

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 | ✓ ✓
____ Bruce S. Anderson, DDEH
DOH |
| ✓ ✓
____ Major General Richardson
Adjutant General, DOD or
Representative <i>SCD, STAFF</i>
(<i>DON GRANSBACK</i>) | ____ Jiggie Hommon, Manager
American Red Cross or
Representative
(_____) |
| ✓ ✓
____ Yukio Kitagawa, Director
BOA or Representative
(<i>Gerald Kinno</i>) | ✓ ✓
____ William W. Paty, Director
BLIR or Representative
(<i>YING FAN XU</i>) |
| ✓ ✓
____ Keith Ahue, Director
DLIR or Representative
(<i>RUSSELL CHARLTON</i>) | ____ Rex D. Johnson, Director,
DOT or Representative
(_____) |
| ✓ ✓
____ Mufi Hanneman, Director
DBEDT or Representative
(<i>Tom Smyth</i>) | ✓
____ George Kekuna, LEPC
Coordinator or Representative
(_____) |
| ____ Brian Choy, Director
OEQC or Representative
(_____) | <i>CS</i>
____ Sel Menor, LEPC Co-Chair
Maui CD or Representative
(_____) |
| ✓
____ B. Z. Siegel, Dean
School of Public Health, UH
or Representative
(_____) | <i>ci</i>
____ Clifford Ikeda, LEPC Co-Chair
Kauai CD or Representative
(<i>Clifford Ikeda</i>) |
| | ____ Harry Kim, LEPC Chair
Hawaii CD or Representative
(_____) |

John C. Lewin, M.D. Chairman
DOH
P.O. Box 3378
Honolulu, Hawaii 96801

Bruce S. Anderson
HSEFC
P.O. Box 3378
Honolulu, Hawaii 96801

(P) Mr. Yukio Kitagawa, Chairperson
Board of Agriculture
P.O. Box 22159
Honolulu, Hawaii 96822

(P) BG Edward V. Richardson
Dept. of Defense
3949 Diamond Head Road
Honolulu, Hawaii 96816

(P) Mr. Keith Ahue, Director
DLIR
830 Punchbowl Street
Honolulu, Hawaii 96813

(P) Mr. William Paty, Director
BLNR
1151 Puchbowl, Room 130
Honolulu, Hawaii 96813

(P) Mr. Mufi Hannemann
DBEDT
P.O. Box 2359
Honolulu, Hawaii 96804

(P) Mr. Rex Johnson, Director
DOT
869 Punchbowl Street
Honolulu, Hawaii 96813

(P) *Ms. B. Z. Siegel*, Dean
School of Public Health
University of Hawaii
1960 East-West Road
Honolulu, Hawaii 96822

(P) Ms. Jiggie Hommon, Manager
ARC
4155 Diamond Head Road
Honolulu, Hawaii 96816

(P) Mr. Brian Choy, Director
CECC
550 Halekauwila Street, Room 301
Honolulu, Hawaii 96813

(P) Mr. Clifford Ikeda
Kauai Representative
4396 Rice Street, Room 107
Lihue, Hawaii 96766

(P) Mr. Sel Menor
Maui Representative
200 South High Street
Wailuku, Hawaii 96793

~~Mr. George Kekuna
Honolulu Representative
OFFICE OF THE MAYOR
CITY & COUNTY OF HONOLULU
Honolulu, Hawaii 96813~~

~~Mr. Larry Lau, Attorney General
Department of the Attorney General
Kekuanao'a Building
465 S King Street, 2nd Floor
Honolulu, HI 96813~~

(P) Mr. Harry Kim
Hawaii Representative
920 Ululani Street
Hilo, Hawaii 96720

MEMBERS LIST

(16)

ASERE MAIL LIST ~~W/~~MIN. (39) (40)

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 Assiatant
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 Kaunualii 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 Munectilar
Kauai Conty Councilman
County of Kauai
4396 Rice Street, Room 206
Lihue, HI 96766

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

Ron Metler, 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

*DONT
MAEC*

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

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

out to: Fay Nakamoto, 10/30/92
rCar

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

Date 10/28/92

MEMORANDUM

TO: DAGS, Automotive Management Division
Parking Control Branch PHONE: 586-0344 FAX: 586-0354
FROM: Health, Env. Hlth. Admin./Haz. Eval. & Emer. Resp. Ofc. FAX: 586-4444
DEPT., DIVISION
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 SA

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/ Pat of Fay Nakamoto's pkg pass app'd 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.)

