HAWAII STATE EMERGENCY RESPONSE COMMISSION
MEETING #13

NOVEMBER 19, 1992
9:00 a.m.- 12:00 noon

STATE OFFICE TOWERS
235 SOUTH BERETANIA
CONFERENCE ROOM 1008

MEMBERS PRESENT

John C. Lewin, Director, DOH

Major General Richardson
Adjutant General, DOD or Representative, SCD, STAFF

Yukio Kitagawa, Director, BOA or Representative

Keith Ahue, Director, DLIR or Representative

Mufi Hanneman, Director, DBEDT or Representative

Brian Choy, Director, OEQC or Representative

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

Bruce S. Anderson, DDEH, DOH

Jiggie Hommon, Manager, American Red Cross or Representative

William W. Paty, Director, BLIR or Representative

Rex D. Johnson, Director, DOT or Representative

George Kekuna, LEPC Coordinator or Representative

Sel Menor, LEPC Co-Chair, Maui CD or Representative

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

Harry Kim, LEPC Chair, Hawaii CD or Representative
<table>
<thead>
<tr>
<th>NAME/AGENCY</th>
<th>ADDRESS</th>
<th>TELEPHONE</th>
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</thead>
<tbody>
<tr>
<td>Michael Chew/HEC</td>
<td>P.O. Box 3750, Hm</td>
<td>843-3679</td>
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<tr>
<td>Don Gransback</td>
<td>3949 Diamond He Rd</td>
<td>734-2161</td>
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<tr>
<td>Robert Roberts/HSPA</td>
<td>PO Box 1057 Air-He</td>
<td>4865308</td>
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<tr>
<td>Jim Vinton/PRI</td>
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<tr>
<td>Eugene Lee/DPW</td>
<td>650 S. King 96815</td>
<td>523-4159</td>
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<tr>
<td>Lawrence K. Lau</td>
<td>465 S. King #200</td>
<td>587-3050</td>
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<tr>
<td>Kathy Ho</td>
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<td>Steve HEC</td>
<td>HEC</td>
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<tr>
<td>Rhonda</td>
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</tbody>
</table>
MEMBERS LIST
Leighton Ah Cook, Training Officer
Department of Defense
3949 Diamond Head Road
Honolulu, HI  96816-4495

Yasuki Arakaki
County of Hawaii, Division of Industrial Safety
25 Aupuni Street
Hilo, HI  96720

Thomas O. Batey, Administrative Assistant
Office of the Mayor
County of Kauai
4396 Rice Street, Suite 101
Lihue, HI  96766

Joseph G. Blackburn
Maui Fire Department
200 Dairy Road
Kahului, HI  96732

William A. Bonnet
Hawaiian Electric Company
P.O. Box 2750
Honolulu, HI  96840

Walter Chun
U.S. Dept. of Labor/OSHA
300 Ala Moana Blvd, Suite 5122
Honolulu, HI  96850

Edward E. Coleman
Dept. of Health & Human Services
Public Health Service
50 United Nations Plaza, Room 349-A
San Francisco, CA  94102

Capt. Carter Davis
Honolulu Fire Department
1455 S. Beretania Street
Honolulu, HI  96814

Patrick Fevella
State of Hawaii
Department of Transportation (Fire00)
Kahului Airport Terminal
Kahului, HI  96732

Chief Calvin C. Fujita
Kauai Police Department
3060 Umi Street
Lihue, HI  96766

Glenn R. Hamberg, MICT, Instructor/Coordinator
Kauai EMS Training Center
c/o Kauai Community College
3-1901 Kaumualii Highway
Lihue, HI  96766

Kazu Hayashida
Board of Water Supply
630 S. Beretania Street
Honolulu, HI  96843

Dr. Paul E. Hoffman, DHSA
Maui District Health Office
54 High Street
Wailuku, HI  96793

Steve Hosler
Wilcox Memorial Hospital
3420 Kuhio Highway
Lihue, HI  96766
Arlene Kabei  
DOH, SHWB  
Five Waterfront Plaza, Suite 250  
500 Ala Moana Blvd.  
Honolulu, HI 96813

Edward J. Kalinowski  
Emergency Medical Services  
4303 Diamond Head Road  
Honolulu, HI 96816

Eugene Lee  
City & County of Honolulu  
Dept. of Public Works, Chief Engineer's Office  
650 S. King Street, 11th Floor  
Honolulu Municipal Bld  
Honolulu, HI 96813

Edward J. Lingo  
Civil Defense Coordinator  
Honolulu Police Department  
1455 S. Beretania Street  
Honolulu, HI 96814

Alejandro Lomosad, Fire Chief  
Kauai Fire Department  
4223 Rice Street  
Lihue, HI 96766

Maurice Munecitar  
Kauai County Councilman  
County of Kauai  
4396 Rice Street, Room 206  
Lihue, HI 96766

Harold Matsuura  
Dept. of Health  
1582 Kamehameha Ave.  
Hilo, HI 96720

Ron Netler, M.D., DHSA  
District Health Office, Kauai  
3040 Umi Street  
Lihue, HI 96766

Ralph E. Moore  
State Dept. of Transportation  
869 Punchbowl St.  
Honolulu, HI 96813

John J. Naught  
Pacific Area Office  
National Marine Fisheries Service, NOAA  
2570 Dole Street, Room 105  
Honolulu, HI 96822-2396

William P. Patterson  
FEMA REG. IX, Bldg. 105  
Presidio of San Francisco, CA 94129

Ed Picko  
Hawaii Dept. of Agriculture, PI Div.  
Pesticide Branch  
4398-A Loke St.  
Lihue, HI 96766

Joseph D. Reed  
Oahu Civil Defense Agency  
650 S. King Street  
Honolulu, HI 96813

Refuge Project Leader  
U.S. Fish and Wildlife Service  
P.O. Box 50167  
Honolulu, HI 96850
Thomas J. Smyth  
Business Services Division  
Dept. of Business, Economic Dev. & Tourism  
P.O. Box 2359  
Honolulu, HI 96804

Senator Malama Solomon  
Hawaii State Legislature  
State Office Tower #505  
235 S. Beretania St.  
Honolulu, HI 96813

Arthur Suzuki  
Brewer Environmental Industries, Inc.  
P.O. Box 366  
Kahului, HI 96732

Vice Director of Civil Defense  
State Civil Defense  
Department of Defense  
3949 Diamond Head Rd.  
Honolulu, HI 96816-4495

Ronald Victorino, Operations Supervisor  
Kauai Commercial Co.  
P.O. Box 511  
Lihue, HI 96766

James N. Vinton  
Pacific Resources, Inc.  
P.O. Box 3379  
Honolulu, HI 96842

Stephanie A. Whalen  
Hawaiian Sugar Planters' Association  
P.O. Box 1057  
Aiea, HI 96701-1057

Ralph Yashizumi  
Hawaii County Fire Dept.  
466 Kinoole Street  
Hilo, HI 96720

Captain Carter Davis  
Honolulu Fire Department  
1455 S Beretania Street  
Honolulu, HI 96814

Mr. Chris Takeno  
Oahu Civil Defense Agency  
650 S King Street  
Honolulu, HI 96813

Mr. Mike Ardito (H-1-2)  
U.S. EPA Region 9  
75 Hawthorn Street  
San Francisco, CA 94105

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U.S. EPA Region 9  
75 Hawthorn Street  
San Francisco, CA 94105

Daniel Ayala, Chief  
Hawaii County Fire Department  
466 Kinoole Street  
Hilo, Hawaii 96720
MEMORANDUM

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

FROM: DEPT., DIVISION FAX: 586-4444

SUBJECT: REQUEST FOR SPECIAL FUNCTION PARKING

PURPOSE: Hawaii State Emergency Response Commission Meeting

No. of Permits Requested: 30 Preferred Parking Lot: F

Date(s) of Function: 11/19/92 Time: 0900 to 1200

Place of Function: State Office Towers Conference Room 1008
(address)

Participants Arriving From: *: Neighbor Islands & Downtown, Honolulu

Contact Person: Darlene Rodrigues Phone No. 586-4249

SUBMITTED BY: Steven Armann, Acting Manager

APPROVED FOR DIRECTOR:

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

PARKING CONTROL USE ONLY

DATE RECD: APPROVED BY: LOT AUTHORIZED:

No. of Validated Tickets:

AMU-PC-001
REV. 6/92

11/2: Per telecon W/Fay Nakamoto's pkg pass approval is 15 requested 30
XEROX FAXMASTER

BANNER SHEET

DATE: 10-23-1992
TIME: 1:37PM
TO: AL MAR
FROM: BARBARA LEONG
DOCUMENT NAME: C:XFN1315.FAX
NUMBER OF PAGES IN DOCUMENT: 1
(Not Including Banner Sheet.)
AUTHORIZATION FOR USE OF CONFERENCE ROOM

DATE: 10/23/92

TO: Kevin M. Estela, Sergeant at Arms

FROM: AL MAR, DOH/HEER OFFICE

ADDRESS: 5 WATERFRONT PLAZA, STE 250

PHONE: ____________  CONTACT PERSON: RHONDA GOYER

REQUESTING USE OF CONFERENCE ROOM:

Special requests:
1. **Air conditioning:** Yes / No
   **Special times:** 8AM to 12NOON
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, 8:30 am - 5:30 pm), Saturday, Sunday and holidays.

Approved: ____________________________  Resigned Room No.: ______________

Not Approved: ____________________________

Reason: ____________________________

Date: 10/23/92

Approved by ____________________________

NOTE: THE REQUESTOR IS RESPONSIBLE FOR CANCELLATION OR CHANGES.
PLEASE NOTIFY OUR OFFICE (PHONE: 586-6600  FAX: 586-6691) AS SOON AS
POSSIBLE TO MAKE THE NECESSARY CORRECTIONS.

cc: Requestor
   Protective Services Division
   Jimmy Hieara, Central Services
   July 1992
October 22, 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 MEETING #13

**HSERC MEETING NOTICE**

This is to invite you to attend the next meeting of the Hawaii State Emergency Response Commission (HSERC) to be held Thursday, November 19, 1992, 9:00 a.m. to 12:00 noon. The meeting will be held at the State Office Towers, Conference Room 1008, located at 235 S. Beretania.

