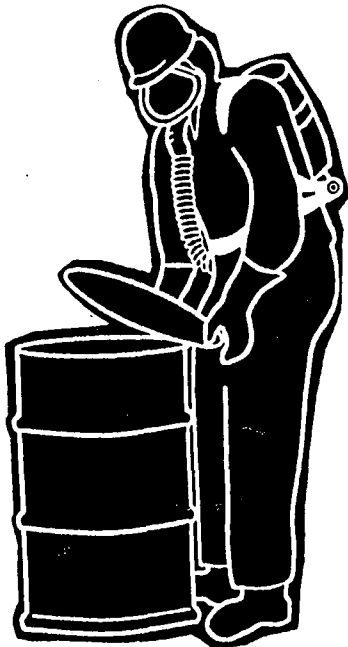
Del Monte Fresh Produce (Hawaii) Inc.

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

Hawaiian Sugar Planters' Association.

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

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



COURSE SCHEDULE

40-HOUR HAZARDOUS WASTE OPERATIONS

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

8-HOUR SUPERVISOR

August 4
October 6

8-HOUR YEARLY REFRESHER

July 22
October 13

Course Fees

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

Location

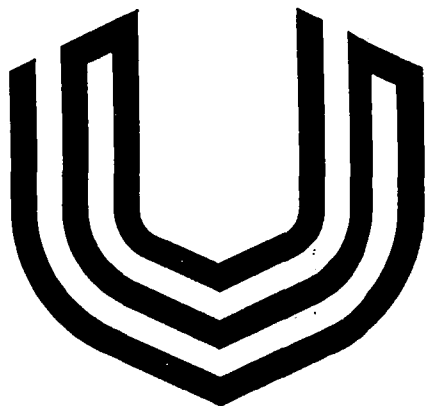
Courses are conducted at the training facility of
Unitek Environmental Consultants Inc.,
930 Mapunapuna Street, Suite 200,
Honolulu, Hawaii 96819.

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

HAZARDOUS WASTE TRAINING COURSES

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

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



UNITEK

Course Descriptions

UEC offers several skill and knowledge levels of training.

40-Hour Hazardous Waste Operations

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

8-Hour Supervisor

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

8-Hour Yearly Refresher

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

REGISTRATION FORM

Please enroll me in the following Courses(s):

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

Name _____

Title _____

Company _____

Address _____

City/State/Zip _____

Telephone Number _____

Registration Information

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

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

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

HLA—A LEADER IN EMPLOYEE HEALTH AND SAFETY TRAINING.

40-HOUR BASIC HEALTH AND SAFETY COURSE

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

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

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

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

24-HOUR HEALTH AND SAFETY TRAINING COURSE

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

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

8-HOUR SUPERVISORS COURSE

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

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

8-HOUR REFRESHER COURSE

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

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

INSTRUCTION TEAM: OVER 90 YEARS OF SAFETY EXPERIENCE

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

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

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

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

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

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

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

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

REGISTRATION

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

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

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

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

CONFIRMATION

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

REGISTRATION FORM

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

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

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

NAME		COMPANY/ORGANIZATION		TELEPHONE ()	
ADDRESS		CITY	STATE		ZIP

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

RETURN FORM WITH PAYMENT TO:

Harding Lawson Associates

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

1992/93 CSTI SCHEDULE

CSTI EMERGENCY MANAGEMENT COURSES (805) 549-3536

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

CSTI HAZARDOUS MATERIALS COURSES (805) 549-3344

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

CSTI HAZARDOUS MATERIALS COURSES (805) 549-3344

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

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

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

TUITION FEE SCHEDULE

Tuitions subject to change beginning July, 1992

COURSE

TUITION FEE BY STUDENT CATEGORY

A

B

EMERGENCY MANAGEMENT COURSES

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

HAZARDOUS MATERIALS COURSES

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

CRIMINAL JUSTICE COURSES

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

EXTERNAL EMERGENCY MANAGEMENT PROGRAMS

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

STUDENT CATEGORIES ARE:

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

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

*Price increase effective 7-1-92

(Revised 4-14-92)

July 30, 1992

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

Dear Shirley and Conte,

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

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

Hazardous Materials Incident Response Operations (165.5)

Introduction To Groundwater Investigations (165.7)

Safety And Health Compliance For Managers (165.8)

Sampling For Hazardous Materials (165.9)

Emergency Response To Hazardous Materials Incidents (165.15)

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

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

Sincerely,

Leighton Ah Cook

September 8, 1992

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

Dear Mr. Lewis,

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

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

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

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

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

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

Sincerely,

Leighton Ah Cook

INTERIM TRAINING SCHEDULE

STATE CIVIL DEFENSE

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

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

STATE OF HAWAII
DEPARTMENT OF HEALTH
ENVIRONMENTAL HEALTH ADMINISTRATION

DRAFT
POLICY ON USE OF THE
ENVIRONMENTAL RESPONSE REVOLVING FUND

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

I. BACKGROUND

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

II. AUTHORIZATION

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

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

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

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

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

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

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

III. ENVIRONMENTAL RESPONSE POLICY

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

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

D. The plan provides that incident command will remain at the county level until emergency operations, which include stabilization and control activities, are completed unless:

1. The local resources are overtaxed and the IC requests that the State On-Scene Coordinator (OSC) assumes control. The IC would then remain with the OSC unless State resources are overtaxed and the IC requests assistance from EPA and a Federal On-Scene Coordinator arrives from Region IX.

IV. PROCEDURES FOR USING THE ERRF

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

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

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

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

Hawaii County

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

City and County of Honolulu

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

Kauai County

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

Maui County

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