HOUSE OF REPRESENTATIVES

AUTHORIZATION FOR USE OF CONFERENCE ROOM

DATE: 10/23/92
TO: Kevin M. Banta, Sergeant at Arms
FROM: AL MAR, DOH/HEER OFFICE
(individual/organization)
ADDRESS: 5 WATERFRONT PLAZA, STE 250
PHONE: _____ CONTACT PERSON: RHONDA GOYKE

REQUESTING USE OF CONFERENCE ROOM:

#1005 X #1111 _____ #1206 _____ #1210 _____ # _____

Date of Use: 11/19/92 Time Start: 8AM Time End: 12 NOON

Number of Persons Attending: 30-35

Purpose: HAWAII STATE EMERGENCY RESPONSE COMMISSION (HSERC)

- Special requests:
- 1. Air conditioning: Yes / No
Specific time: 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, 8:00 p.m. - 8:00 a.m.), Saturday, Sunday and holidays.

Approved: _____

Reassigned Room No.: _____

Not Approved: _____

Reason: _____

Date: 10/23/92

B. Long
Approved by

NOTE: THE REQUESTOR IS RESPONSIBLE FOR CANCELLATION OR CHANGES. PLEASE NOTIFY OUR OFFICE (PHONE: 896-8900 • FAX: 896-8901) AS SOON AS POSSIBLE TO MAKE THE NECESSARY CORRECTIONS.

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

DRAFT

If draft is okay, please sign final

OK
ML

11/2/92: Rec'd Final.

E1005RG.m1

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.

DRAFT

If draft is okay, please sign final

E1004RG.m1

**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

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
E1104RG.m1

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 is 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. 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

HSERC Commission Members and Representatives:

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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

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A. Opening Remarks

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

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

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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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Respectfully submitted,

RHONDA K. GOYKE

date

November 25, 1992

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Robert Roberts, HSPA
Eugene Lee, DPW
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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

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

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- 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 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

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 ~~made it clear~~^{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 BIII. We need to decide where the EPCRA program should be housed and go forward with the program. *Lewin opposes the election of the chair as long as DOH staff support the commission...*

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. ~~HSERC assigned.~~

#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. # 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.

INCREASE THAT THE BILL NEEDS TO BE AMENDED TO INCORPORATE SPECIFIC LANGUAGE REGARDING THE FUNCTIONS OF THE OFFICERS DESIGNATED ALI.

NO CHANGES ARE NECESSARY
JAN 2

STATED THAT

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, ~~Foy~~ Price, ~~Chris~~ Takeno, ~~Harry~~ Kim, ~~Se~~ 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.

THAT'S

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: ~~Boy~~ 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.