The major purpose of this meeting is to finalize the Draft EPCRA Bill. Two subcommittees have been established to make recommendations regarding alternate fee structures and revisions to the Bill itself. Please read the Draft Bill carefully and be prepared to discuss and finalize the Draft EPCRA Bill.
HAWAII STATE EMERGENCY RESPONSE COMMISSION (HSERC)  
MEETING #13  

Thursday November 19, 1992  
9:00 a.m. - 12:00 noon  

State Office Towers  
Conference Room 1008  
235 S. Beretania  

AGENDA  

I. Call to Order  
   A. Opening Remarks  
   B. Discussion/Approval of Minutes from HSERC Meeting #12  

II. Update by Attorney Generals Office  

III. Draft Hawaii EPCRA Bill  
   A. Draft EPCRA Subcommittee  
   B. Fee Structure Subcommittee  
   C. Open discussion  

IV. Draft HSERC Guidelines  

V. Schedule Next HSERC Meeting #14
STATE OF HAWAII
DEPARTMENT OF HEALTH
P. O. BOX 3378
HONOLULU, HAWAI'I 96801

December 22, 1992

MEETING SUMMARY
HAWAII STATE EMERGENCY RESPONSE COMMISSION
MEETING #13

Thursday, November 19, 1992
9:00 a.m. - 12:00 noon

State Office Towers
Conference Room 1008
235 South Beretania Street

HSERC Commission Members and Representatives:
John C. Lewin, M.D., Chair, HSERC, DOH
Bruce S. Anderson, Ph.D., Vice Chair, HSERC, DOH
Don Gransback for Major General Edward Richardson, DOD
Gerald Kinro for Yukio Kitagawa, BOA
Russell Charlton for Keith Ahue, DLIR
Ying Fan Xu for William Paty, BLIR
Tom Smyth for Mufi Hannemann, DBEDT
Barbara Siegel, School of Public Health, UH
George Kekuna, Honolulu LEPC Representative
Clifford Ikeda, Kauai LEPC Representative
Sel Menor, Maui LEPC Representative

Other Attendees:
Steven Armann, DOH
Rhonda Goyke, DOH
James Vinton, PRI
Michael Choy, HECo
Robert Roberts, HSPA
Eugene Lee, DPW
Laurence Lau, AG Office
Kathy Ho, AG Office
I. Call to Order

The 13th meeting of the HSERC was called to order by Anderson at 9:05 a.m.

A. Opening Remarks

Anderson stated that the main objective of the meeting was to revise the draft HEPCRA Bill. The draft legislative package had been submitted to the Governor and it appears that the HEPCRA Bill will be part of the Administrative Package.

B. Discussion/Approval of Minutes from HSERC Meeting #12

The motion was passed to accept the minutes, as written.

II. Update by the Attorney General’s Office

Lau explained that the workload of the Attorney Generals Office had been reassigned by Sonia Faust. As such, he would no longer be assigned to work with the HSERC. However, Kathy Ho would be taking over those responsibilities. Ho joined the Attorney General’s Office on November 16, 1992.

III. Draft State EPCRA BILL

Anderson chaired a subcommittee composed of: George Kekuna, Chris Takeno, Sel Menor, Clifford Ikeda, Steve Armann, and Rhonda Goyke. The subcommittee presented a revised draft of the Hawaii EPCRA bill, incorporating four major recommendations for Commission consideration. The four recommendations were:

1) Follow 128D as closely as possible;
2) Shorten the Bill as much as possible, removing any areas that were not absolutely necessary;
3) Remove many of the details of the Bill, instead provide authority to adopt, amend, and repeal rules to implement HEPCRA, including a fee structure;
4) During subcommittee discussion it became apparent that any monies received by the counties, to hire LEPC staff, must be put into the general funds and therefore would not necessarily be used for LEPC activities or staff. Therefore, it was recommended that the four LEPC staff positions be State positions assigned to the various counties. This would allow the money generated by the fee structure to be spent only HEPCRA activities.
Other recommendations or comments by Commissioners include (see attachment 1 for the revised Bill):

1) All references to a "Safety Program" were deleted;
2) After some discussion Lewin stressed the importance of paid travel expenses and per diem for outer island HSREC members. Gransback also voiced the importance of the continued support of the HSREC by the outer island members and that if necessary the State Civil Defense Agency will help with travel expenses until the funding of the program is available. Anderson informed the outer island LEPC members that if travel funds were not readily available notify the DOH;
3) It is recommended that a comprehensive State Chemical Inventory Form be developed that would serve as both §§311 and 312 reporting;
4) Anderson asked Ho to investigate how hearing officers were to be assigned;
5) It was questioned if the HSREC or the Director should have the rule making authority. Lewin prefers that the authority lie with the HSREC. This would allow the HSREC to be located with another agency or to be split, if appropriate;
6) Discussion regarding the need to specify Kalalau as a separate LEPC or planning district resulted in the clarification that the DOH is the LEPC for Kalalau;
7) Ikeda pointed out that to specify that the Mayors are to designate LEPC members would contradict the Federal Law. Therefore, it was decided to change the language to the HSREC is to appoint based on Mayor recommendations;
8) Much discussion resulted from the recommendation that regulated facilities are to submit emergency response plans. It was decided to provide authority to the HSREC to require such plans via rulemaking;
9) It was decided that LEPCs will be considered "State" entities;
10) Menor inquired as to how HEPCRA would affect establishing laws at the county level. Anderson stated that HEPCRA wouldn't preclude counties from establishing counties laws.
11) Vinton stated that as a matter of public policy PRI disagrees with fees which would in fact be passed on to consumers as hidden costs. Anderson stated that the Governor would take that fact into consideration, however the program needs funding and any alternate plans would be considered;
12) Regarding § 12(a), Vinton and Roberts both had a problem with the term the phrase "or persons requested by". The concern was, what if
injury or death results from an unqualified person being at a facility upon the request of the HSERC or the LEPC, should that person not be liable? Anderson suggested that the language could be revised and that any suggestions would be considered;

13) Anderson stated that § -15 appeared to be redundant with § -13, therefore delete § -15;

14) After considerable discussion it was agreed that § -16 is unnecessary because Superfund takes care of criminal penalties when warranted. Charlton further clarified that if a facility doesn't have an OSHA plan and someone is killed, HIOSH would cover that situation; and

15) Lewin informed the Commission that a "cap" was probably necessary on the fee structure. Fee generated over $300,000 would not be approved by the legislature. The commission agreed that a cap of $250,000-300,000 was a good idea. Anderson suggested that the fee structure subcommittee include "not to exceed" language when they review and recommend changes to the bill.

The motion was made and passed to proceed with the draft legislation. Lewin stated that the bill must be finalized and approved by the Commission.

IV. HSERC "Guidelines"
Revisions on the HSERC Guidelines will be postponed until the Hawaii EPCRA Bill has been finalized.

V. Schedule Next HSERC Meeting (#14)
The next meeting of the HSERC was scheduled for December 11, 1992. Agenda items will include finalizing the HEPCRA Bill and fee proposals from the subcommittee.

The motion was made to adjourn the meeting at 11:20 a.m. The motion was passed.

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

Respectfully submitted,

Rhonda K. Wright 12/22/92
RHONDA K. GOYKE date
November 25, 1992

DRAFT MEETING SUMMARY
HAWAII STATE EMERGENCY RESPONSE COMMISSION
MEETING #13

Thursday, November 19, 1992
9:00 a.m. - 12:00 noon

State Office Towers
Conference Room 1008
235 South Beretania Street

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Barbara Siegel, School of Public Health, UH
George Kekuna, Honolulu LEPC Representative
Clifford Ikeda, Kauai LEPC Representative
Sel Menor, Maui LEPC Representative

Other Attendees:
Steven Arman, DOH
Rhonda Goyke, DOH
James Vinton, PRI
Michael Choy, HECO
Robert Roberts, HSPA
Eugene Lee, DPW
Laurence Lau, AG Office
Kathy Ho, AG Office
I. Call to Order

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B. Discussion/Approval of Minutes from HSERC Meeting #12

The motion was passed to accept the minutes, as written.

II. Update by the Attorney General's Office

Lau explained that the workload of the Attorney General's Office had been reassigned by Sonia Faust. As such, he would no longer be assigned to work with the HSERC. However, Kathy Ho would be taking over those responsibilities. Ho joined the Attorney General's Office on November 16, 1992.

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1) Follow 128D as closely as possible;
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3) Remove many of the details of the Bill, instead provide authority to adopt, amend, and repeal rules to implement HEPCRA, including a fee structure;
4) During subcommittee discussion it became apparent that any monies received by the counties, to hire LEPC staff, must be put into the general funds and therefore would not necessarily be used for LEPC activities or staff. Therefore, it was recommended that the four LEPC staff positions be State positions assigned to the various counties. This would allow the money generated by the fee structure to be spent only HEPCRA activities.
Other recommendations or comments by Commissioners include (see attachment 1 for the revised Bill):

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3) It is recommended that a comprehensive State Chemical Inventory Form be developed that would serve as both §§311 and 312 reporting;
4) Anderson asked Ho to investigate how hearing officers were to be assigned;
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6) Discussion regarding the need to specify Kalalau as a separate LEPC or planning district resulted in the clarification that the DOH is the LEPC for Kalalau;
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Respectfully submitted,

__________________________  
RHONDA K. GOYKE  date
November 25, 1992

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I. Call to Order

The 13th meeting of the HSERC was called to order by Anderson at 9:05 a.m.

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B. Discussion/Approval of Minutes from HSERC Meeting #12

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10) Menor inquired as to how HEPCRA would affect establishing laws at the county level. Anderson stated that HEPCRA wouldn't preclude counties from establishing counties laws.
11) Vinton stated that as a matter of public policy PRI disagrees with fees which would in fact be passed on to consumers as hidden costs. Anderson stated that the Governor would take that fact into consideration, however the program needs funding and any alternate plans would be considered;
12) Regarding § 12(a), Vinton and Roberts both had a problem with the term the phrase "or persons requested by". The concern was, what if
injury or death results from an unqualified person being at a facility upon
the request of the HSERC or the LEPC, should that person not be liable?
Anderson suggested that the language could be revised and that any
suggestions would be considered;
13) Anderson stated that § -15 appeared to be redundant with § -13,
therefore delete § -15;
14) After considerable discussion it was agreed that § -16 is unnecessary
because Superfund takes care of criminal penalties when warranted.
Charlton further clarified that is a facility doesn't have an OSHA plan and
someone is killed, DIOSH would cover that situation; and
15) Lewin informed the Commission that a "cap" was probably necessary on
the fee structure. Fee generated over $300,000 would not be approved
by the legislature. The commission agreed that a cap of $250,000-
300,000 was a good idea. Anderson suggested that the fee structure
subcommittee include "not to exceed" language when they review and
recommend changes to the bill.

The motion was made and passed to proceed with the draft legislation. Lewin stated
that the bill must be finalized and approved by the Commission.

IV. HSERC "Guidelines"
Revisions on the HSERC Guidelines will be postponed until the Hawaii EPCRA Bill
has been finalized.