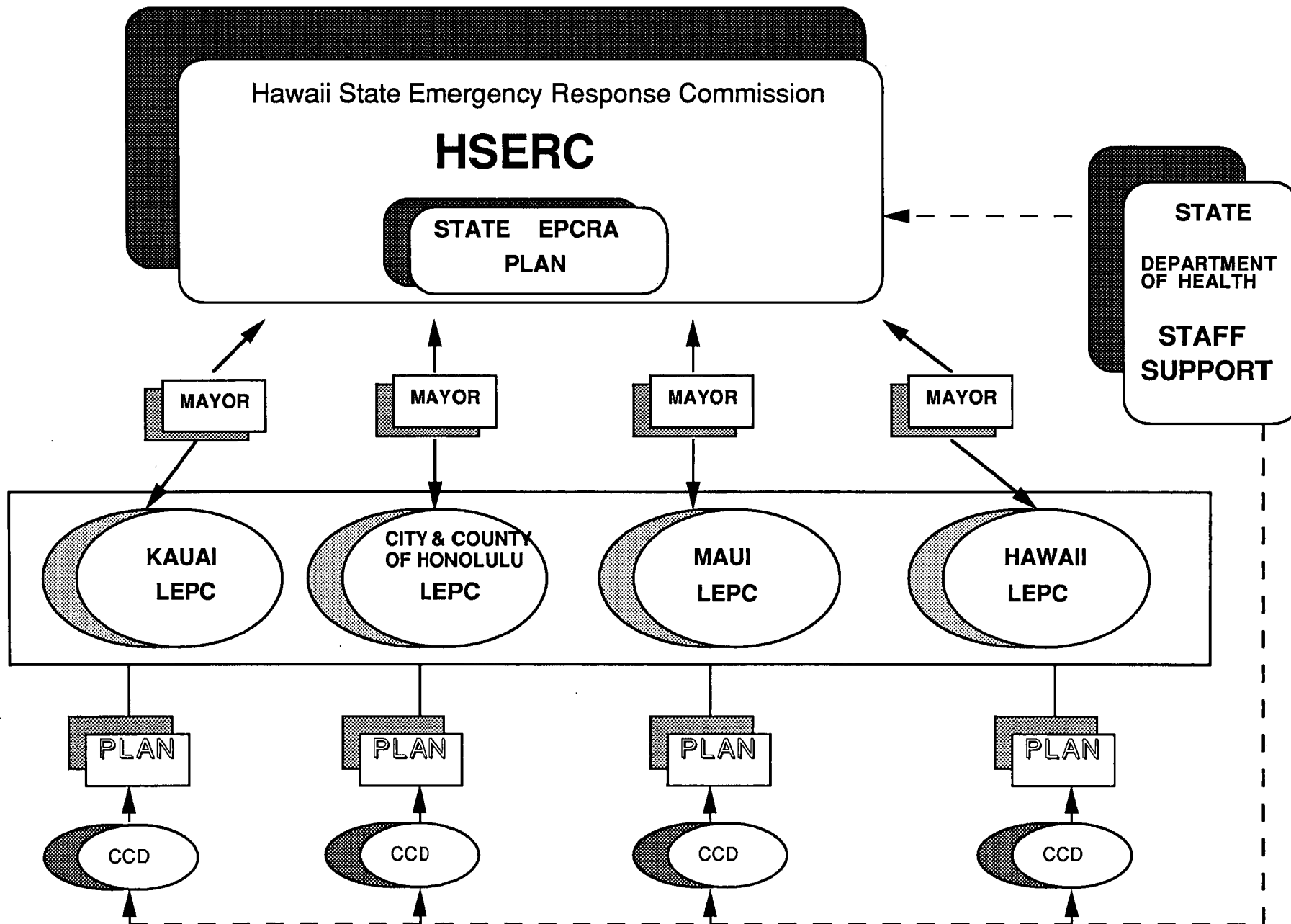
The motion was made to adjourn the meeting at 10:30 a.m. The motion was passed.

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

Respectfully submitted,

RHONDA K. GOYKE date

CONCEPTUAL FRAMEWORK FOR IMPLEMENTATION OF HAWAII'S EPCRA PROGRAM



APPROVED

E1007RG.m1

October 20, 1992

DRAFT MEETING SUMMARY
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I. Call to Order

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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".

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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.

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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)

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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.

8. Term of office. Not addressed.

9. Resignation. Not addressed.

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 ~~2~~ Environmental Health Specialists
- 1 Clerk/Typist
- Total estimated annual needs \$150,000

Staff for the LEPCs (estimated needs by Harry Kim)

Hawaii

- 1 ~~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~~ \$245,000

**TABLE I REPORTING RANGES

RANGE VALUE	WEIGHT RANGE IN POUNDS	
	FROM...	TO...
01	0	99
02	100	999
03	1,000	9,999
04	10,000	99,999
05	100,000	999,999
06	1,000,000	9,999,999
07	10,000,000	49,999,999
08	50,000,000	99,999,999
09	100,000,000	499,999,999
10	500,000,000	999,999,999
11	1 billion	higher than 1 billion

**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

POUNDS	HAWAII	MAUI	KAUAI	OAHU	TOTAL
< 99	21	47	14	72	154
100-999	12	73	11	35	131
1,000-9,999	8	31	10	29	78
10,000-99,000	0	4	0	6	10
100,000-999,999	0	3	1	0	4
>1,000,000	0	0	0	0	0

AVERAGE DAILY AMOUNT

Number of Chemicals Reported Per Category

POUNDS	HAWAII	MAUI	KAUAI	OAHU	TOTAL
< 99	30	67	19	81	197
100-999	8	61	9	39	117
1,000-9,999	3	25	8	16	52
10,000-99,000	0	4	0	5	9
100,000-999,999	0	1	0	0	1
>1,000,000	0	0	0	0	0

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

HAZARDOUS SUBSTANCES

MAXIMUM DAILY AMOUNT

Number of Chemicals Reported Per Category

POUNDS	HAWAII	MAUI	KAUAI	OAHU	TOTAL
< 99	17	35	9	51	112
100-999	6	18	7	59	90
1,000-9,999	33	28	19	116	196
10,000-99,000	16	40	4	50	110
100,000-999,999	2	3	3	5	13
>1,000,000	1	0	0	2	3

AVERAGE DAILY AMOUNT

Number of Chemicals Reported Per Category

POUNDS	HAWAII	MAUI	KAUAI	OAHU	TOTAL
< 99	27	41	20	83	171
100-999	11	46	14	93	164
1,000-9,999	22	28	6	76	132
10,000-99,000	13	5	0	26	44
100,000-999,999	1	2	2	5	10
>1,000,000	1	0	0	0	1

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

PETROLEUM PRODUCTS

MAXIMUM DAILY AMOUNT

Number of Chemicals Reported Per Category

POUNDS	HAWAII	MAUI	KAUAI	OAHU	TOTAL
< 99	12	1	0	1	14
100-999	10	0	0	20	30
1,000-9,999	54	19	15	314	402
10,000-99,000	23	18	5	46	92
100,000-999,999	10	18	5	22	55
>1,000,000	2	5	1	27	35

AVERAGE DAILY AMOUNT

Number of Chemicals Reported Per Category

POUNDS	HAWAII	MAUI	KAUAI	OAHU	TOTAL
<99	22	1	0	3	26
100-999	14	3	0	38	55
1,000-9,999	40	20	15	306	381
10,000-99,999	21	16	5	46	88
100,000-999,999	10	16	5	16	47
>1,000,000	2	5	1	20	28

STATE OF VERMONT
REPORTING FEES

Quantity Reported* (Pounds)	Fee
100 - 999	\$ 5
1,000 - 9,999	\$ 20
10,000 - 99,999	\$ 50
100,000 - 999,999	\$100
Greater than 999,999	\$200
Any Extremely Hazardous Substance	\$50 <u>additional</u> 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

Total average daily amounts of:	fee
less than 99 lbs	\$ 20
100 - 999 lbs	\$ 50
1,000 - 9,999 lbs	\$ 70
10,000 - 99,999 lbs	\$100
100,000 - 999,999 lbs	\$150
greater than 1,000,000 lbs	\$200

HAZARDOUS CHEMICAL FEES

Total average daily amounts of:	fee
less than 10,000 lbs	\$ 0
10,000 - 99,999 lbs	\$ 50
100,000 - 999,999 lbs	\$ 75
greater than 1,000,000 lbs	\$100

PETROLEUM PRODUCTS FEES

Total average daily amounts of:	fee
0 - 75,000 lbs	\$ 0
75,001 - 99,999 lbs	\$ 50
100,000 - 999,999 lbs	\$ 75
greater than 1,000,000 lbs	\$100

EXAMPLE #1

STATE OF VERMONT

SCHEDULE OF INVENTORY FEES

EXTREMELY HAZARDOUS SUBSTANCES

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

TOTAL \$21,915

HAZARDOUS SUBSTANCES

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

TOTAL \$37,060

TOTAL REVENUES \$58,975

EXAMPLE #2

STATE OF MAINE

SCHEDULE OF INVENTORY FEES

EXTREMELY HAZARDOUS SUBSTANCE FEE

Total average daily amounts	fee \$	# reported	revenues \$
less than 99 lbs	20	197	3,940
100-999 lbs	50	117	5,850
1,000-9,999 lbs	70	52	3,640
10,000-99,000 lbs	100	9	900
100,000-999,999 lbs	150	1	150
greater than 1,000 lbs	200	0	0

TOTAL \$14,480

HAZARDOUS SUBSTANCE FEE

Total average daily amounts	fee \$	# reported	revenues \$
less than 10,000 lbs	0	467	0
10,000-99,999 lbs	50	44	2,200
100,000-999,999 lbs	75	10	750
greater than 1,000,000 lbs	100	1	100

TOTAL \$3,050

PETROLEUM PRODUCTS FEES

Total average daily amounts	fees \$	# reported	revenues \$
less than 10,000 lbs	0	462	0
10,000-99,999 lbs	50	88	4,400
100,000-999,999 lbs	75	47	3,525
greater than 1,000,000 lbs	100	28	2,800

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

Total Release of:	Fee
0 lbs.	\$ 0
1 - 499 lbs.	\$ 20
500 - 999 lbs.	\$ 50
1,000 - 9,999 lbs.	\$ 70
10,000 - 99,999 lbs.	\$100
100,000 - 999,999 lbs.	\$150
greater than 1,000,000 lbs.	\$200