V. Schedule Next HSERC Meeting (#14)
The next meeting of the HSERC was scheduled for December 11, 1992. Agenda
items will include finalizing the HEPCRA Bill and fee proposals from the
subcommittee.

The motion was made to adjourn the meeting at 11:20 a.m. The motion was passed.

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

Respectfully submitted,

RHONDA K. GOYKE

date
October 22, 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 MEETING #13

HSERC MEETING NOTICE

This is to invite you to attend the next meeting of the Hawaii State Emergency Response Commission (HSERC) to be held Thursday, November 19, 1992, 9:00 a.m. to 12:00 noon. The meeting will be held at the State Office Towers, Conference Room 1008, located at 235 S. Beretania.

The major purpose of this meeting is to finalize the Draft EPCRA Bill. Two subcommittees have been established to make recommendations regarding alternate fee structures and revisions to the Bill itself. Please read the Draft Bill carefully and be prepared to discuss, make recommendations, and finalize the Draft EPCRA Bill.
October 20, 1992

DRAFT MEETING SUMMARY
HAWAII STATE EMERGENCY RESPONSE COMMISSION
MEETING #12

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

State Office Towers
Conference Room 1008
235 South Beretania Street

HSERC Commission Members and Representatives:
John C. Lewin, M.D., Chairman, HSERC, DOH
Bruce S. Anderson, Ph.D., Vice Chairman, HSERC, DOH
Gerald Kinro for Yukio Kitagawa, BOA
Roy Price for Major Edward Richardson, DOD
Elma Agbanglo for Keith Ahue, DLIR
Stanley Young for William Paty, BLIR
James Bac for Mufi Hannemann, DBEDT
Barbara Siegel, School of Public Health, UH
Chris Takeno for George Kekuna, Honolulu LEPC Representative
Clifford Ikeda, Kauai LEPC Representative
Sel Menor, Maui LEPC Representative

Other Attendees:
Steven Armann, DOH
Rhonda Goyke, DOH
Carter Davis, Honolulu FD
James Vinton, PRI
I. Call to Order

The 12th meeting of the HSERC was called to order by Lewin at 9:10 a.m.

A. Opening Remarks

Lewin stated that it had been brought to his attention that there is an ongoing debate among certain HSERC members regarding the appropriateness of DOH as the lead agency for the EPCRA program. Lewin made it clear that the HSERC could easily be housed in the DOD. There continues to be a lack of dedicated personnel for the EPCRA program and this would continue to be the case in either agency (DOH or DOD). The current HSERC staff is funded out of the Superfund program, therefore, if the HSERC responsibility is transferred to the DOD, the DOH would be unable to transfer staff. In 1986-1987 when EPCRA was first initiated in Hawaii, the DOD was unable to accept the burden of the program. At this time we need to look towards the future as we draft the state EPCRA Bill. We need to decide where the EPCRA program should be housed and go forward with the program.

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

Takeno stated that page five, the last paragraph should be corrected to read "Takeno informed the HSERC that private citizens could file suit against the LEPCs for not complying with EPCRA".

The motion was passed to accept the minutes with the change as described (Attachment 1).

II. Update by the Attorney General’s Office
Larry Lau was unable to attend meeting #12. However, Lewin feels that one of the major areas that need clarifying is what constitutes a quorum of the HSERC.

III. Draft State EPCRA BILL

A. Conflicts between Draft EPCRA Bill and Draft HSERC Guidelines

Steve Armann presented an overview of the major conflicts between the Draft Bill and the Draft Guidelines (Attachment 2). By item, the HSERC came to consensus as to how the two documents should read.

#1 Use the wording in the Draft Bill, it should be clearly stated as to who shall be members, thus avoiding any future confusion. In addition, to establish some consistency in the HSERC the Commission members need to officially designate a representative that will be able to attend the HSERC meetings in their absence and who will be given voting privileges. Other representatives are welcome to the meetings but will not have voting privileges. This is necessary for determination quorum status.

#2 Use the wording in the Draft Bill until such time as dedicated staff can be arranged that is not attached to an existing agency.

#3 Change to seven HSERC members plus the Chairperson shall constitute a quorum.

#4 Use the wording of the Draft Bill until such time as dedicated staff can be arranged that is not attached to an existing agency.

#5 The duties as outlined in the Draft Bill are more detailed than the duties described in the Draft Guidelines, ideally the Guidelines will be as or more descriptive than the Bill.

#6 Use the language in the Draft Bill. Spell it out in the Bill to clarify and to avoid future confusion. Use existing infrastructure.

#7 Use the wording in the Draft Bill.

#8-#10 Delete from the Guidelines, unnecessary.
Lewin changes need to be finalized by the end of November because this is an Administrative Bill supported by the Governor.

Kinro stated that to establish fees the HSERC will need authority to promulgate rules.

Armann stated that the Bill was written in enough detail that rules may not be needed. Armann suggested establishing a subcommittee to work out the details of the Bill.

The subcommittee will be comprised of the following people: [Bruce Anderson to be the subcommittee Chair, Roy Price, Chris Takeno, Harry Kim, Sel Menor, and Rhonda Goyke.]

The motion was made and passed to establish the EPCRA Bill subcommittee.

Lewin suggested that the subcommittee also work out any additional details that may need to be worked out with the Guidelines.

B. EPCRA Fee Structure

Goyke presented an overview of alternate fee structures based on a quantity bases (Attachment 3). The quantities of EHS chemicals, hazardous chemicals, and petroleum products that are currently being reported were outlined. Examples of Vermont and Maine were presented. Neither scenario would provide the $245,000 minimum funding that would be required to provide staff to the HSERC, staff to each LEPC, and funding for the training program.

Anderson stated that additional facilities need to be identified that would be assessed a fee as well. Assess small fees to more facilities.

Price stated that the overall fee situation needs to be
addressed and analyzed. We need to take into account all the different fees that are already being assessed on these facilities.

Anderson queried regarding the availability of Federal funds.

Price answered that the only Federal funds that are currently available are the HMTUSA Grant which is a reimbursable grant which does not afford much assistance and up to $40,000 in training monies which may be available from FEMA.

Anderson queried as to the possibility of funding this program through DOH monies.

Price stated that the DOT monies would not be a stable funding source.

Lewin asked for a motion regarding proceeding with the funding problem.

Price made the motion that a subcommittee be formed to review in depth alternate fee structures that could provide the necessary funding for state and local EPCRA programs.

The subcommittee would be comprised of: Roy Price, Chairperson; Bruce Anderson; Clifford Ikeda; Sei Menor; Harry Kim; Chris Takeno; and Rhonda Goyke.

The motion was passed.

IV. HSERC “Guidelines”

Discussion of the Guidelines was included with the Draft EPCRA discussion.

V. Schedule Next HSERC Meeting (#13)
Lewin stated that due to the legislative schedule the HSERC needed to finalize the Draft EPCRA Bill by the end of November. Therefore, the HSERC needs a report by the subcommittees in approximately a month. Tentative dates for the next HSERC meeting were scheduled for November 19 or 20, 1992.

The motion was made to adjourn the meeting at 10:30 a.m. The motion was passed.

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

Respectfully submitted,

__________________________________________
RHOND A K. GOYKE  date
October 20, 1992

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Tuesday, October 20, 1992
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Clifford Ikeda, Kauai LEPC Representative
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Other Attendees:
Steven Armann, DOH
Rhonda Goyke, DOH
Carter Davis, Honolulu FD
James Vinton, PRI
Bruce Schlieman, HECo
Ralph Yoshizumi, Hawaii County FD
Robert Roberts, HSPA

I. Call to Order

The 12th meeting of the HSERC was called to order by Lewin at 9:10 a.m.

A. Opening Remarks

Lewin stated that it had been brought to his attention that there is an ongoing debate among certain HSERC members regarding the appropriateness of DOH as the lead agency for the EPCRA program. Lewin indicated that the HSERC could easily be housed in the DOD. There continues to be a lack of dedicated personnel for the EPCRA program and this would continue to be the case in either agency (DOH or DOD). The current HSERC staff is funded out of the Superfund program, therefore, if the HSERC responsibility is transferred to the DOD, the DOH would be unable to transfer staff. In 1986-1987 when EPCRA was first initiated in Hawaii, the DOD was unable to accept the burden of the program. At this time we need to look towards the future as we draft the state EPCRA Bill. We need to decide were the EPCRA program should be housed and go forward with the program. Lewin opposes the election of the HSERC Chair as long as DOH staff supports the Commission. For an election process to be effective, staff would need to be established and dedicated to the EPCRA program.

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

Takeno stated that page five, the last paragraph should be corrected to read “Takeno informed the HSERC that private citizens could file suit against the LEPCs for not complying with EPCRA”.

The motion was passed to accept the minutes with the change
as described (Attachment 1).

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#2 Use the wording in the Draft Bill until such time as dedicated HSERC staff can be assigned.

#3 Seven HSERC members plus the Chairperson shall constitute a quorum.

#4 Included with item #2.

#5 The duties as outlined in the Draft Bill are more detailed than the duties described in the Draft Guidelines, ideally the Guidelines will be as or more descriptive than the Bill. No changes are necessary.

#6 Use the language in the Draft Bill. Spell it out in the Bill to clarify and to avoid future confusion. Use existing infrastructure.

#7 Use the wording in the Draft Bill.
#8-#10 Delete from the Guidelines, unnecessary.

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The subcommittee will be comprised of the following people: Anderson to be the subcommittee Chair, Price, Takeno, Kim, Menor, and Goyke.

The motion was made and passed to establish the EPCRA Bill subcommittee.

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The subcommittee would be comprised of: Price, Chairperson; Anderson;; Sel Menor; Kim; Takeno; and Goyke.

The motion was passed.

IV. H ERC "Guidelines"

Discussion of the Guidelines was included with the Draft EPCRA discussion.

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The motion was made to adjourn the meeting at 10:30 a.m. The motion was passed.

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

Respectfully submitted,

RHONDA K. GOYKE    date
MAJOR CONFLICTS BETWEEN
DRAFT EPCRA BILL AND DRAFT HSERC GUIDELINES

DRAFT EPCRA BILL

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

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

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

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

DRAFT HSERC GUIDELINES

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

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

3. Page 4.A. A quorum shall consist of the majority of the members or their voting designees. A quorum is necessary for the conduct of any official business...

4. Page 5.A. The HSERC coordinator is a chief staff person provided by the Hawaii Department of Health as staff to the HSERC.
5. § 2(g) The HSERC shall: please see page 12-14, #1 - (13).

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.