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

Vermont Example

EHS \$75⁰⁰ ea

POUNDS	# reported	reporting fee \$50 ea	EHS FEE \$50 each Revenue	Roundage fee revenue	total fee
< 99	154		-7700 (11550)	0 = 0	\$17700
100-999	131	}	6500 (4825)	\$5 = 655	7155
1,000 - 9,999	78		3900 (5850)	\$20 = 1560	5460
10,000 - 99,999	10		500 (750)	\$50 = 500	1000
100,000 - 999,999	4		200 (300)	\$100 = 400	600
> 1,000,000	0		0	\$200 = 0	0
TOTAL					\$ 21,915

9475

HAZ SUB + PETROLEUM

Need 175,000

# reported	roundage fee	TOTAL revenues
< 99 112 126	0 = 0	0
100-999 90 120	5	600
1,000 - 9,999 196 598	20	11,960
10,000 - 99,999 110 202	50	10,100
100,000 - 999,999 13 68	100	6,800
> 1,000,000 3 38	200	7,600
TOTAL		37,060
TOTAL Combined		TOTAL 58,975

HAZARDOUS SUBSTANCES

MAXIMUM DAILY AMOUNT Number of Chemicals Reported Per Category

POUNDS	HAWAII	MAUI	KAUAI	OAHU	TOTAL
< 99	17	HHH HHH LHH LHH HHH HHH LHH	(35) 9	40+ LHH LHH LHH LHH LHH LHH	(50)
100-999	6	HHH HHH LHH LHH HHH LHH	(18) 7	45+ LHH LHH LHH LHH LHH LHH	(59)
1,000-9,999	33	HHH LHH LHH LHH HHH LHH LHH	(28) 19	85+ LHH LHH LHH LHH LHH LHH	(116)
10,000-99,000	16	HHH LHH LHH LHH HHH LHH LHH	(40) 4	40+ LHH LHH LHH LHH LHH LHH	(50)
100,000-999,999	2	HH (3)	3	LHH	(5)
>1,000,000	1	—	0	11	(2)

AVERAGE DAILY AMOUNT Number of Chemicals Reported Per Category

POUNDS	HAWAII	MAUI	KAUAI	OAHU	TOTAL
< 99	27	HHH LHH LHH HHH LHH LHH	HHH (12) 0	90+ LHH LHH LHH LHH LHH	(83)
100-999	11	HHH LHH LHH LHH HHH LHH LHH	(46) 14	75+ LHH LHH LHH LHH LHH LHH	(93)
1,000-9,999	22	HHH LHH LHH LHH HHH LHH LHH	(28) 6	45+ LHH LHH LHH LHH LHH LHH	(76)
10,000-99,000	13	HHH (5)	0	LHH LHH LHH LHH LHH LHH LHH	(26)
100,000-999,999	1	HH (2)	2	LHH	(5)
>1,000,000	1	—	0		—

Projected Revenues

§312 REPORTING FEE

\$50⁰⁰ per facility x 504 facilities = \$25,200

example 1

(Vermont)

max
daily
amount

→ change 100-999
to <999

	EHS	#reported	\$50 change
<999	154		7700
100-999	131		+

HAZ SUB

total revenues
\$58,975

example 2

Maine

total revenue
\$28,405

§313

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

Vermont 112,175
total \$ 112,185

Maine \$81,605
455

PETROLEUM PRODUCTS

MAXIMUM DAILY AMOUNT Number of Chemicals Reported Per Category

POUNDS	HAWAII	MAUI	KAUAI	OAHU	TOTAL
< 99	12	①	0	①	
100-999	10	—	0	②	②
1,000-9,999	54	④	④	④	④
10,000-99,000	23	③	③	③	③
100,000-999,999	10	③	③	③	③
>1,000,000	2	⑤	⑤	⑤	⑤

AVERAGE DAILY AMOUNT Number of Chemicals Reported Per Category

POUNDS	HAWAII	MAUI	KAUAI	OAHU	TOTAL
< 99	22	①	0	③	
100-999	14	③	0	③	③
1,000-9,999	40	②	②	②	②
10,000-99,999	21	③	③	③	③
100,000-999,999	10	③	③	③	③
>1,000,000	2	⑤	⑤	⑤	⑤

→ \$50⁰⁰ reporting fee per
facility TOTAL
revenues

→ revenues per
example #1

→ revenues per
example #2

→ revenues per #3 TRI stuff

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

Date 10/25/92

MEMORANDUM

TO: DAGS, Automotive Management Division
Parking Control Branch PHONE: 586-0344 FAX: 586-0354
FROM: Health, Env. Hlth. Admin./Haz. Eval. & Emer. Resp. ^{Off.} FAX: 586-4444
DEPT., DIVISION
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: [Signature]

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

PARKING CONTROL USE ONLY

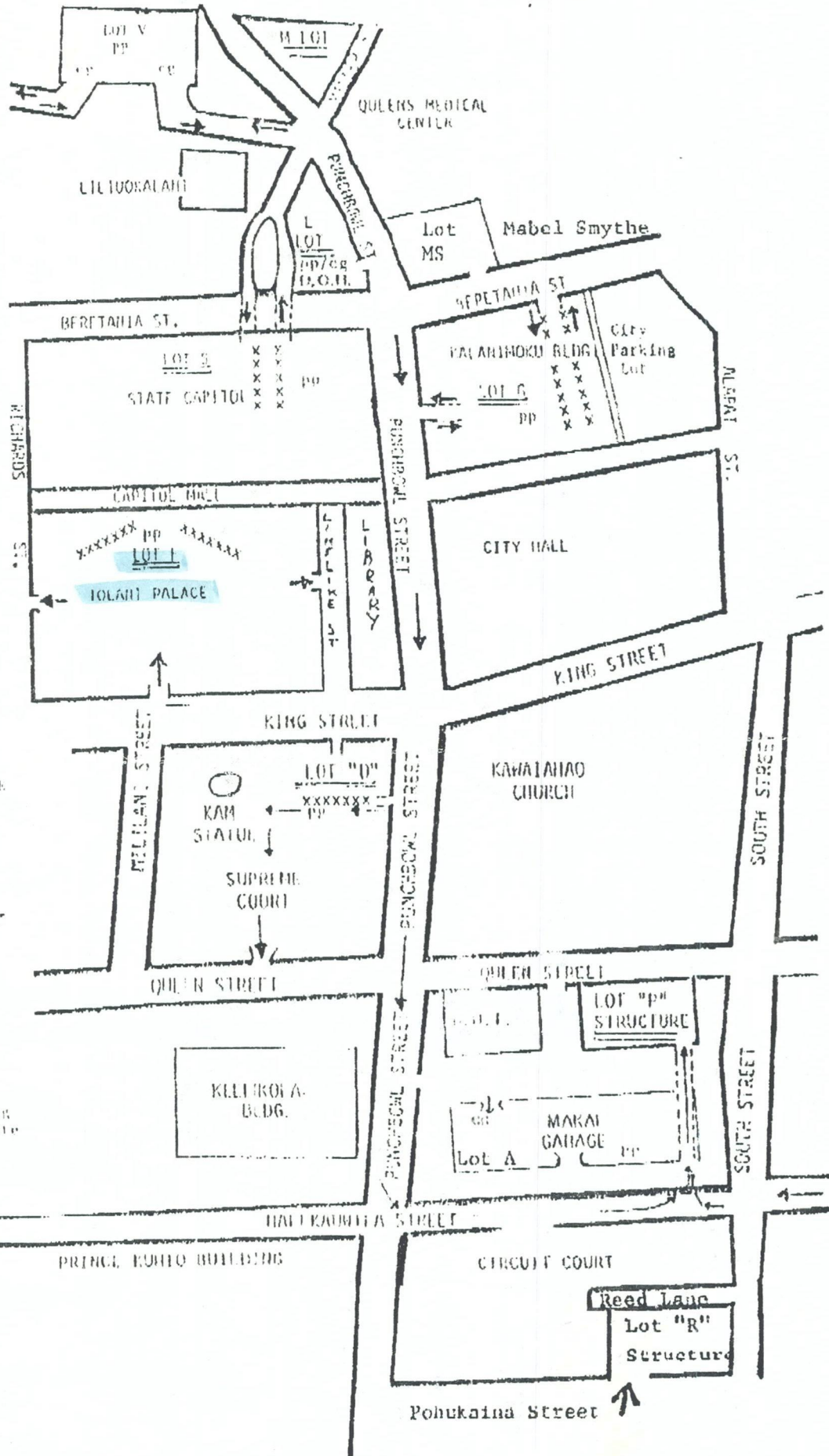
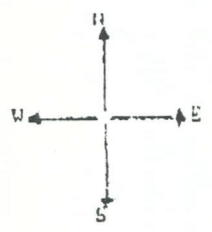
DATE RECD: OCT 30 1992 APPROVED BY: [Signature] LOT AUTHORIZED: 6-F1