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 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.
PROJECTED NEEDS FOR HSERC AND LEPC EPCRA IMPLEMENTATION

Staff to the HSERC (estimated needs)
1 Environmental Health Specialists
  1 Clerk/Typist
  Total estimated annual needs $150,000

Staff for the LEPCs (estimated needs by Harry Kim)
Hawaii
1 Planner
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
**TABLE I REPORTING RANGES**

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**Please note that these reporting ranges were revised in June 1990. The range value of "00" was eliminated.**
EMERGENCY PLANING & COMMUNITY RIGHT-TO-KNOW §312
QUANTITIES REPORTED TO DATE

EXTREMELY HAZARDOUS SUBSTANCES

MAXIMUM DAILY AMOUNT
Number of Chemicals Reported Per Category

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AVERAGE DAILY AMOUNT
Number of Chemicals Reported Per Category

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HAZARDOUS SUBSTANCES

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EMERGENCY PLANNING & COMMUNITY RIGHT-TO-KNOW §312
QUANTITIES REPORTED TO DATE

PETROLEUM PRODUCTS

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<td>14</td>
</tr>
<tr>
<td>100-999</td>
<td>10</td>
<td>0</td>
<td>0</td>
<td>20</td>
<td>30</td>
</tr>
<tr>
<td>1,000-9,999</td>
<td>54</td>
<td>19</td>
<td>15</td>
<td>314</td>
<td>402</td>
</tr>
<tr>
<td>10,000-99,000</td>
<td>23</td>
<td>18</td>
<td>5</td>
<td>46</td>
<td>92</td>
</tr>
<tr>
<td>100,000-999,999</td>
<td>10</td>
<td>18</td>
<td>5</td>
<td>22</td>
<td>55</td>
</tr>
<tr>
<td>&gt;1,000,000</td>
<td>2</td>
<td>5</td>
<td>1</td>
<td>27</td>
<td>35</td>
</tr>
</tbody>
</table>

AVERAGE DAILY AMOUNT
Number of Chemicals Reported Per Category

<table>
<thead>
<tr>
<th>POUNDS</th>
<th>HAWAII</th>
<th>MAUI</th>
<th>KAUAI</th>
<th>OAHU</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>&lt;99</td>
<td>22</td>
<td>1</td>
<td>0</td>
<td>3</td>
<td>26</td>
</tr>
<tr>
<td>100-999</td>
<td>14</td>
<td>3</td>
<td>0</td>
<td>38</td>
<td>55</td>
</tr>
<tr>
<td>1,000-9,999</td>
<td>40</td>
<td>20</td>
<td>15</td>
<td>306</td>
<td>381</td>
</tr>
<tr>
<td>10,000-99,999</td>
<td>21</td>
<td>16</td>
<td>5</td>
<td>46</td>
<td>88</td>
</tr>
<tr>
<td>100,000-999,999</td>
<td>10</td>
<td>16</td>
<td>5</td>
<td>16</td>
<td>47</td>
</tr>
<tr>
<td>&gt;1,000,000</td>
<td>2</td>
<td>5</td>
<td>1</td>
<td>20</td>
<td>28</td>
</tr>
</tbody>
</table>
### STATE OF VERMONT REPORTING FEES

<table>
<thead>
<tr>
<th>Quantity Reported* (Pounds)</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>100 - 999</td>
<td>$ 5</td>
</tr>
<tr>
<td>1,000 - 9,999</td>
<td>$ 20</td>
</tr>
<tr>
<td>10,000 - 99,999</td>
<td>$ 50</td>
</tr>
<tr>
<td>100,000 - 999,999</td>
<td>$100</td>
</tr>
<tr>
<td>Greater than 999,999</td>
<td>$200</td>
</tr>
</tbody>
</table>

Any Extremely Hazardous Substance $50 additional for each reportable quantity

*"Quantity Reported" is the "Maximum Daily Amount" of the Inventory section of the reporting form.*
# STATE OF MAINE

## SCHEDULE OF INVENTORY FEES

### EXTREMELY HAZARDOUS SUBSTANCE FEES

<table>
<thead>
<tr>
<th>Total average daily amounts of:</th>
<th>fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>less than 99 lbs</td>
<td>$20</td>
</tr>
<tr>
<td>100 - 999 lbs</td>
<td>$50</td>
</tr>
<tr>
<td>1,000 - 9,999 lbs</td>
<td>$70</td>
</tr>
<tr>
<td>10,000 - 99,999 lbs</td>
<td>$100</td>
</tr>
<tr>
<td>100,000 - 999,999 lbs</td>
<td>$150</td>
</tr>
<tr>
<td>greater than 1,000,000 lbs</td>
<td>$200</td>
</tr>
</tbody>
</table>

### HAZARDOUS CHEMICAL FEES

<table>
<thead>
<tr>
<th>Total average daily amounts of:</th>
<th>fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>less than 10,000 lbs</td>
<td>$0</td>
</tr>
<tr>
<td>10,000 - 99,999 lbs</td>
<td>$50</td>
</tr>
<tr>
<td>100,000 - 999,999 lbs</td>
<td>$75</td>
</tr>
<tr>
<td>greater than 1,000,000 lbs</td>
<td>$100</td>
</tr>
</tbody>
</table>

### PETROLEUM PRODUCTS FEES

<table>
<thead>
<tr>
<th>Total average daily amounts of:</th>
<th>fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 - 75,000 lbs</td>
<td>$0</td>
</tr>
<tr>
<td>75,001 - 99,999 lbs</td>
<td>$50</td>
</tr>
<tr>
<td>100,000 - 999,999 lbs</td>
<td>$75</td>
</tr>
<tr>
<td>greater than 1,000,000 lbs</td>
<td>$100</td>
</tr>
</tbody>
</table>
EXAMPLE #1

STATE OF VERMONT

SCHEDULE OF INVENTORY FEES

EXTREMELY HAZARDOUS SUBSTANCES

<table>
<thead>
<tr>
<th>Total maximum daily amount</th>
<th># reported</th>
<th>EHS fee $50 ea.</th>
<th>quantity fee = quantity revenue</th>
<th>total fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>less than 99 lbs</td>
<td>154</td>
<td>$7,700</td>
<td>$0 = $0</td>
<td>$7,700</td>
</tr>
<tr>
<td>100-999 lbs</td>
<td>131</td>
<td>$6,500</td>
<td>$5 = $655</td>
<td>$7,155</td>
</tr>
<tr>
<td>1,000-9,999 lbs</td>
<td>78</td>
<td>$3,900</td>
<td>$20 = $1,560</td>
<td>$5,460</td>
</tr>
<tr>
<td>10,000-99,999 lbs</td>
<td>10</td>
<td>$500</td>
<td>$50 = $500</td>
<td>$1,000</td>
</tr>
<tr>
<td>100,000-999,999 lbs</td>
<td>4</td>
<td>$200</td>
<td>$100 = $400</td>
<td>$600</td>
</tr>
<tr>
<td>greater than 1,000,000 lbs</td>
<td>0</td>
<td>$0</td>
<td>$200 = $0</td>
<td>$0</td>
</tr>
</tbody>
</table>

TOTAL $21,915

HAZARDOUS SUBSTANCES

<table>
<thead>
<tr>
<th>Total maximum daily amount</th>
<th># reported</th>
<th>quantity fee</th>
<th>revenues</th>
</tr>
</thead>
<tbody>
<tr>
<td>less than 99 lbs</td>
<td>126</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>100-999 lbs</td>
<td>120</td>
<td>$5</td>
<td>$600</td>
</tr>
<tr>
<td>1,000-9,999 lbs</td>
<td>598</td>
<td>$20</td>
<td>$11,960</td>
</tr>
<tr>
<td>10,000-99,999 lbs</td>
<td>202</td>
<td>$50</td>
<td>$10,100</td>
</tr>
<tr>
<td>100,000-999,999 lbs</td>
<td>68</td>
<td>$100</td>
<td>$6,800</td>
</tr>
<tr>
<td>greater than 1,000,000 lbs</td>
<td>38</td>
<td>$200</td>
<td>$7,600</td>
</tr>
</tbody>
</table>

TOTAL $37,060

TOTAL REVENUES $58,975
EXAMPLE #2

STATE OF MAINE

SCHEDULE OF INVENTORY FEES

EXTREMELY HAZARDOUS SUBSTANCE FEE

<table>
<thead>
<tr>
<th>Total average daily amounts</th>
<th>fee $</th>
<th># reported</th>
<th>revenues $</th>
</tr>
</thead>
<tbody>
<tr>
<td>less than 99 lbs</td>
<td>20</td>
<td>197</td>
<td>3,940</td>
</tr>
<tr>
<td>100-999 lbs</td>
<td>50</td>
<td>117</td>
<td>5,850</td>
</tr>
<tr>
<td>1,000-9,999 lbs</td>
<td>70</td>
<td>52</td>
<td>3,640</td>
</tr>
<tr>
<td>10,000-99,000 lbs</td>
<td>100</td>
<td>9</td>
<td>900</td>
</tr>
<tr>
<td>100,000-999,999 lbs</td>
<td>150</td>
<td>1</td>
<td>150</td>
</tr>
<tr>
<td>greater than 1,000 lbs</td>
<td>200</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

TOTAL $14,480

HAZARDOUS SUBSTANCE FEE

<table>
<thead>
<tr>
<th>Total average daily amounts</th>
<th>fee $</th>
<th># reported</th>
<th>revenues $</th>
</tr>
</thead>
<tbody>
<tr>
<td>less than 10,000 lbs</td>
<td>0</td>
<td>467</td>
<td>0</td>
</tr>
<tr>
<td>10,000-99,999 lbs</td>
<td>50</td>
<td>44</td>
<td>2,200</td>
</tr>
<tr>
<td>100,000-999,999 lbs</td>
<td>75</td>
<td>10</td>
<td>750</td>
</tr>
<tr>
<td>greater than 1,000,000 lbs</td>
<td>100</td>
<td>1</td>
<td>100</td>
</tr>
</tbody>
</table>

TOTAL $3,050

PETROLEUM PRODUCTS FEES

<table>
<thead>
<tr>
<th>Total average daily amounts</th>
<th>fees $</th>
<th># reported</th>
<th>revenues $</th>
</tr>
</thead>
<tbody>
<tr>
<td>less than 10,000 lbs</td>
<td>0</td>
<td>462</td>
<td>0</td>
</tr>
<tr>
<td>10,000-99,999 lbs</td>
<td>50</td>
<td>88</td>
<td>4,400</td>
</tr>
<tr>
<td>100,000-999,999 lbs</td>
<td>75</td>
<td>47</td>
<td>3,525</td>
</tr>
<tr>
<td>greater than 1,000,000 lbs</td>
<td>100</td>
<td>28</td>
<td>2,800</td>
</tr>
</tbody>
</table>

TOTAL $10,725

TOTAL REVENUES $28,255
PROJECTED REVENUES
UTILIZING THE FEE SCHEDULES OF VERMONT AND MAINE

§312 REPORTING FEE

$50 per facility (processing charge) X 504 facilities = $25,200

INVENTORY FEES

EXAMPLE 1 - VERMONT = $58,975
EXAMPLE 2 - MAINE = $28,255

§313 REPORTING FEE

$1,000 per Form R X 28 facilities = $28,000

TOTAL REVENUES PROJECTED

EXAMPLE 1 = $112,175
EXAMPLE 2 = $81,455
STATE OF MAINE

TOXIC RELEASE FEES

<table>
<thead>
<tr>
<th>Total Release of:</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 lbs.</td>
<td>$ 0</td>
</tr>
<tr>
<td>1 - 499 lbs.</td>
<td>$ 20</td>
</tr>
<tr>
<td>500 - 999 lbs.</td>
<td>$ 50</td>
</tr>
<tr>
<td>1,000 - 9,999 lbs.</td>
<td>$ 70</td>
</tr>
<tr>
<td>10,000 - 99,999 lbs.</td>
<td>$100</td>
</tr>
<tr>
<td>100,000 - 999,999 lbs.</td>
<td>$150</td>
</tr>
<tr>
<td>greater than 1,000,000 lbs.</td>
<td>$200</td>
</tr>
</tbody>
</table>
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
<table>
<thead>
<tr>
<th>Kauai County</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>$250 X 90 Tier II's</td>
<td>$22,500</td>
</tr>
<tr>
<td>$25 X approx. 150 chemicals</td>
<td>$3,750</td>
</tr>
<tr>
<td>$1,000 X 4 Form R's</td>
<td>$4,000</td>
</tr>
<tr>
<td>TOTAL Kauai generated revenues</td>
<td>$30,250</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Maui County</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>$250 X 33 Tier II's</td>
<td>$8,250</td>
</tr>
<tr>
<td>$25 X 200 chemicals</td>
<td>$5,000</td>
</tr>
<tr>
<td>$1,000 X 5 Form R's</td>
<td>$5,000</td>
</tr>
<tr>
<td>TOTAL Maui generated revenues</td>
<td>$18,250</td>
</tr>
</tbody>
</table>
# EMERGENCY PLANNING & COMMUNITY RIGHT-TO-KNOW §312
## QUANTITIES REPORTED TO DATE

## EXTREMELY HAZARDOUS SUBSTANCES

### MAXIMUM DAILY AMOUNT
Number of Chemicals Reported Per Category

<table>
<thead>
<tr>
<th>POUNDS</th>
<th>HAWAII</th>
<th>MAUI</th>
<th>KAUAI</th>
<th>OAHU</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>&lt; 99</td>
<td>21</td>
<td>47</td>
<td>14</td>
<td></td>
<td>62</td>
</tr>
<tr>
<td>100-999</td>
<td>12</td>
<td>73</td>
<td>11</td>
<td></td>
<td>96</td>
</tr>
<tr>
<td>1,000-9,999</td>
<td>8</td>
<td>31</td>
<td>10</td>
<td></td>
<td>59</td>
</tr>
<tr>
<td>10,000-99,000</td>
<td>0</td>
<td>4</td>
<td>0</td>
<td></td>
<td>4</td>
</tr>
<tr>
<td>100,000-999,999</td>
<td>0</td>
<td>3</td>
<td>1</td>
<td></td>
<td>4</td>
</tr>
<tr>
<td>&gt;1,000,000</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td></td>
<td>0</td>
</tr>
</tbody>
</table>

### AVERAGE DAILY AMOUNT
Number of Chemicals Reported Per Category

<table>
<thead>
<tr>
<th>POUNDS</th>
<th>HAWAII</th>
<th>MAUI</th>
<th>KAUAI</th>
<th>OAHU</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>&lt; 99</td>
<td>30</td>
<td>67</td>
<td>19</td>
<td></td>
<td>116</td>
</tr>
<tr>
<td>100-999</td>
<td>8</td>
<td>61</td>
<td>9</td>
<td></td>
<td>76</td>
</tr>
<tr>
<td>1,000-9,999</td>
<td>3</td>
<td>25</td>
<td>8</td>
<td></td>
<td>46</td>
</tr>
<tr>
<td>10,000-99,000</td>
<td>0</td>
<td>4</td>
<td>0</td>
<td></td>
<td>4</td>
</tr>
<tr>
<td>100,000-999,999</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>&gt;1,000,000</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td></td>
<td>0</td>
</tr>
</tbody>
</table>
# Vermont Example

<table>
<thead>
<tr>
<th>Pounds</th>
<th>Reported</th>
<th>EHS Fee (Rev)</th>
<th>EHS FEE</th>
<th>Revenue Fee Revenue</th>
<th>Total Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>≤ 99</td>
<td>154</td>
<td></td>
<td>$7000</td>
<td>1150</td>
<td>$7700</td>
</tr>
<tr>
<td>100-999</td>
<td>131</td>
<td></td>
<td>6500</td>
<td>(9825) $5 = 655</td>
<td>7135</td>
</tr>
<tr>
<td>1,000-9,999</td>
<td>78</td>
<td></td>
<td>3900</td>
<td>(5250) $20 = 15000</td>
<td>5460</td>
</tr>
<tr>
<td>10,000-99,999</td>
<td>10</td>
<td></td>
<td>500</td>
<td>(750) $500 &gt; 500</td>
<td>1000</td>
</tr>
<tr>
<td>100,000-999,999</td>
<td>4</td>
<td></td>
<td>200</td>
<td>(300) $100 = 400</td>
<td>600</td>
</tr>
<tr>
<td>&gt; 1,000,000</td>
<td>0</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Total**: $21,915

---

## HAZ Sub + Petroleum

<table>
<thead>
<tr>
<th>Pounds</th>
<th>Reported</th>
<th>Revenue Fee Revenue</th>
<th>Total Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>≤ 99</td>
<td>114</td>
<td>124</td>
<td></td>
</tr>
<tr>
<td>100-999</td>
<td>90</td>
<td>120</td>
<td></td>
</tr>
<tr>
<td>1,000-9,999</td>
<td>196</td>
<td>598</td>
<td></td>
</tr>
<tr>
<td>10,000-99,999</td>
<td>110</td>
<td>202</td>
<td></td>
</tr>
<tr>
<td>100,000-999,999</td>
<td>13</td>
<td>68</td>
<td></td>
</tr>
<tr>
<td>&gt; 1,000,000</td>
<td>3</td>
<td>38</td>
<td></td>
</tr>
</tbody>
</table>

**Total Combined**: $58,975

Need $175,000
### HAZARDOUS SUBSTANCES

#### MAXIMUM DAILY AMOUNT
Number of Chemicals Reported Per Category

<table>
<thead>
<tr>
<th>POUNDS</th>
<th>HAWAII</th>
<th>MAUI</th>
<th>KAUAI</th>
<th>OAHU</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>&lt; 99</td>
<td>17</td>
<td></td>
<td>35</td>
<td></td>
<td>187</td>
</tr>
<tr>
<td>100-999</td>
<td>6</td>
<td></td>
<td></td>
<td></td>
<td>15</td>
</tr>
<tr>
<td>1,000-9,999</td>
<td>33</td>
<td>18</td>
<td>19</td>
<td></td>
<td>167</td>
</tr>
<tr>
<td>10,000-99,000</td>
<td>16</td>
<td></td>
<td></td>
<td></td>
<td>100</td>
</tr>
<tr>
<td>100,000-999,999</td>
<td>2</td>
<td>3</td>
<td></td>
<td></td>
<td>8</td>
</tr>
<tr>
<td>&gt;1,000,000</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td>1</td>
</tr>
</tbody>
</table>

#### AVERAGE DAILY AMOUNT
Number of Chemicals Reported Per Category

<table>
<thead>
<tr>
<th>POUNDS</th>
<th>HAWAII</th>
<th>MAUI</th>
<th>KAUAI</th>
<th>OAHU</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>&lt; 99</td>
<td>27</td>
<td>14</td>
<td>9</td>
<td></td>
<td>50</td>
</tr>
<tr>
<td>100-999</td>
<td>11</td>
<td>6</td>
<td></td>
<td></td>
<td>17</td>
</tr>
<tr>
<td>1,000-9,999</td>
<td>22</td>
<td>5</td>
<td></td>
<td></td>
<td>28</td>
</tr>
<tr>
<td>10,000-99,000</td>
<td>13</td>
<td></td>
<td></td>
<td></td>
<td>13</td>
</tr>
<tr>
<td>100,000-999,999</td>
<td>1</td>
<td>2</td>
<td></td>
<td></td>
<td>3</td>
</tr>
<tr>
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Projected Revenues

§ 312 Reporting Fee
$150 per facility x 504 facilities = $75,200

Example 1
(Vermont)

max daily amount

L99
100-99
154
131
→ change 100-999
to <999

EHS
reported $150 change
7,700

HHZ Sub

Total revenues
$58,975

Total revenue
$28,405

Example 2

Maine

$1,000 per form x 28 forms = $28,000

Vermont total $112,175
Maine total $81,605

Total $193,780
# PETROLEUM PRODUCTS

## MAXIMUM DAILY AMOUNT
Number of Chemicals Reported Per Category

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<tr>
<th>POUNDS</th>
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## AVERAGE DAILY AMOUNT
Number of Chemicals Reported Per Category

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</table>
$500\textsuperscript{th} reporting fee per facility

\rightarrow \text{revenues for example \#1}

\rightarrow \text{revenues for example \#2}

\rightarrow \text{revenues for \#3 TRI staff}
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
Automotive Management Division
Parking Control Branch

Date 10/25/92

MEMORANDUM

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

DEPT., DIVISION  FAX: 586-4444

SUBJECT: REQUEST FOR SPECIAL FUNCTION PARKING

PURPOSE: Hawaii State Emergency Response Commission Meeting

No. of Permits Requested: 6  Preferred Parking Lot: F

Date(s) of Function: 11/19/92  Time: 0900 to 1200

Place of Function: State Office Towers Conference Room 1008

Participants Arriving From: Neighbor Islands & Downtown, Honolulu

Contact Person: Darlene Rodrigues  Phone No. 586-4249

SUBMITTED BY: Steven Armann, Acting Manager

APPROVED FOR DIRECTOR:

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

PARKING CONTROL USE ONLY
DATE RECD: OCT 30 1992  APPROVED BY:

METERS

PARK IN
BAGGED METER
STALL
December 22, 1992

MEETING SUMMARY
HAWAII STATE EMERGENCY RESPONSE COMMISSION
MEETING #13

Thursday, November 19, 1992
9:00 a.m. - 12:00 noon

State Office Towers
Conference Room 1008
235 South Beretania Street

HSERC Commission Members and Representatives:
John C. Lewin, M.D., Chair, HSERC, DOH
Bruce S. Anderson, Ph.D., Vice Chair, HSERC, DOH
Don Gransback for Major General Edward Richardson, DOD
Gerald Kinro for Yukio Kitagawa, BOA
Russell Charlton for Keith Ahue, DLIR
Ying Fan Xu for William Paty, BLIR
Tom Smyth for Mufi Hannemann, DBEDT
Barbara Siegel, School of Public Health, UH
George Kekuna, Honolulu LEPC Representative
Clifford Ikeda, Kauai LEPC Representative
Sel Menor, Maui LEPC Representative

Other Attendees:
Steven Armann, DOH
Rhonda Goyke, DOH
James Vinton, PRI
Michael Choy, HECo
Robert Roberts, HSPA
Eugene Lee, DPW
Laurence Lau, AG Office
Kathy Ho, AG Office
I. Call to Order

The 13th meeting of the HSERC was called to order by Anderson at 9:05 a.m.