No. of Validated Tickets: _____ METERS

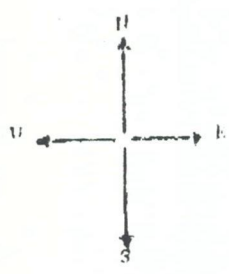
AMU-PC-001
REV. 6/92

AUTH. SIGNATURE <u>[Signature]</u>	11/2/92	LICENSE NO. <u>13</u>

PARK IN
BAGGED METER
STALL



UPPER
x = Parking Meters
--- = Underground
pp = Public Parking
cgt = controlled gate



LOWER
x = Parking Meters
pp = Public parking
cgt = controlled gate

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
E1104RG.m1

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 is 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. GOYKE date

JOHN WAIHEE
GOVERNOR OF HAWAII



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

STATE OF HAWAII
DEPARTMENT OF HEALTH

P. O. BOX 3378
HONOLULU, HAWAII 96801

In reply, please refer to:
HEER OFFICE

E1005RG.m1

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.

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

E1004RG.m1

**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

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

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 where 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).

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.
8. Term of office. Not addressed.
9. Resignation. Not addressed.
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)

~~2~~ Environmental Health Specialists

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~~

\$245,000

**TABLE I REPORTING RANGES

RANGE VALUE	WEIGHT RANGE IN POUNDS FROM...	TO...
01	0	99
02	100	999
03	1,000	9,999
04	10,000	99,999
05	100,000	999,999
06	1,000,000	9,999,999
07	10,000,000	49,999,999
08	50,000,000	99,999,999
09	100,000,000	499,999,999
10	500,000,000	999,999,999
11	1 billion	higher than 1 billion

** 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

POUNDS	HAWAII	MAUI	KAUAI	OAHU	TOTAL
< 99	21	47	14	72	154
100-999	12	73	11	35	131
1,000-9,999	8	31	10	29	78
10,000-99,000	0	4	0	6	10
100,000-999,999	0	3	1	0	4
>1,000,000	0	0	0	0	0

AVERAGE DAILY AMOUNT

Number of Chemicals Reported Per Category

POUNDS	HAWAII	MAUI	KAUAI	OAHU	TOTAL
< 99	30	67	19	81	197
100-999	8	61	9	39	117
1,000-9,999	3	25	8	16	52
10,000-99,000	0	4	0	5	9
100,000-999,999	0	1	0	0	1
>1,000,000	0	0	0	0	0

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

HAZARDOUS SUBSTANCES

MAXIMUM DAILY AMOUNT

Number of Chemicals Reported Per Category

POUNDS	HAWAII	MAUI	KAUAI	OAHU	TOTAL
< 99	17	35	9	51	112
100-999	6	18	7	59	90
1,000-9,999	33	28	19	116	196
10,000-99,000	16	40	4	50	110
100,000-999,999	2	3	3	5	13
>1,000,000	1	0	0	2	3

AVERAGE DAILY AMOUNT

Number of Chemicals Reported Per Category

POUNDS	HAWAII	MAUI	KAUAI	OAHU	TOTAL
< 99	27	41	20	83	171
100-999	11	46	14	93	164
1,000-9,999	22	28	6	76	132
10,000-99,000	13	5	0	26	44
100,000-999,999	1	2	2	5	10
>1,000,000	1	0	0	0	1

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

PETROLEUM PRODUCTS

MAXIMUM DAILY AMOUNT

Number of Chemicals Reported Per Category

POUNDS	HAWAII	MAUI	KAUAI	OAHU	TOTAL
< 99	12	1	0	1	14
100-999	10	0	0	20	30
1,000-9,999	54	19	15	314	402
10,000-99,000	23	18	5	46	92
100,000-999,999	10	18	5	22	55
>1,000,000	2	5	1	27	35

AVERAGE DAILY AMOUNT

Number of Chemicals Reported Per Category

POUNDS	HAWAII	MAUI	KAUAI	OAHU	TOTAL
<99	22	1	0	3	26
100-999	14	3	0	38	55
1,000-9,999	40	20	15	306	381
10,000-99,999	21	16	5	46	88
100,000-999,999	10	16	5	16	47
>1,000,000	2	5	1	20	28