A. Opening Remarks

Anderson stated that the main objective of the meeting was to revise the draft HEPCRA Bill. The draft legislative package had been submitted to the Governor and it appears that the HEPCRA Bill will be part of the Administrative Package.

B. Discussion/Approval of Minutes from HSERC Meeting #12

The motion was passed to accept the minutes, as written.

II. Update by the Attorney General's Office

Lau explained that the workload of the Attorney General's Office had been reassigned by Sonia Faust. As such, he would no longer be assigned to work with the HSERC. However, Kathy Ho would be taking over those responsibilities. Ho joined the Attorney General's Office on November 16, 1992.

III. Draft State EPCRA BILL

Anderson chaired a subcommittee composed of: George Kekuna, Chris Takeno, Sel Menor, Clifford Ikeda, Steve Armann, and Rhonda Goyke. The subcommittee presented a revised draft of the Hawaii EPCRA bill, incorporating four major recommendations for Commission consideration. The four recommendations were:

1) Follow 128D as closely as possible;
2) Shorten the Bill as much as possible, removing any areas that were not absolutely necessary;
3) Remove many of the details of the Bill, instead provide authority to adopt, amend, and repeal rules to implement HEPCRA, including a fee structure;
4) During subcommittee discussion it became apparent that any monies received by the counties, to hire LEPC staff, must be put into the general funds and therefore would not necessarily be used for LEPC activities or staff. Therefore, it was recommended that the four LEPC staff positions be State positions assigned to the various counties. This would allow the money generated by the fee structure to be spent only HEPCRA activities.
Other recommendations or comments by Commissioners include (see attachment 1 for the revised Bill):

1) All references to a “Safety Program” were deleted;
2) After some discussion Lewin stressed the importance of paid travel expenses and per diem for outer island HSERC members. Gransback also voiced the importance of the continued support of the HSERC by the outer island members and that if necessary the State Civil Defense Agency will help with travel expenses until the funding of the program is available. Anderson informed the outer island LEPC members that if travel funds were not readily available notify the DOH;
3) It is recommended that a comprehensive State Chemical Inventory Form be developed that would serve as both §§311 and 312 reporting;
4) Anderson asked Ho to investigate how hearing officers were to be assigned;
5) It was questioned if the HSERC or the Director should have the rule making authority. Lewin prefers that the authority lie with the HSERC. This would allow the HSERC to be located with another agency or to be split, if appropriate;
6) Discussion regarding the need to specify Kalalau as a separate LEPC or planning district resulted in the clarification that the DOH is the LEPC for Kalalau;
7) Ikeda pointed out that to specify that the Mayors are to designate LEPC members would contradict the Federal Law. Therefore, it was decided to change the language to the HSERC is to appoint based on Mayor recommendations;
8) Much discussion resulted from the recommendation that regulated facilities are to submit emergency response plans. It was decided to provide authority to the HSERC to require such plans via rulemaking;
9) It was decided that LEPCs will be considered “State” entities;
10) Menor inquired as to how HEPCRA would affect establishing laws at the county level. Anderson stated that HEPCRA wouldn’t preclude counties from establishing counties laws.
11) Vinton stated that as a matter of public policy PRI disagrees with fees which would in fact be passed on to consumers as hidden costs. Anderson stated that the Governor would take that fact into consideration, however the program needs funding and any alternate plans would be considered;
12) Regarding § 12(a), Vinton and Roberts both had a problem with the term the phrase “or persons requested by”. The concern was, what if
injury or death results from an unqualified person being at a facility upon the request of the HSERC or the LEPC, should that person not be liable? Anderson suggested that the language could be revised and that any suggestions would be considered;

13) Anderson stated that § -15 appeared to be redundant with § -13, therefore delete § -15;
14) After considerable discussion it was agreed that § -16 is unnecessary because Superfund takes care of criminal penalties when warranted. Charlton further clarified that if a facility doesn’t have an OSHA plan and someone is killed, HIOSH would cover that situation; and

15) Lewin informed the Commission that a “cap” was probably necessary on the fee structure. Fee generated over $300,000 would not be approved by the legislature. The commission agreed that a cap of $250,000-300,000 was a good idea. Anderson suggested that the fee structure subcommittee include “not to exceed” language when they review and recommend changes to the bill.

The motion was made and passed to proceed with the draft legislation. Lewin stated that the bill must be finalized and approved by the Commission.

IV. HSERC “Guidelines”
Revisions on the HSERC Guidelines will be postponed until the Hawaii EPCRA Bill has been finalized.

V. Schedule Next HSERC Meeting (#14)
The next meeting of the HSERC was scheduled for December 11, 1992. Agenda items will include finalizing the HEP CRA Bill and fee proposals from the subcommittee.

The motion was made to adjourn the meeting at 11:20 a.m. The motion was passed.

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

Respectfully submitted,

Rhonda K. Leblanc 12/22/92
RHONDA K. GOYKE date
October 22, 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 MEETING #13

HSERC MEETING NOTICE

This is to invite you to attend the next meeting of the Hawaii State Emergency Response Commission (HSERC) to be held Thursday, November 19, 1992, 9:00 a.m. to 12:00 noon. The meeting will be held at the State Office Towers, Conference Room 1008, located at 235 S. Beretania.

The major purpose of this meeting is to finalize the Draft EPCRA Bill. Two subcommittees have been established to make recommendations regarding alternate fee structures and revisions to the Bill itself. Please read the Draft Bill carefully and be prepared to discuss and finalize the Draft EPCRA Bill.
HAWAII STATE EMERGENCY RESPONSE COMMISSION (HSERC)
MEETING #13

Thursday November 19, 1992
9:00 a.m. - 12:00 noon

State Office Towers
Conference Room 1008
235 S. Beretania

AGENDA

I. Call to Order
   A. Opening Remarks
   B. Discussion/Approval of Minutes from HSERC Meeting #12

II. Update by Attorney General's Office

III. Draft Hawaii EPCRA Bill
   A. Draft EPCRA Subcommittee
   B. Fee Structure Subcommittee
   C. Open discussion

IV. Draft HSERC Guidelines

V. Schedule Next HSERC Meeting #14
October 20, 1992

DRAFT MEETING SUMMARY
HAWAII STATE EMERGENCY RESPONSE COMMISSION
MEETING #12

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

State Office Towers
Conference Room 1008
235 South Beretania Street

HSERC Commission Members and Representatives:
John C. Lewin, M.D., Chair, HSERC, DOH
Bruce S. Anderson, Ph.D., Vice Chair, HSERC, DOH
Gerald Kinro for Yukio Kitagawa, BOA
Roy Price for Major General Edward Richardson, DOD
Elma Agbanglo for Keith Ahue, DLIR
Stanley Young for William Paty, BLIR
James Bac for Mufi Hannemann, DBEDT
Barbara Siegel, School of Public Health, UH
Chris Takeno for George Kekuna, Honolulu LEPC Representative
Clifford Ikeda, Kauai LEPC Representative
Sel Menor, Maui LEPC Representative

Other Attendees:
Steven Armann, DOH
Rhonda Goyke, DOH
Carter Davis, Honolulu FD
James Vinton, PRI
Call to Order

The 12th meeting of the HSERC was called to order by Lewin at 9:10 a.m.

A. Opening Remarks

Lewin stated that it had been brought to his attention that there is an ongoing debate among certain HSERC members regarding the appropriateness of DOH as the lead agency for the EPCRA program. Lewin indicated that the HSERC could easily be housed in the DOD. There continues to be a lack of dedicated personnel for the EPCRA program and this would continue to be the case in either agency (DOH or DOD). The current HSERC staff is funded out of the Superfund program, therefore, if the HSERC responsibility is transferred to the DOD, the DOH would be unable to transfer staff. In 1986-1987 when EPCRA was first initiated in Hawaii, the DOD was unable to accept the burden of the program. At this time we need to look towards the future as we draft the state EPCRA Bill. We need to decide were the EPCRA program should be housed and go forward with the program. Lewin opposes the election of the HSERC Chair as long as DOH staff supports the Commission. For an election process to be effective, staff would need to be established and dedicated to the EPCRA program.

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

Takeno stated that page five, the last paragraph should be corrected to read “Takeno informed the HSERC that private citizens could file suit against the LEPCs for not complying with EPCRA”.

The motion was passed to accept the minutes with the change
II. Update by the Attorney General's Office
Larry Lau was unable to attend meeting #12. However, Lewin feels that one of the major areas that need clarifying is what constitutes a quorum of the HSERC.

III. Draft State EPCRA BILL

A. Conflicts between Draft EPCRA Bill and Draft HSERC Guidelines

Armann presented an overview of the major conflicts between the Draft Bill and the Draft Guidelines (Attachment 2). By item, the HSERC came to consensus as to how the two documents should read.

#1 Use the wording in the Draft Bill, it should be clearly stated as to who shall be members, thus avoiding any future confusion. In addition, to establish some consistency in the HSERC the Commission members need to officially designate a representative that will be able to attend the HSERC meetings in their absence and who will be given voting privileges. This point, regarding representatives and their authorities, needs to be clearly spelled out in the Bill. Other representatives are welcome to the meetings but will not have voting privileges. This is necessary for determination quorum status.

#2 Use the wording in the Draft Bill until such time as dedicated HSERC staff can be assigned.

#3 Seven HSERC members plus the Chairperson shall constitute a quorum.

#4 Included with item #2.

#5 The duties as outlined in the Draft Bill are more detailed than the duties described in the Draft Guidelines, ideally the Guidelines will be as or more descriptive than the Bill. No changes are necessary.

#6 Use the language in the Draft Bill. Spell it out in the Bill to clarify and to avoid future confusion. Use existing infrastructure.

#7 Use the wording in the Draft Bill.
#8-#10 Delete from the Guidelines, unnecessary.

Lewin stated that changes need to be finalized by the end of November because this is an Administrative Bill supported by the Governor.

Kinro stated that to establish fees the HSERC will need authority to promulgate rules.

Armann stated that the Bill was written in enough detail that rules may not be needed. Armann suggested establishing a subcommittee to work out the details of the Bill.

The subcommittee will be comprised of the following people: Anderson to be the subcommittee Chair, Price, Takeno, Kim, Menor, and Goyke.

The motion was made and passed to establish the EPCRA Bill subcommittee.

Lewin suggested that the subcommittee also work out any additional details that may need to be worked out with the Guidelines.

B. EPCRA Fee Structure

Goyke presented an overview of alternate fee structures based on a quantity bases (Attachment 3). The quantities of EHS chemicals, hazardous chemicals, and petroleum products that are currently being reported were outlined. Examples of Vermont and Maine were presented. Neither scenario would provide the $245,000 minimum funding that would be required to provide staff to the HSERC, staff to each LEPC, and funding for the training program.

Anderson stated that additional facilities need to be identified that would be assessed a fee as well. Therefore, assess small fees to more facilities.
Price stated that the overall fee situation needs to be addressed and analyzed. We need to take into account all the different fees that are already being assessed on these facilities.

Anderson queried regarding the availability of Federal funds.

Price answered that the only Federal funds that are currently available are the HMTUSA Grant which is a reimbursable grant which does not afford much assistance and up to $40,000 in training monies which may be available from FEMA.

Anderson queried as to the possibility of funding this program through DOT monies.

Price stated that the DOT monies would not be a stable funding source.

Lewin asked for a motion regarding proceeding with the funding problem.

Price made the motion that a subcommittee be formed to review in depth alternate fee structures that could provide the necessary funding for state and local EPCRA programs.

The subcommittee would be comprised of: Price, Chairperson; Anderson; Sel Menor; Kim; Takeno; and Goyke.

The motion was passed.

IV. HSERC “Guidelines”

Discussion of the Guidelines was included with the Draft EPCRA discussion.

V. Schedule Next HSERC Meeting (#13)
Lewin stated that due to the legislative schedule the HSERC needed to finalize the Draft EPCRA Bill by the end of November. Therefore, the HSERC needs a report by the subcommittees in approximately a month. Tentative dates for the next HSERC meeting were scheduled for November 19 or 20, 1992.

The motion was made to adjourn the meeting at 10:30 a.m. The motion was passed.

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

Respectfully submitted,

__________________________
RHONDA K. GOYKE           date
MAJOR CONFLICTS BETWEEN
DRAFT EPCRA BILL AND DRAFT HSERC GUIDELINES

**DRAFT EPCRA BILL**

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

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

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

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

**DRAFT HSERC GUIDELINES**

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

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

3. Page 4.A. A quorum shall consist of the majority of the members or their voting designees. A quorum is necessary for the conduct of any official business...

4. Page 5.A. The HSERC coordinator is a chief staff person provided by the Hawaii Department of Health as staff to the HSERC.
5. § -2(g) The HSERC shall: please see page 12-14, #(1) - (13).

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.


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 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.
PROJECTED NEEDS FOR HSERC AND LEPC EPCRA IMPLEMENTATION

Staff to the HSERC (estimated needs)

Environmental Health Specialists
- 1 Clerk/Typist
Total estimated annual needs $150,000

Staff for the LEPCs (estimated needs by Harry Kim)

Hawaii
- 2 Planners
  - 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
  - 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
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**Please note that these reporting ranges were revised in June 1990. The range value of "00" was eliminated.**
EMERGENCY PLANNING & COMMUNITY RIGHT-TO-KNOW §312
QUANTITIES REPORTED TO DATE

EXTREMELY HAZARDOUS SUBSTANCES

MAXIMUM DAILY AMOUNT
Number of Chemicals Reported Per Category

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HAZARDOUS SUBSTANCES

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<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>&lt; 99</td>
<td>17</td>
<td>35</td>
<td>9</td>
<td>51</td>
<td>112</td>
</tr>
<tr>
<td>100-999</td>
<td>6</td>
<td>18</td>
<td>7</td>
<td>59</td>
<td>90</td>
</tr>
<tr>
<td>1,000-9,999</td>
<td>33</td>
<td>28</td>
<td>19</td>
<td>116</td>
<td>196</td>
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<tr>
<td>10,000-99,000</td>
<td>16</td>
<td>40</td>
<td>4</td>
<td>50</td>
<td>110</td>
</tr>
<tr>
<td>100,000-999,999</td>
<td>2</td>
<td>3</td>
<td>3</td>
<td>5</td>
<td>13</td>
</tr>
<tr>
<td>&gt;1,000,000</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>2</td>
<td>3</td>
</tr>
</tbody>
</table>

AVERAGE DAILY AMOUNT
Number of Chemicals Reported Per Category

<table>
<thead>
<tr>
<th>POUNDS</th>
<th>HAWAII</th>
<th>MAUI</th>
<th>KAUA'I</th>
<th>OAHU</th>
<th>TOTAL</th>
</tr>
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<tbody>
<tr>
<td>&lt; 99</td>
<td>27</td>
<td>41</td>
<td>20</td>
<td>83</td>
<td>171</td>
</tr>
<tr>
<td>100-999</td>
<td>11</td>
<td>46</td>
<td>14</td>
<td>93</td>
<td>164</td>
</tr>
<tr>
<td>1,000-9,999</td>
<td>22</td>
<td>28</td>
<td>6</td>
<td>76</td>
<td>132</td>
</tr>
<tr>
<td>10,000-99,000</td>
<td>13</td>
<td>5</td>
<td>0</td>
<td>26</td>
<td>44</td>
</tr>
<tr>
<td>100,000-999,999</td>
<td>1</td>
<td>2</td>
<td>2</td>
<td>5</td>
<td>10</td>
</tr>
<tr>
<td>&gt;1,000,000</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
</tr>
</tbody>
</table>
EMERGENCY PLANNING & COMMUNITY RIGHT-TO-KNOW §312
QUANTITIES REPORTED TO DATE

PETROLEUM PRODUCTS

MAXIMUM DAILY AMOUNT
Number of Chemicals Reported Per Category

<table>
<thead>
<tr>
<th>POUNDS</th>
<th>HAWAII</th>
<th>MAUI</th>
<th>KAUAI</th>
<th>OAHU</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>&lt; 99</td>
<td>12</td>
<td>1</td>
<td>0</td>
<td>1</td>
<td>14</td>
</tr>
<tr>
<td>100-999</td>
<td>10</td>
<td>0</td>
<td>0</td>
<td>20</td>
<td>30</td>
</tr>
<tr>
<td>1,000-9,999</td>
<td>54</td>
<td>19</td>
<td>15</td>
<td>314</td>
<td>402</td>
</tr>
<tr>
<td>10,000-99,000</td>
<td>23</td>
<td>18</td>
<td>5</td>
<td>46</td>
<td>92</td>
</tr>
<tr>
<td>100,000-999,999</td>
<td>10</td>
<td>18</td>
<td>5</td>
<td>22</td>
<td>55</td>
</tr>
<tr>
<td>&gt;1,000,000</td>
<td>2</td>
<td>5</td>
<td>1</td>
<td>27</td>
<td>35</td>
</tr>
</tbody>
</table>

AVERAGE DAILY AMOUNT
Number of Chemicals Reported Per Category

<table>
<thead>
<tr>
<th>POUNDS</th>
<th>HAWAII</th>
<th>MAUI</th>
<th>KAUAI</th>
<th>OAHU</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>&lt;99</td>
<td>22</td>
<td>1</td>
<td>0</td>
<td>3</td>
<td>26</td>
</tr>
<tr>
<td>100-999</td>
<td>14</td>
<td>3</td>
<td>0</td>
<td>38</td>
<td>55</td>
</tr>
<tr>
<td>1,000-9,999</td>
<td>40</td>
<td>20</td>
<td>15</td>
<td>306</td>
<td>381</td>
</tr>
<tr>
<td>10,000-99,999</td>
<td>21</td>
<td>16</td>
<td>5</td>
<td>46</td>
<td>88</td>
</tr>
<tr>
<td>100,000-999,999</td>
<td>10</td>
<td>16</td>
<td>5</td>
<td>16</td>
<td>47</td>
</tr>
<tr>
<td>&gt;1,000,000</td>
<td>2</td>
<td>5</td>
<td>1</td>
<td>20</td>
<td>28</td>
</tr>
</tbody>
</table>
## STATE OF VERMONT
### REPORTING FEES

<table>
<thead>
<tr>
<th>Quantity Reported* (Pounds)</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>100 - 999</td>
<td>$ 5</td>
</tr>
<tr>
<td>1,000 - 9,999</td>
<td>$ 20</td>
</tr>
<tr>
<td>10,000 - 99,999</td>
<td>$ 50</td>
</tr>
<tr>
<td>100,000 - 999,999</td>
<td>$100</td>
</tr>
<tr>
<td>Greater than 999,999</td>
<td>$200</td>
</tr>
</tbody>
</table>

Any Extremely Hazardous Substance $50 additional for each reportable quantity

*"Quantity Reported" is the "Maximum Daily Amount" of the Inventory section of the reporting form.
STATE OF MAINE
SCHEDULE OF INVENTORY FEES

EXTREMELY HAZARDOUS SUBSTANCE FEES

<table>
<thead>
<tr>
<th>Total average daily amounts of:</th>
<th>fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>less than 99 lbs</td>
<td>$20</td>
</tr>
<tr>
<td>100 - 999 lbs</td>
<td>$50</td>
</tr>
<tr>
<td>1,000 - 9,999 lbs</td>
<td>$70</td>
</tr>
<tr>
<td>10,000 - 99,999 lbs</td>
<td>$100</td>
</tr>
<tr>
<td>100,000 - 999,999 lbs</td>
<td>$150</td>
</tr>
<tr>
<td>greater than 1,000,000 lbs</td>
<td>$200</td>
</tr>
</tbody>
</table>