STATE OF VERMONT
REPORTING FEES

Quantity Reported* (Pounds)	Fee
100 - 999	\$ 5
1,000 - 9,999	\$ 20
10,000 - 99,999	\$ 50
100,000 - 999,999	\$100
Greater than 999,999	\$200
Any Extremely Hazardous Substance	\$50 <u>additional</u> 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

Total average daily amounts of:	fee
less than 99 lbs	\$ 20
100 - 999 lbs	\$ 50
1,000 - 9,999 lbs	\$ 70
10,000 - 99,999 lbs	\$100
100,000 - 999,999 lbs	\$150
greater than 1,000,000 lbs	\$200

HAZARDOUS CHEMICAL FEES

Total average daily amounts of:	fee
less than 10,000 lbs	\$ 0
10,000 - 99,999 lbs	\$ 50
100,000 - 999,999 lbs	\$ 75
greater than 1,000,000 lbs	\$100

PETROLEUM PRODUCTS FEES

Total average daily amounts of:	fee
0 - 75,000 lbs	\$ 0
75,001 - 99,999 lbs	\$ 50
100,000 - 999,999 lbs	\$ 75
greater than 1,000,000 lbs	\$100

EXAMPLE #1

STATE OF VERMONT

SCHEDULE OF INVENTORY FEES

EXTREMELY HAZARDOUS SUBSTANCES

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

TOTAL \$21,915

HAZARDOUS SUBSTANCES

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

TOTAL \$37,060

TOTAL REVENUES \$58,975

EXAMPLE #2

STATE OF MAINE

SCHEDULE OF INVENTORY FEES

EXTREMELY HAZARDOUS SUBSTANCE FEE

Total average daily amounts	fee \$	# reported	revenues \$
less than 99 lbs	20	197	3,940
100-999 lbs	50	117	5,850
1,000-9,999 lbs	70	52	3,640
10,000-99,000 lbs	100	9	900
100,000-999,999 lbs	150	1	150
greater than 1,000 lbs	200	0	0

TOTAL \$14,480

HAZARDOUS SUBSTANCE FEE

Total average daily amounts	fee \$	# reported	revenues \$
less than 10,000 lbs	0	467	0
10,000-99,999 lbs	50	44	2,200
100,000-999,999 lbs	75	10	750
greater than 1,000,000 lbs	100	1	100

TOTAL \$3,050

PETROLEUM PRODUCTS FEES

Total average daily amounts	fees \$	# reported	revenues \$
less than 10,000 lbs	0	462	0
10,000-99,999 lbs	50	88	4,400
100,000-999,999 lbs	75	47	3,525
greater than 1,000,000 lbs	100	28	2,800

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

Total Release of:	Fee
0 lbs.	\$ 0
1 - 499 lbs.	\$ 20
500 - 999 lbs.	\$ 50
1,000 - 9,999 lbs.	\$ 70
10,000 - 99,999 lbs.	\$100
100,000 - 999,999 lbs.	\$150
greater than 1,000,000 lbs.	\$200

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

JOHN WAIHEE
GOVERNOR OF HAWAII



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

STATE OF HAWAII
DEPARTMENT OF HEALTH

P. O. BOX 3378
HONOLULU, HAWAII 96801

In reply, please refer to:
HEER OFFICE
E0908RG.m1

October 20, 1992

MEETING SUMMARY
HAWAII STATE EMERGENCY RESPONSE COMMISSION
MEETING #11

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

State Office Towers
Conference Room 1206
235 South Beretania Street

HSERC Commission Members and Representatives:

John C. Lewin, M.D., Chairmen, HSERC, DOH
Bruce S. Anderson, Ph.D., Vice Chairman, HSERC, DOH
Leighton Ah Cook for Major 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 then turned over to Anderson to conduct in Lewin's absence.

III. Draft State EPCRA Law (attachment 2)

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

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

IV. HSERC "Guidelines" (attachment 3)

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

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

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

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

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

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

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

VI. Training

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

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

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

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

III. Draft EPCRA Bill (Continued)

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

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

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

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

VIII. Schedule Next HSERC Meeting (#12)

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

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

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

Respectfully submitted,

Rhonda K. Goyle 10/23/92
RHONDA K. GOYKE Date