HAZARDOUS CHEMICAL FEES

<table>
<thead>
<tr>
<th>Total average daily amounts of:</th>
<th>fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>less than 10,000 lbs</td>
<td>$0</td>
</tr>
<tr>
<td>10,000 - 99,999 lbs</td>
<td>$50</td>
</tr>
<tr>
<td>100,000 - 999,999 lbs</td>
<td>$75</td>
</tr>
<tr>
<td>greater than 1,000,000 lbs</td>
<td>$100</td>
</tr>
</tbody>
</table>

PETROLEUM PRODUCTS FEES

<table>
<thead>
<tr>
<th>Total average daily amounts of:</th>
<th>fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 - 75,000 lbs</td>
<td>$0</td>
</tr>
<tr>
<td>75,001 - 99,999 lbs</td>
<td>$50</td>
</tr>
<tr>
<td>100,000 - 999,999 lbs</td>
<td>$75</td>
</tr>
<tr>
<td>greater than 1,000,000 lbs</td>
<td>$100</td>
</tr>
</tbody>
</table>
**EXAMPLE #1**

**STATE OF VERMONT**

**SCHEDULE OF INVENTORY FEES**

**EXTREMELY HAZARDOUS SUBSTANCES**

<table>
<thead>
<tr>
<th>Total maximum daily amount</th>
<th># reported</th>
<th>EHS fee $50 ea.</th>
<th>quantity fee = quantity revenue</th>
<th>total fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>less than 99 lbs</td>
<td>154</td>
<td>$7,700</td>
<td>$0 = $0</td>
<td>$7,700</td>
</tr>
<tr>
<td>100-999 lbs</td>
<td>131</td>
<td>$6,500</td>
<td>$5 = $655</td>
<td>$7,155</td>
</tr>
<tr>
<td>1,000-9,999 lbs</td>
<td>78</td>
<td>$3,900</td>
<td>$20 = $1,560</td>
<td>$5,460</td>
</tr>
<tr>
<td>10,000-99,999 lbs</td>
<td>10</td>
<td>$500</td>
<td>$50 = $500</td>
<td>$1,000</td>
</tr>
<tr>
<td>100,000-999,999 lbs</td>
<td>4</td>
<td>$200</td>
<td>$100 = $400</td>
<td>$600</td>
</tr>
<tr>
<td>greater than 1,000,000 lbs</td>
<td>0</td>
<td>$0</td>
<td>$200 = $0</td>
<td>$0</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>TOTAL $21,915</td>
</tr>
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</table>

**HAZARDOUS SUBSTANCES**

<table>
<thead>
<tr>
<th>Total maximum daily amount</th>
<th># reported</th>
<th>quantity fee</th>
<th>revenues</th>
</tr>
</thead>
<tbody>
<tr>
<td>less than 99 lbs</td>
<td>126</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>100-999 lbs</td>
<td>120</td>
<td>$5</td>
<td>$600</td>
</tr>
<tr>
<td>1,000-9,999 lbs</td>
<td>598</td>
<td>$20</td>
<td>$11,960</td>
</tr>
<tr>
<td>10,000-99,999 lbs</td>
<td>202</td>
<td>$50</td>
<td>$10,100</td>
</tr>
<tr>
<td>100,000-999,999 lbs</td>
<td>68</td>
<td>$100</td>
<td>$6,800</td>
</tr>
<tr>
<td>greater than 1,000,000 lbs</td>
<td>38</td>
<td>$200</td>
<td>$7,600</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>TOTAL $37,060</td>
</tr>
</tbody>
</table>

**TOTAL REVENUES $58,975**
EXAMPLE #2

STATE OF MAINE

SCHEDULE OF INVENTORY FEES

EXTREMELY HAZARDOUS SUBSTANCE FEE

<table>
<thead>
<tr>
<th>Total average daily amounts</th>
<th>fee $</th>
<th># reported</th>
<th>revenues $</th>
</tr>
</thead>
<tbody>
<tr>
<td>less than 99 lbs</td>
<td>20</td>
<td>197</td>
<td>3,940</td>
</tr>
<tr>
<td>100-999 lbs</td>
<td>50</td>
<td>117</td>
<td>5,850</td>
</tr>
<tr>
<td>1,000-9,999 lbs</td>
<td>70</td>
<td>52</td>
<td>3,640</td>
</tr>
<tr>
<td>10,000-99,000 lbs</td>
<td>100</td>
<td>9</td>
<td>900</td>
</tr>
<tr>
<td>100,000-999,999 lbs</td>
<td>150</td>
<td>1</td>
<td>150</td>
</tr>
<tr>
<td>greater than 1,000 lbs</td>
<td>200</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

TOTAL $14,480

HAZARDOUS SUBSTANCE FEE

<table>
<thead>
<tr>
<th>Total average daily amounts</th>
<th>fee $</th>
<th># reported</th>
<th>revenues $</th>
</tr>
</thead>
<tbody>
<tr>
<td>less than 10,000 lbs</td>
<td>0</td>
<td>467</td>
<td>0</td>
</tr>
<tr>
<td>10,000-99,999 lbs</td>
<td>50</td>
<td>44</td>
<td>2,200</td>
</tr>
<tr>
<td>100,000-999,999 lbs</td>
<td>75</td>
<td>10</td>
<td>750</td>
</tr>
<tr>
<td>greater than 1,000,000 lbs</td>
<td>100</td>
<td>1</td>
<td>100</td>
</tr>
</tbody>
</table>

TOTAL $3,050

PETROLEUM PRODUCTS FEES

<table>
<thead>
<tr>
<th>Total average daily amounts</th>
<th>fees $</th>
<th># reported</th>
<th>revenues $</th>
</tr>
</thead>
<tbody>
<tr>
<td>less than 10,000 lbs</td>
<td>0</td>
<td>462</td>
<td>0</td>
</tr>
<tr>
<td>10,000-99,999 lbs</td>
<td>50</td>
<td>88</td>
<td>4,400</td>
</tr>
<tr>
<td>100,000-999,999 lbs</td>
<td>75</td>
<td>47</td>
<td>3,525</td>
</tr>
<tr>
<td>greater than 1,000,000 lbs</td>
<td>100</td>
<td>28</td>
<td>2,800</td>
</tr>
</tbody>
</table>

TOTAL $10,725

TOTAL REVENUES $28,255
PROJECTED REVENUES
UTILIZING THE FEE SCHEDULES OF VERMONT AND MAINE

§312 REPORTING FEE

$50 per facility (processing charge) X 504 facilities = $25,200

INVENTORY FEES

EXAMPLE 1 - VERMONT = $58,975
EXAMPLE 2 - MAINE = $28,255

§313 REPORTING FEE

$1,000 per Form R X 28 facilities = $28,000

TOTAL REVENUES PROJECTED

EXAMPLE 1 = $112,175
EXAMPLE 2 = $81,455
# STATE OF MAINE

## TOXIC RELEASE FEES

<table>
<thead>
<tr>
<th>Total Release of:</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 lbs.</td>
<td>$0</td>
</tr>
<tr>
<td>1 - 499 lbs.</td>
<td>$20</td>
</tr>
<tr>
<td>500 - 999 lbs.</td>
<td>$50</td>
</tr>
<tr>
<td>1,000 - 9,999 lbs.</td>
<td>$70</td>
</tr>
<tr>
<td>10,000 - 99,999 lbs.</td>
<td>$100</td>
</tr>
<tr>
<td>100,000 - 999,999 lbs.</td>
<td>$150</td>
</tr>
<tr>
<td>greater than 1,000,000 lbs.</td>
<td>$200</td>
</tr>
</tbody>
</table>
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 X 4 $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**

<table>
<thead>
<tr>
<th>Item Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>$250 X 90 Tier II's</td>
<td>$22,500</td>
</tr>
<tr>
<td>$25 X approx. 150 chemicals</td>
<td>$3,750</td>
</tr>
<tr>
<td>$1,000 X 4 Form R's</td>
<td>$4,000</td>
</tr>
<tr>
<td><strong>TOTAL Kauai generated revenues</strong></td>
<td><strong>$30,250</strong></td>
</tr>
</tbody>
</table>

**Maui County**

<table>
<thead>
<tr>
<th>Item Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>$250 X 33 Tier II's</td>
<td>$8,250</td>
</tr>
<tr>
<td>$25 X 200 chemicals</td>
<td>$5,000</td>
</tr>
<tr>
<td>$1,000 X 5 Form R's</td>
<td>$5,000</td>
</tr>
<tr>
<td><strong>TOTAL Maui generated revenues</strong></td>
<td><strong>$18,250</strong></td>
</tr>
</tbody>
</table>
October 20, 1992

MEETING SUMMARY
HAWAII STATE EMERGENCY RESPONSE COMMISSION
MEETING #11

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

State Office Towers
Conference Room 1206
235 South Beretania Street

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

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

I. Call to Order

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

Due to hurricane Iniki, several Commission members were unable to attend meeting #11. Therefore, decisions on key issues were deferred until the next HSERC meeting. Lewin encouraged a frank discussion of the administrative responsibilities of the HSERC. Lewin presented a brief history of the HSERC,
clarifying that the Governor designated the DOH as the lead agency for Emergency Planning and Community Right-to-Know, as well as appointing Lewin Chairperson of the HSERC. However, HSERC responsibilities could easily be housed in the Defense Department. If HSERC members desire the administrative responsibilities to be transferred to DOD and General Richardson agrees, the lead agency could be rededicated by the Governor.

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

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

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

II. Update by the Attorney General's Office
Lau presented a brief update to the HSERC.

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

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

III. Draft State EPCRA Law (attachment 2)
Anderson stated that the EPCRA program has been struggling due to a lack of dedicated resources and personnel, the only long term solution is a State EPCRA law. Therefore, the HSERC staff was instructed to research other states EPCRA laws and to draft a Hawaii EPCRA Bill. The deadline for submitting bills for the administrative packet was September 19, 1992. It appears that the bill will be part of the administrative package, supported by the Governor. It is very important that the bill clarify roles and responsibilities of the HSERC, including which agency will be the lead. Very clear and specific language needs to be used to clarify the issues that seem to be holding up progress of the HSERC. Over the next two months we can work to modify the bill and reach consensus. It is vital that the Commission reach consensus and support this bill.

Anderson stated that one of the key points of the bill is the establishment of a fee system. Anderson feels that a $250 filing fee is high and would like to see an alternate fee system that would be based on volume.
IV. HSERC “Guidelines” (attachment 3)

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

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

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

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

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

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

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

VI. Training

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

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

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

III. Draft EPCRA Bill (Continued)

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

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

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

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

VIII. Schedule Next HSERC Meeting (#12)

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

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

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

Respectfully submitted,

Rhonda K. Goyke 10/23/92

RHONDA K. GOYKE  date